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Observation of the presidential election in North Macedonia (21 April and 5 May 2019)

Election observation report
Ad hoc Committee of the Bureau
Rapporteur: Ms Marie-Christine DALLOZ, France, Group of the European People's Party

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1. Introduction

1. At its meeting on 21 January 2019, the Bureau of the Parliamentary Assembly decided, subject to receiving an invitation, to observe the presidential election in North Macedonia and to this end set up an ad hoc committee comprising 12 members and the co-rapporteurs on the Monitoring Committee's post-monitoring dialogue. On 25 January 2019, the Bureau approved the membership of the ad hoc committee and appointed Ms Marie-Christine Dalloz as its chair. The list of members is set out in Appendix 1.

2. In accordance with the co-operation agreement signed between the Parliamentary Assembly and the European Commission for Democracy through Law (Venice Commission) on 4 October 2004, representatives of the Venice Commission were invited to join the ad hoc committee as legal advisors.

3. For the observation of the presidential election, the ad hoc committee formed part of an International Election Observation Mission (IEOM), which also included delegations from the Parliamentary Assembly of the Organization for Security and Co-operation in Europe (OSCE) and the election observation mission of the OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR).

4. The ad hoc committee went to Skopje from 19 to 22 April 2019 to observe the first round of the presidential election on 21 April 2019. The programme of meetings during this visit is set out in Appendix 2. On polling day, the committee split into six teams to observe the election in Skopje and the surrounding area and in various regions around the country.

5. The ad hoc committee concluded that the election of 21 April was well organised and voters who participated in the election were able to make their choice freely. The Assembly delegation regretted that the turnout was low for a presidential election. Mature functioning of the political system and a reform of electoral law would re-engage citizens and ensure their active participation in the election of their Head of State. The Parliamentary Assembly and the Venice Commission are ready to assist the authorities of North Macedonia in implementing the necessary reforms in the country. The IEOM press release on the first round can be found in Appendix 3.

6. The ad hoc committee would like to thank the OSCE/ODIHR election observation mission and the Council of Europe Office in Skopje for their co-operation and support.

2. Political context and legal framework

7. The Parliamentary Assembly has observed all the elections in the Republic of North Macedonia since 1994. The last presidential election was held in April 2014. The Assembly delegation came to the following conclusion: "In general, the election day was conducted efficiently and, in principle, in accordance with the national legislation. However, in one municipality observed, the voting process was problematic, and a greater number of irregularities were witnessed (in particular organised voting). Other procedural irregularities were observed, particularly during the opening of the polling stations and during the counting, but they were rather of a technical nature and with no discernible influence on the results."

8. In the first round of the presidential election in 2014, none of the candidates received the required majority of the total number of votes cast to be elected. The incumbent president Gjorge Ivanov received 51% of the votes cast, Stevo Pendarovski 37.51%, Iljaz Halimi 4.49% and Zoran Popovski 3.61%. The turnout was 48%. Voter participation remained low in the ethnic Albanian areas. The candidates in the second round were therefore Gjorge Ivanov and Stevo Pendarovski. Gjorge Ivanov was elected with 55.28% of the votes cast. The turnout for the second round of the presidential election was 54.38%.

9. On 30 September 2018, a consultative referendum was held following the Final Agreement signed by Greece and "the former Yugoslav Republic of Macedonia" on 17 June 2018, known as the Prespa Agreement. The question on the referendum ballot paper was "Are you in favour of European Union and NATO membership by accepting the agreement between the Republic of Macedonia and the Republic of Greece?". The Parliamentary Assembly delegation for the observation of the consultative referendum pointed out that the Venice Commission's Code of Good Practice on Referendums recommends that questions in referendums should not be misleading and should not suggest an answer and that "there must be an intrinsic connection between the various parts of each question put to the vote, in order to guarantee the free suffrage of the voter, who must not be called to accept or refuse as a whole provisions without an intrinsic link". Two weeks later, the Greek Parliament ratified the agreement by 153 votes to 146, thus approving the name "Republic of North Macedonia" despite the objection of a large part of the population.[1]

10. In February 2019, the member countries of the North Atlantic Treaty Organisation (NATO) signed an agreement with North Macedonia, laying the ground for the country's accession to the military alliance as its 30th member. The accession protocol must now be ratified by each NATO member State.

11. On 8 February 2019, the Speaker of the National Assembly officially called the presidential election. On the same day the State Electoral Commission (SEC) published the election timetable, setting out in order all the statutory deadlines for the presidential election and the early municipal elections in Ohrid, Novo Selo and Debar.

12. Given that the parliament's decision to call the presidential election predates the full ratification of the Prespa Agreement, the vote relates to the election of the "President of the Republic of Macedonia", not the "President of North Macedonia".

