

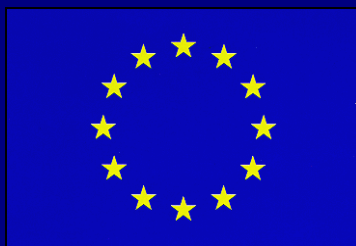
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**EUROPEAN UNION  
ELECTION OBSERVATION MISSION**

**LEBANON**

**FINAL REPORT**

**PARLIAMENTARY ELECTIONS  
7 JUNE 2009**



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*This report was produced by the European Union Election Observation Mission to Lebanon and presents the mission's findings on the 7 June parliamentary elections. These views have not been adopted or in any way approved by the European Commission and should not be relied upon as a statement of the European Commission. The European Commission does not guarantee the accuracy of the data included in this report, nor does it accept responsibility for any use made thereof.*

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## I. EXECUTIVE SUMMARY

The 2009 parliamentary elections mark an important step towards the consolidation of democracy in Lebanon. This was notable not least through the degree of civic awareness shown by the Lebanese population throughout the electoral campaign, as well as on Election Day on 7 June.

Candidates and political parties also proved their commitment to democratic principles in their swift acceptance of the election results announced by the Ministry of Interior and Municipalities, turning to the Constitutional Court as the competent institution for those complaints they did have. Interlocutors from across the political and confessional divide repeatedly commended the consistent neutrality and commitment shown by the person of the Minister of the Interior and Municipalities and recognised the extent to which these elections were, in effect, impartially administered.

The 7 June electoral process benefited from the improvements to the legal framework introduced by the 2008 Parliamentary Election Law. However, while the new law did strengthen the legal framework, it failed to retain a number of important improvements proposed in the Boutros Commission draft law, which included a number of the recommendations made by the EU EOM in 2005.

The absence of official pre-printed ballots constitutes a serious breach of citizens' right to secrecy of their vote and in turn creates a space for possible irregularities by candidates and political parties. This is unacceptable for the Lebanese citizens on principle and is also incongruous with the high degree of pluralism and political freedom that now exist in Lebanon.

Among the new law's positive measures is the holding of polling on a single day, enhancing the integrity of the process. The abandonment of voters' cards and reliance instead on identity cards and an improved voter's register are also useful, as are the new safeguards against fraud, including the use of indelible ink, transparent ballot boxes and serialised envelopes for ballot papers. Although the decision to reduce the minimum voting age from 21 to 18 and the introduction of out-of country voting will only be implemented at the next elections, the EU EOM considers these positive developments. Military personnel, however, remain disenfranchised.

The high level of trust in the electoral process was certainly assisted by the clear neutrality and professionalism of the Ministry of Interior in its administration of the elections, and especially by Minister Zyad Baroud himself. However, this neutrality is not institutionally-assured and therefore cannot be guaranteed for future elections. In order to ensure neutral and professional administration in the future, an Election Management Body which is institutionally independent from the government should be created. In this respect, the creation of the Supervisory Commission on Electoral Campaign (SCEC), established by the 2008 Election Law for the supervision of campaign spending and the role of the media during campaigning, may be considered a first step towards the creation of an independent electoral commission.

The Lebanese electoral system is defined by the principle of confessionalism, which reflects balances of power between different groups within consensual democracy. The Lebanese electoral system reflects a delicate balance which will only be able to be adapted through complete consensus between the different confessional groups. However, the Taef Accord itself, which marked the end of the civil war, clearly established the aim of outgrowing this

system in order to guarantee the protection of all confessional groups through other mechanisms. The EU EOM's observations during these last elections confirmed that the combination of confessionalism, the majority vote system and the practice of pre-electoral agreements between parties and candidates drastically reduced the level of electoral competition.

Limited competition in the majority of constituencies meant that campaigning activities focused on those constituencies which would effectively determine parliament's majority. Election campaigning took place in a generally peaceful environment, despite some isolated incidents, and freedom of movement and assembly were generally respected. However, financial resources played an excessively large role in the campaign and new regulations on spending have yet to have any notable effect on this phenomenon. The provision of welfare services by permanent foundations and networks affiliated to different political groups undoubtedly played a significant role in achieving electoral support.