13. The delegation of the Assembly points out that North Macedonia has signed and ratified the European Convention on Human Rights (ETS No. 5, "the Convention") and its Additional Protocol (ETS No. 9), which enshrine several principles that are essential for effective and real democracy, including the right to free elections (Article 3 of the Additional Protocol), freedom of expression, freedom of assembly and association, and the prohibition of discrimination (Articles 10, 11 and 14 of the Convention).

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1. Many demonstrations were held in the run-up to the vote in each national parliament. In Greece, the parliamentary debates on this issue lasted 38 hours.

14. The main texts governing the presidential election are the 1991 Constitution (as amended in 2011) and the Electoral Code of 2006 (as revised in January 2019).

15. North Macedonia has a parliamentary regime with a President of the Republic who is elected for a five-year term by universal suffrage in a secret two-round majority vote.[2] To be elected in the first round, a candidate must receive the votes of more than 50% of the registered voters. In the second round, the candidate receiving the most votes is elected provided that turnout is over 40%. If it is not, the entire election process must be repeated. In this event, a new presidential election is held in six months and the Speaker of the Parliament acts as president until the election of the new president. There is a risk that the minimum turnout requirement of 40% in the second round of the presidential election could trigger a succession of election cycles.

16. All candidates must have Macedonian nationality, be at least 40 years of age on the day of the vote and have resided permanently in the country for at least ten years in the preceding fifteen. Under the nomination procedure, candidates must present the signatures of 10 000 voters or 30 members of parliament.[3]

17. The Assembly delegation was informed that most of the previous recommendations of the ODIHR and the Venice Commission had not yet been incorporated into electoral law, including those relating to campaign funding, the misuse of State funds, and appeals. Most of the people the observers talked to, including the SEC, stressed the need for a comprehensive reform of electoral legislation.[4]

18. In 2004 the European Court of Human Rights examined the case of *Boškoski v. "the former Yugoslav Republic of Macedonia"*,[5] concerning the applicant's bid to stand as an independent candidate in the presidential elections of 2004. The SEC had rejected his application on the ground that he did not meet the constitutional requirement whereby candidates had to have resided continuously in the country for at least ten of the fifteen years preceding the date of the election.

19. The applicant had challenged the rejection of his candidature before the Supreme Court, arguing that Article 132 of the Constitution had been incorrectly and restrictively applied in the calculation of his length of residence in "the former Yugoslav Republic of Macedonia". The Supreme Court had dismissed the claim, finding that the SEC had correctly assessed the overall length of domestic residence. The Constitutional Court had likewise rejected the applicant's petition on the ground that the right to stand for elections was not among the individual rights which could be challenged before that court.

20. Ultimately, the applicant brought his case before the European Court of Human Rights, which decided that the application was inadmissible under Article 3 of Protocol No. 1. The application of this provision, which guaranteed the "choice of the legislature", to presidential elections was not excluded as such. However, in "the former Yugoslav Republic of Macedonia" the office of President of the Republic did not have the authority to initiate or adopt legislation, nor did it have any power of censure over the main institutions responsible for passing legislation. As the President merely enjoyed limited discretion to provisionally suspend the promulgation of statutes, such an office could not be construed as the "legislature" within the meaning of this provision: incompatible *ratione materiae*.

3. Electoral administration, electoral lists and the registration of candidates

21. The presidential election of 2019 was organised by a three-tier administration, comprising the State Electoral Commission (SEC), 80 municipal electoral commissions (MECs) and the Electoral Commission of the City of Skopje, together with 3 396 electoral boards (at polling stations).[6] For voting abroad, 32 polling stations were set up in diplomatic or consular missions in 24 foreign countries. In 2019, the parliament decided to retain the seven members of the State Electoral Commission who had managed the referendum of September 2018. A measure restricting their term of office to two years was introduced, however.

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2. Constitution, Article 81; Electoral Code, Articles 4 and 14.
3. Constitution, Article 80.
4. Statement on the preliminary findings of the IEOM, p. 3.
5. *Boškoski v. "the former Yugoslav Republic of Macedonia" (dec.),* Application No. 11676/04, decision of 2 September 2004 [Section III] – Article 3 of Protocol No. 1 – Choice of legislature – Denial of the possibility to stand as candidate in presidential elections: *inadmissible.*
6. Electoral Code, Article 17.

22. Civil society experts had been called in prior to this to depoliticise the electoral administration process. This experiment had not been particularly successful however,[7] so parliament had decided to resort to the previous arrangement of seven members appointed by the political parties. The provisional SEC set up following the revision of the Electoral Code in July 2018 became a permanent body in January 2019, for a term of office limited to two years.

23. According to the people that the IEOM spoke to, the confidence of some stakeholders in the SEC was undermined by the perceived inaction of the electoral administration authorities in response to the alleged violations in the consultative referendum of 30 September 2018.[8]

24. MECs are made up of five members (and their substitutes) who are chosen from among public officials by drawing lots. They supervise the administration of elections in each municipality, appoint and train members of the electoral boards and manage other technical aspects.

25. The 3 396 electoral boards are responsible for organising the ballot and the vote count in the polling stations. They are made up of three members and three substitutes drawn by lots from among public officials and two temporary members appointed by the two main political parties.

26. The electoral lists comprise all citizens aged 18 or over on polling day, who reside permanently in North Macedonia and have not been stripped of their legal capacity by a binding court decision. Voters must also possess a valid identity card or biometric passport. According to the electoral administration bodies, 53 972 voters checked their details at polling stations, including the voters who came to sign the candidate nomination lists. The electoral authorities provided copies of the electoral lists to five parliamentary parties after the registers had been checked. The final register comprised 1 808 131 voters for this presidential election.

27. Many of the people the IEOM spoke to noted improvements in the electoral lists. However, according to some of the people the Assembly delegation spoke to, although the population census is not directly linked to the voter registration process, the fact that the last census dates back to 2002 did not inspire confidence among those concerned as to the accuracy of the electoral lists.

28. All citizens living or working temporarily abroad and possessing a home registered in North Macedonia and a biometric passport are also registered on the electoral lists and vote in the diplomatic or consular missions in their host country.

29. Persons living in North Macedonia are automatically registered on the electoral lists whereas those voting abroad must register themselves.

30. In its final report, the OSCE/ODIHR observation mission on the 2018 referendum stated as follows: “Despite long-standing issues related to the processing and accuracy of voter registration data, the integrity of the voter list was not cited as a major concern of ODIHR ROM interlocutors.” The mission recommended that “the establishment of a permanent national address register should be prioritised, with the harmonisation of residency data clearly defined”. The establishment of such a register was included in the land registry office’s strategic plan for 2017 to 2019.[9]

31. For the presidential election of 21 April 2019, of the nine initial candidates, only three gathered the 10 000 signatures needed to be registered by the SEC: Gordana Siljanovska-Davkova, who was endorsed by the Internal Macedonian Revolutionary Organisation–Democratic Party of Macedonian National Unity (VMRO–DPMNE), collected 15 926 signatures; Stevo Pendarovski, of the Social Democratic Union of Macedonia (SDSM), collected 31 729 signatures; and Blerim Reka, of the Alliance of Albanians/Besa, collected 11 128 signatures.

4. Election campaign, campaign funding and media environment

32. The election campaign began 20 days before polling day and ended 24 hours before. The three candidates were validated by the SEC on 21 March.

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7. In December 2017, the members of the SEC were forced to resign following revelations that they had awarded themselves bonuses equivalent to several months’ wages.
8. Statement on the preliminary findings of the IEOM, p. 4.
9. OSCE/ODIHR report, section VI, p. 10.

33. It is legally prohibited, subject to a heavy fine, to engage in campaigning before the start of the official campaign. However, the Chair of the SEC announced that until the official campaign launch on 1 April, all activities by candidates would be regarded as party meetings, not as illegal campaign activities.

34. Ms Gordana Siljanovska-Davkova is a former member of the Venice Commission and the first woman to stand for the presidential election in North Macedonia. She presented herself as a "non-partisan" candidate, both running a party campaign and representing civil society. Ms Siljanovska shares the negative stance of the VMRO–DPMNE with regard to the agreement with Greece, as a result of which the country was renamed North Macedonia and Greece lifted its long-standing veto on the country's accession to NATO and the European Union.

35. Mr Stevo Pendarovski was nominated to stand for the presidency by the SDSM party. He was a candidate in the 2014 presidential election, in which he lost to the outgoing president, Gjorge Ivanov. Stevo Pendarovski was also supported by Albanian partner parties, the Democratic Union for Integration (DUI), and 29 smaller parties. He also has the advantage of being considered a non-partisan candidate.

36. Professor Blerim Reka was nominated to stand for the presidency by the Alliance of Albanians/Besa. Mr Reka announced his intention to stand after the Albanian party in government, the DUI, agreed to support a joint candidate with the SDSM. According to Mr Reka, if only Macedonian candidates stood and there was no Albanian candidate, North Macedonia's multi-ethnic society would end up resembling a mono-ethnic State in which Albanians could only vote in elections, not stand in them. His message contrasted with the non-ethnic line of the main government parties, the social democrats and the DUI. No Albanian candidate has ever succeeded in reaching the second round of the elections, but Albanian votes are often crucial at that stage.