During the campaign period, individual media outlets tended to be politically aligned but the media system as a whole enabled Lebanese citizens to access a variety of political perspectives. The Election Law's provisions on media election coverage are appropriate on the whole, aiming to ensure balanced coverage and fair access for all contenders but some rules would benefit from clarification, such as whether rules should apply to all media, when some only refer to audiovisual media. Under the new legislation the SCEC is tasked monitoring media for infringements, including unbalanced coverage. The SCEC received a number of media-related complaints from parties and candidates, mainly linked to candidates engaging in divisive and possibly defamatory language through the media. Representatives of the media and candidates welcomed the establishment of a supervising authority but generally perceived the SCEC as being ineffective in correcting or preventing violations such as bias in campaign coverage.

The SCEC is also responsible for enforcing campaign finance rules, to the extent possible by auditing campaign bank accounts which candidates were required to open. However, neither the spending regulations nor the SCEC's resources were of sufficient scope to address the extent to which finances defined the campaign. Auditing of candidates' financial statements took place after the elections, with little practical regulation during the campaign period.

Election day was mostly calm and peaceful, with a well-maintained security environment. More voters turned out than in the previous elections and the highest participation rates were seen in those constituencies in which there was the greatest degree of genuine competition between candidates. Polling was administered satisfactorily, with no shortages of election material; transparency of the process was strengthened with a high participation of candidate representatives. Nonetheless, contrary to the practice being prohibited by the Election Law, a significant proportion of observed polling stations proceeded with fewer than three polling station staff members. Women were observed acting as polling station heads in only 8% of polling stations.

The electoral process highlighted the severe under-representation of Lebanese women in political life, a fact made all the worse for the persistence of clearly discriminatory legal provisions in the civil and electoral spheres.

The re-establishment of the Constitutional Council was particularly significant for two reasons. Firstly, it highlighted political parties' willingness to break the deadlock which had lasted for four years, in order to invest in the electoral process. Most importantly, the Council's re-establishment restored the only legal avenue for appealing against election results.

## II. INTRODUCTION

Following an invitation from the Government of Lebanon to observe the Parliamentary Elections on 7 June 2009, the European Union Election Observation Mission (EU EOM) was established in Lebanon on 19 April 2009 and remained in the country until 22 June. The mission's Chief Observer was Mr. José Ignacio Salafranca, Member of the European Parliament. The mission's mandate was to assess the entire electoral process against international standards for democratic elections and the laws of Lebanon, in accordance with EU methodology and 'The Declaration of Principles for International Observers,' commemorated under the auspices of the United Nations in October 2005. The Mission deployed a total of 100 observers from 26 Member States of the European Union as well as from Norway, Switzerland and Canada. They observed the opening, voting, closing and counting processes in 501 polling stations in the country's 26 electoral districts.

## III. POLITICAL BACKGROUND

### A. *Political Context*

The 2009 parliamentary elections were the fifth elections to be held since the end of the civil war in 1990. Lebanon has witnessed an eventful decade, starting with the withdrawal of Israel from the South of Lebanon in 2000, the passing of United Nations Security Council Resolution 1559 in September 2004, the Syrian withdrawal in April 2005 in the aftermath of the assassination of former Prime Minister Rafik Hariri on 14 February 2005, and the 2006 summer war with Israel, which resulted in the passing of United Nations Security Council Resolution 1701.

The so-called 'Cedar revolution' condemning the murder of Hariri and calling for the withdrawal of the Syrian troops culminated on 14 March 2005 when large crowds took to the streets of Beirut. This demonstration was seen as a direct response to the March 8 demonstration in support of Syria. Two opposing blocks alliances were formed around those gatherings – the so called 8 March opposition and 14 March majority. The Syrian troops withdrew at the end of April 2005 and parliamentary elections were held in May and June of 2005 (with a quadripartite electoral alliance between the main March 8 (Amal, and Hezbollah) and 14 March forces (Future Movement, the Progressive Socialist Party), which was followed by the formation of a government headed by Fouad Siniora.

This new period in Lebanon was halted by the 34 days military conflict between Hezbollah and the Israeli Defence Forces which took place in the summer of 2006. It resulted in the displacement of over one million Lebanese, important destruction of infrastructure and contamination of South Lebanon with cluster munitions and unexploded ordnance. The United Nations Security Council Resolution 1701 adopted on 11 August 2006 called for a cessation of hostilities and enabled a cease fire, foreseen the disarmament of militias and the strengthening of UNIFIL forces in South Lebanon (which was made possible thanks to an important mobilisation of European contingents). In the aftermath of the conflict the political situation in the country deteriorated with 6 opposition ministers presenting their resignation from the government in November 2006.