37. The new State Commission for the Prevention of Corruption (SCPC) began work in February 2019 after the adoption of a new law on preventing corruption and conflicts of interest. It is tasked with supervising the legality of campaign funding and receiving complaints of infringements of the separation between the State and the political parties, misuse of State resources, vote-buying and pressure on voters.

38. On 4 March 2019, the SEC, the State Audit Office and the SCPC signed a memorandum on the exchange of information on irregularities reported in financial reports and subsequent measures to be taken for the period preceding the election. The SCPC deals with all complaints concerning the role of State officials and the use of public resources during the election campaign. Complaints relating to alleged violations of the rules on campaign funding are a matter for the State Audit Office.

39. The rules on election campaign funding are set out in the Electoral Code, the Law on the funding of political parties and the Law on preventing corruption and conflicts of interest. Candidates for the presidential election do not receive public funds directly but their political advertising expenses are reimbursed out of the State budget.

40. Candidates are required to register a unique tax number and open a separate bank account, through which all financial transactions linked to the campaign must be made. Donations are limited to €3 000 for individuals and €30 000 for legal entities (including contributions in kind).[10] There are no specific regulations on the participation of third parties in the campaign and it is not compulsory to declare the expenses of any political parties which endorse candidates proposed by groups of voters.

41. According to information from the ODIHR election observation mission, the three candidates are reliant on party political infrastructure and their logistical support. Campaign spending is subject to an upper limit of MKD 110 per registered voter, or about MKD 198 million (€3.2 million).

42. Presidential candidates must submit to the SEC, the State Audit Office and the SCPC two interim reports and a final report on their income and their spending. These institutions are required by law to publish each candidate's interim report on campaign funding, though not to examine them. The final reports must be submitted in the four months following the election and checked by the State Audit Office.[11]

10. Anonymous donations are prohibited, as are those from public establishments, foreign sources, citizens' associations or religious groups.

11. According to the State Audit Office, no infringements were found after verification of the reports on the funding of campaigns for the parliamentary elections in 2016 and the local elections in 2017.

43. The Assembly delegation was told that the SCPC's resources are limited and a number of procedures required by law had not yet been put in place, particularly access to the databases of public institutions, enabling information to be exchanged rapidly. The SCPC's limited means and imperfections in the regulations affected the transparency of election campaign funding and the effectiveness of the controls on the spending of presidential candidates.

44. Freedom of the press is guaranteed by the Constitution, the Electoral Code and the Law on Audio and Audiovisual Media Services. Television is the public's main source of information. In a media landscape that is highly divided along political and ethnic lines, over 130 radio and television channels share a relatively small market.

45. Audiovisual media outlets must ensure that they provide balanced information on all subjects relating to the elections in accordance with the principle of the equality of all presidential candidates. Furthermore, paid political advertising must be clearly indicated and clearly separated from other media content. Amendments to the Electoral Code in 2019 clarified the role of the Agency for Audio and Audiovisual Media Services and the arrangements for its work with the SEC, which is now authorised to reimburse expenses incurred by broadcasters when broadcasting paid political advertising.

46. The Agency for Audio and Audiovisual Media Services is required to supervise the programming and treatment of election issues by audiovisual media outlets from the day on which the election is announced to the end of polling day.

47. Since 2018, electronic media outlets (internet portals) which broadcast paid political advertising for candidates for an election must register with the SEC to be able to be reimbursed. The SEC reimburses expenses on presentation of an invoice and after communication of a report to the Agency for Audio and Audiovisual Media Services.

48. ODIHR's EOM media monitoring found that the public broadcaster provided impartial coverage and, overall, the media presented diverse information on the candidates and the political parties supporting them through various programmes and five televised debates involving all the candidates, enabling voters to make an informed choice. Most of the channels surveyed covered the three candidates comparably, providing largely neutral information. Furthermore, all of the public MRT channels dedicated a significant portion of political coverage to government activities (21%-37%), including both positive and negative reporting.[12]

5. Polling day, first round

49. On polling day, the ad hoc committee split into six teams to observe the election in Skopje and the surrounding area and in various regions around the country. The ad hoc committee members noted that the vote was well organised, voters were able to make their choice freely, without restriction, and fundamental rights and freedom of expression were respected. The staff at the polling stations observed by the delegation co-operated fully with the observers. It was noted that most polling stations were not equipped for voting by persons with reduced mobility.

50. According to the preliminary official results announced by the SEC, the three presidential candidates received the following numbers of votes: Mr Stevo Pendarovski – 323 714 (42.84%); Ms Gordana Siljanovska-Davkova – 319 811 (42.24%); and Mr Blerim Reka – 79 921 (10.58%). Turnout was 41.79% and 4.34% of the ballot papers were invalid. The two best placed candidates, Mr Stevo Pendarovski and Ms Gordana Siljanovska-Davkova, qualified for the second round of the presidential election, which was held on 5 May 2019.

6. Voting day, second round

51. The ad hoc committee returned to Skopje from 4 to 6 May 2019 to observe the second round of the presidential election on 5 May. Stevo Pendarovski of the Social Democratic Union of Macedonia (SDSM) was standing against Gordana Siljanovska-Davkova, supported by the Internal Macedonian Revolutionary Organisation–Democratic Party of Macedonian National Unity (VMRO-DPMNE).

12. Statement of preliminary findings of the IEOM, p. 11.

52. On 4 May 2019, in Skopje, the ad hoc committee met Ms Siljanovska-Davkova and Mr Damjan Manchevski, representative of Mr Pendarovski, the head of the OSCE/ODIHR election observation mission and his staff, and the Chair of the SEC. The ad hoc committee formed part of the International Election Observation Mission (IEOM), which also included a delegation from the Parliamentary Assembly of the OSCE and the election observation mission of the OSCE/ODIHR.

53. In the period between the two rounds, both candidates appealed to ethnic-Albanian voters, whose turnout had been particularly low in the first round. No Albanian candidate has ever succeeded in reaching the second round of the elections, but Albanian votes have often been crucial in the second round. The 2019 presidential election was no exception to this rule. In addition, the campaign environment among ethnic-Albanians was affected by legal moves to remove the head of the Islamic Religious Community, which were criticised by prominent ethnic-Albanian figures. The Assembly's delegation recalled Article 19 of the Constitution of the country concerning the principle of separation of powers between State and religion: "The Macedonian Orthodox Church, as well as the Islamic Religious Community in Macedonia, the Catholic Church, the Evangelical Methodist Church, the Jewish Community and other Religious communities and groups are separate from the State and equal before the Law."

54. Election day was calm and well organised, the overall assessment of voting was positive. In a limited number of cases, the ODIHR observers noted indications of vote-buying. On 5 May, the Head of the Assembly delegation observed the counting in the polling station No. 2438/1 in the Albanian-speaking locality of Glumovo where out of 272 voters Mr Pendarovski received 264 votes, Ms Siljanovska-Davkova received one vote and seven ballots were invalid. In general, the analysis of voting statistics in different communities shows that there is a dividing line between Macedonian and Albanian voters. For example, in six municipalities, the candidate supported by the SDSM/DUI coalition, Mr Pendarovski, obtained a score above 90%. There are many polling stations in those six municipalities where the candidate supported by the VMRO–DPME, Ms Siljanovska-Davkova, did not receive any votes. For example, this was the case in 25 of the 36 polling stations in the municipality of Lipkovo.[13]

55. On 6 May 2019, the SEC announced the results of the second round of the presidential election: Mr Pendarovski obtained 436 212 votes (51.66%); Ms Siljanovska-Davkova – 377 713 votes (44.73%). The turnout was 46.70%, the percentage of invalid ballots was 3.60%. Mr Pendarovski was elected President of the Republic of North Macedonia.

7. Conclusions and recommendations

56. Following the first round of the presidential election, the Assembly delegation concluded that the election day was calm, well organised and the voters who participated in the election were able to make their choices freely. The delegation regretted that the turnout for a presidential election was low. A mature functioning of the political system and a reform of the electoral law would allow citizens to support and actively participate in the election of their head of State.

57. Following the second round of the presidential election, the Parliamentary Assembly delegation concluded that "[t]he voting for the second round of the presidential election was well organised and voters, as in the first round, were able to make their choice freely. But an election is not limited to voting day. The PACE delegation considers that some recurrent problems in the electoral process remain unaddressed, in particular the need to reform the electoral code and, in general, the political system, to re-engage citizens and to ensure their active participation, regardless of ethnic origin. In addition, it is crucial to strengthen the transparency and the control of election campaign funding. The issue of EU and NATO membership should not be allowed to obscure some recurrent problems in the electoral process" (the IEOM press release of the second round can be found in Appendix 4).

58. The election campaign was conducted in a calm atmosphere, in which all candidates were able to campaign without obstacles and fundamental freedoms were respected. The Assembly delegation noted with satisfaction that, unlike previous elections, during which recurrent problems were noted, in particular concerning the abuse of administrative resources, this time public employees tried to maintain a clear distinction between their official and political activities, and to avoid using State resources in the campaign.

13. See also the voting results in the following localities: Arachinovo (93.84% for Pendarovski, 2.71% for Siljanovska-Davkova); Studenichani (91.01% for Pendarovski, 7.35% for Siljanovska-Davkova); Saraj (90.69% for Pendarovski, 6.49% for Siljanovska-Davkova); Zhelino (96.62% for Pendarovski, 1.42% for Siljanovska-Davkova); Bogovinje (96.42% for Pendarovski, 1.15% for Siljanovska-Davkova)

59. According to the IEOM's conclusions, “[t]he legal framework was generally conducive to the holding of democratic elections. However, some provisions of the Electoral Code did not reflect the specific requirements of the context of the presidential election. Regulatory gaps have created confusion among stakeholders. In the absence of explicit campaign rules for presidential candidates, elements of the campaign were conducted on the basis of cross-party agreements that did not provide equal opportunities for all candidates. Many previous recommendations of the Venice Commission and ODIHR concerning the legal framework have still not been implemented, including those relating to election financing and election complaints and appeals”.

60. The Assembly delegation recalls that since the 2016 Joint opinion, two electoral processes and a national referendum have taken place and the Electoral Code has been amended four times. As previously recommended by the Venice Commission and ODIHR, “[t]he Code would benefit from a complete review in order to harmonise it internally and with other relevant laws”. Key previous recommendations aimed at improving electoral litigation, voter registration, representation of the diaspora, campaign financing and the political campaign, as well as at addressing the use of participation thresholds for both referendum and presidential elections, could be addressed in the next electoral reform.

61. Regarding the financing of the electoral campaign, it was financed by donations from individuals and legal entities and some candidates received financial support from political parties. The State Audit Office is the main supervisory body, but its control was limited to the verification of information submitted by candidates for election and it did not have the capacity to verify whether this information was accurate or complete. The SCPC was competent for all complaints concerning the role of public employees and the use of State resources during the election campaign. The Assembly delegation noted that the resources of the State Audit Office and the SCPC were limited and that a number of procedures required by law had not yet been put in place, in particular access to the databases of State institutions for the rapid exchange of information. The limited resources, as well as the imperfections of the regulations, reduced the transparency of the financing of the election campaign and the effectiveness of control over the expenses of the presidential candidates.

62. Regarding media coverage of the election campaign, according to the ODIHR EOM Media Monitoring Report, the public broadcaster provided impartial coverage and, overall, the media presented a variety of information about presidential candidates and the political parties that supported them, allowing voters to make an informed choice. Most of the channels monitored covered the three candidates in a comparable way, with the majority of information being neutral.

63. In general, the election administration performed its key functions, operated impartially and enjoyed the confidence of most stakeholders. On voting day, the functioning of the polling stations was well organised. The transparency and efficiency of the SEC was sometimes hampered by technical malfunctions in its information and communication systems. According to some IEOM interlocutors, the confidence of some stakeholders in the SEC was undermined by the perceived inaction of the election administration with regard to the alleged violations during the consultative referendum of 30 September 2018.

64. The Assembly delegation considers that the Assembly should continue its close co-operation with the authorities of the Republic of Northern Macedonia, through its post-monitoring dialogue procedure, as well as with the Venice Commission, in order to resolve the problems identified during the 2019 presidential election and to improve the legal framework and electoral practices.

Appendix 1 – Composition of the ad hoc committee

Based on the proposals by the political groups of the Assembly:

Chairperson: Ms Marie-Christine DALLOZ, France (EPP/CD)

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

– Mr David BAKRADZE, Georgia
– Ms Marie-Christine DALLOZ, France
– Mr Joseph O'REILLY, Ireland

Socialists, Democrats and Greens Group (SOC)

– Ms Petra BAYR, Austria
– Mr Miroslav NENUTIL, Czech Republic
– Mr Predrag SEKULIC, Montenegro

Alliance of Liberals and Democrats for Europe (ALDE)

– Mr Raphaël COMTE, Switzerland
– Ms Zdeňka HAMOUSOVÁ, Czech Republic

Venice Commission

– Ms Florence GANOUX, expert, France

Secretariat

– Mr Chemavon CHAHBAZIAN, Head of the Election Observation and Interparliamentary Co-operation Division
– Ms Danièle GASTL, Assistant
– Mr Gaël MARTIN-MICALLEF, Legal Adviser, Venice Commission

Appendix 2 – Programme of the meetings of the ad hoc committee (19-20 April 2019)

Friday 19 April 2019

11:30-12.30 Meeting of the PACE ad hoc committee:
- Opening by Ms Marie-Christine Dalloz, Head of Delegation
- Briefing on election legislation by Ms Florence Ganoux, Expert, Venice Commission
- Practical and logistical arrangements, Secretariat

Parliamentary joint briefings

14:00-14:20 Welcome by the Heads of delegations:
- Ms Sereine Mauborgne, OSCE Special Co-ordinator
- Mr Reinbold Lopatka, Head of the delegation of the OSCE Parliamentary Assembly
- Ms Marie-Christine Dalloz, Head of the PACE delegation

14:20-14:35 Welcome by the Speaker of the Parliament, Mr Talat Xhaferi

14:35-15:00 Meeting with representatives of the international community:
- Ambassador Clemens Koja, Head of the OSCE mission in the Republic of North Macedonia
- Mr Samuel Žbogar, Head of the Delegation of the European Union in the Republic of North Macedonia

15:00-17:00 Briefing by the OSCE/ODIHR Election Observation Mission – Part I
- Introduction – Ms Corien Jonker, Head of Mission
- Political Overview and the Campaign – Mr Peter Palmer, Political Analyst
- Legal Framework, Campaign Finance, Complaints and Appeals – Ms Kseniya Dashutina, Legal Analyst
- Election Administration, Voter and Candidate Registration – Ms Marcela Mašková, Election Analyst
- Media Environment – Mr Ivan Godársky, Media Analyst
- Security Overview – Mr Valeriu Mija, Security Expert

17:15-18:45 Campaign and policy analysis panel:
- Mr Dejan Georgievski, Director, Media Development Center
- Ms Migena Gorenca, Editor-in-Chief, MRT 2
- Mr Branko Geroski, Editor-in-Chief, Slobodan Pechat
- Mr Nino Sotirovski, Project Manager, Association for Democratic Initiatives

Saturday 20 April 2019

09:30-11:00 Election administration panel:
- Mr Oliver Derkoski, Chairperson, State Election Commission
- Mr Vladimir Georgiev, State Advisor, State Commission for Prevention of Corruption
- Mr Darko Aleksov, Executive Director, NGO Most
- Mr Vildan Drpljanin, Project Co-ordinator and Legal Advisor, Helsinki Committee for Human Rights
- Mr Dragan Sekulovski, Executive Director, Association of Journalists

11:00-11:30 Mr Blerim Reka, candidate

11:45-12:15 Mr Goran Momirovski, Campaign Manager of presidential candidate Ms Gordana Siljanovska Davkova

12:15-12:45 Mr Damjan Manchevski, Vice President of SDSM, representative of presidential candidate Mr Stevo Pendarovski

12:45-13:35 Briefing by the OSCE/ODIHR Election Observation Mission – Part II
- Election Day Procedures – Ms Marcela Mašková, Election Analyst

– Statistics and Observation Forms – Mr Max Bader and Mr Robert Bystrický, Statistics Analysts

13:35-14:00 Area specific briefing by ODIHR Long-Term Observers for teams deployed in Skopje

14:00 Meetings with drivers/interpreters

Sunday 21 April 2019

Election day: observation of the opening, voting, closing and tabulation

Monday 22 April 2019

08:30-09:30 PACE delegation meeting (debriefing)

15:00 Joint press conference

Appendix 3 – Press release of the International Election Observation Mission (IEOM) (1st round)

North Macedonia's presidential election well run but legal framework still needs improvement, international observers say

Strasbourg, 22.04.2019 – Sunday's presidential election in North Macedonia was well run and fundamental freedoms of assembly and expression were respected, and election day was peaceful, orderly and transparent. However, wide-reaching electoral reform is still very much needed, international observers concluded in a preliminary statement released today.

"This peaceful, generally well-run election demonstrated that the political will can be found to hold democratic elections," said Sereine Mauborgne, Special Co-ordinator and leader of the short-term OSCE observer mission. "This constructive approach must be maintained through the second round and beyond. I sincerely hope that following these elections real effort will be made to enact a coherent electoral law and finally address the long existing challenges."

Some 1.8 million voters were eligible to cast their ballot in 3 396 polling stations across the country. However, the automatic exclusion of voters based on expired identification documents created an unreasonable barrier that affected some 11 000 citizens. While improvements in the accuracy of the voter register were noted, discrepancies between State databases and diverse data formats need to be addressed.

"Yesterday's election was well organised and voters who participated in the election were able to make their choice freely," said Marie-Christine Dalloz, head of the delegation from the Parliamentary Assembly of the Council of Europe (PACE). "The delegation regrets that the turnout was low for a presidential election. A mature functioning of the political system and a reform of the electoral law would re-engage citizens and ensure their active participation in the election of their head of State. The Parliamentary Assembly of the Council of Europe and the Venice Commission are ready to assist the authorities of North Macedonia in implementing the reforms."

The campaign took place in a calm and peaceful environment, in which all participants were able to campaign without hindrance and fundamental freedoms were respected. State officials worked to maintain a clear distinction between their official and political activities, and to avoid using State resources in the campaign.

"We were pleased to see a campaign that addressed substantive concerns, with candidates engaging in debate on their visions for the future of North Macedonia," said Reinhold Lopatka, head of the OSCE Parliamentary Assembly (OSCE PA) Delegation. "All three candidates clearly advocated for further European integration; whatever future the people here may choose, democratic elections will be crucial. The clear efforts made by State officials to avoid mixing political and official activities are an important development, helping to level the playing field for candidates."

The election administration carried out its work impartially and enjoyed the confidence of the majority of stakeholders. However, the transparency and efficiency of the State Election Commission was hindered by technical malfunctions of its information and communication systems, raising doubts over IT security.

ODIHR's media monitoring found that the public broadcaster provided impartial coverage and the media overall presented diverse information on the candidates and the political parties supporting them, enabling voters to make an informed choice. Both public and other media broadcasters covered the campaign and were mostly neutral in their reporting, while online and print media sometimes lacked balance in their coverage.

Concerns continue over the legal framework. While the law does allow for democratic elections, the electoral code is not tailored to the requirements of a presidential contest. The absence of explicit campaign rules for candidates resulted in parts of the campaign being carried out on the basis of cross-party agreements that did not provide equal opportunities to all candidates.

"The election was smoothly run and shows just how much can be achieved when there is genuine political will," said Corien Jonker, Head of the election observation mission from the OSCE Office for Democratic Institutions and Human Rights (ODIHR). "I hope that both the national authorities and political parties will continue to work in this spirit. The electoral reforms ODIHR has previously recommended need to be completed, with a focus on the transparency and accountability of campaign finance."

It was the lack of uniform reporting of candidate expenditure, regulation of third-party campaigning, and reporting by political parties supporting candidates that reduced both the transparency of campaign finance and the effectiveness of oversight.

The international election observation mission comprises some 240 observers from 38 countries, including 189 long- and short-term observers deployed by ODIHR, 40 parliamentarians and staff from the OSCE PA, and 12 from PACE.

Appendix 4 – Press release of the International Election Observation Mission (IEOM) (2nd round)

Second round of North Macedonia's presidential election calm and well run but legal gaps remain unaddressed, international observers say

Skopje, 06.05.2019 – The second round of North Macedonia's presidential election was calm and well run. However, shortfalls in the legal framework continued to be a concern, international observers concluded in a preliminary statement published today.

The observation mission is a joint undertaking of the OSCE Office for Democratic Institutions and Human Rights (ODIHR), the OSCE Parliamentary Assembly (OSCE PA), and the Parliamentary Assembly of the Council of Europe (PACE).

"This election cycle has now been brought to a successful conclusion, with voters freely able to choose between distinct choices," said Sereine Mauborgne, Special Co-ordinator and leader of the OSCE short-term observer mission. "Yesterday's increased voter turnout shows determination by the population to unite and address the challenges facing this country. It is now up to the political leadership to hear this message and undertake real reform that will replace the legal patchwork requiring constant political agreements with a coherent and sustainable electoral law."

Some 1.8 million voters were eligible to cast their ballot in 3,396 polling stations across the country. The election authorities carried out preparations for the second round professionally and impartially, and generally enjoyed public confidence. However, the fact that citizens whose identification documents had expired were excluded from voting needs to be addressed. In addition, while the turnout requirement of 40% was met on this occasion, it does create the potential for repeat elections, a concern that ODIHR has previously voiced.

The campaign took place in a calm environment. All participants were able to campaign without hindrance and fundamental freedoms were respected. State officials appeared to continue differentiating clearly between their official and political activities. Further, both candidates reached out to different ethnic communities.

"The voting for the second round of the presidential election was well organised and voters, as in the first round, were able to make their choice freely. But an election is not limited to voting day. The PACE delegation considers that some recurrent problems in the electoral process remain unaddressed, in particular the need to reform the electoral code and, in general, the political system, to re-engage citizens and to ensure their active participation, regardless of ethnic origin. In addition, it is crucial to strengthen the transparency and the control of election campaign funding. The issue of EU and NATO membership should not be allowed to obscure recurrent problems in the electoral process," said Marie-Christine Dalloz, Head of the PACE delegation. "The Parliamentary Assembly and the Venice Commission are ready to assist the authorities of North Macedonia in implementing the necessary reforms."

As in the first round of the election, however, the international observers expressed serious concerns over the legal framework. While the law does allow for democratic elections, the regulatory gaps already evident on issues such as campaigning, media advertising, campaign finance and voter registration remain unaddressed. This further highlights the importance of legislative reform, which was already emphasised in the preliminary conclusions following the first round.

"Election day was well prepared, and passed calmly and peacefully," said Corien Jonker of the OSCE Office for Democratic Institutions and Human Rights (ODIHR). "But democracy is not just about election day. Political will is needed to ensure that genuinely inclusive legal reforms are followed by a consistent implementation that builds and keeps citizens' trust."

The international election observation mission for the second round comprises some 170 observers from 32 countries, including 156 long- and short-term observers deployed by ODIHR, 11 parliamentarians and staff from the OSCE PA, and 5 from PACE.