Internal tensions culminated on 1 December 2007, when opposition parties (March 8 forces with Michel Aoun's Free Patriotic Movement) held a sit-in in downtown Beirut, demanding the resignation of the government, the formation of a national unity government and the holding of early parliamentary elections. Six months of increased polarisation between the majority and opposition camps ensued, along with sporadic eruptions of violence between their supporters. In May 2008, the government took two decisions, calling for the abolition of Hezbollah's private communication network (which the party justified for security reasons) and the resignation of the head of security at the airport. In response, the opposition forces called for a general strike and civil disobedience in the country, and this resulted in armed clashes and violence in Beirut and other regions.

In order to prevent the country slipping into another civil war, a Lebanese National Dialogue Conference was held in Doha between May 16 and May 21, 2008, with the participation of the Lebanese political leaders who committed to ending the political crisis and to upholding the principles enshrined by the Lebanese constitution and the Taif Accord.

The Doha agreement led to the election of General Michel Sleiman as President of the Republic, the formation of a national unity government of thirty ministers with sixteen for the majority, eleven for the opposition, and three by the President. During the conference, the parties also agreed to refer the reform clauses mentioned in the draft law prepared by the National Commission on Electoral Law Reform led by Mr. Fouad Boutros to the parliament in order to examine and discuss them. The new electoral law as it was agreed in Doha was based on the constituencies used for the 1960 electoral law, with a division of Beirut into three districts. The new law was finally adopted in September 2008, though it did not reflect all the recommendations made by the Boutros Commission.

Since the election of President Sleiman, a committee has been formed to discuss, inter alia, the 'national defence strategy' which is seen as a possible means of solving concerns around Hezbollah's arms. No significant decision has been taken so far. A seventh session of the National Dialogue Conference was held shortly before the elections, on 1 June 2009. President Sleiman and the political parties concurred on the need to hold the elections in a free and peaceful environment, awaiting the election results before adjusting the dialogue table accordingly.

### *B. Key Political Actors*

Prior to the elections, the Lebanese political landscape was highly polarised and divided according to the following lines:

- the majority which was constituted by 14 March forces (e.g. primarily Saad Hariri's Future Movement, Amin Gemayel's Kataeb, Samir Geagea's Lebanese Forces, Walid Jumblatt's Progressive Socialist Party) and some so-called independent blocs such as Michel Murr's; the opposition, constituted by 8 March forces (Amal, Hezbollah), Michel Aoun's Change and Reform Bloc (which included the Free Patriotic Movement, Tashnag, El Marada, Elias Skaff's bloc) along with a certain number of affiliated independent candidates;
- religious confessions;

- division within the Christian<sup>1</sup> community, mainly between March 14<sup>th</sup> (Kataeb and LF) and Change and Reform Bloc (FPM).

Although most of the parties claimed that they had a secular base, the political landscape predominantly reflected the confessional map. As such, Saad Hariri's Future Movement was characterized by a mostly Sunni electorate<sup>2</sup> with strongholds in Northern Lebanon (Akkar, Tripoli), Beirut III, and Saida, West Bekaa. Walid Jumblatt's electorate was mostly Druze<sup>3</sup> with strongholds in Chouf, and Amal and Hezbollah were backed by a Shia electorate<sup>4</sup> with strongholds in Baalbek, Hermel and Southern Lebanon.

The Christian Maronite electorate<sup>5</sup> was divided between the Free Patriotic Movement with strongholds in Kesrouan, Jbeil, Metn, Baabda, El Marada with main electorate in Zgharta and the Lebanese Forces and Kataeb with strongholds in Beirut I, Batroun, Koura, Beschare. One of the major national stakes surrounding these elections was to see whether the Christian Maronite electorate would repeat its 2005 choice (Aoun's 'Change and Reform bloc') or opt for the 14 March Christian parties (Kataeb and Lebanese Forces mainly). The majority, primarily the Lebanese Forces and Kataeb, claimed that Aoun's popularity had decreased as a result of the Memorandum of Understanding signed with Hezbollah on February 6, 2006.<sup>6</sup> In response, the FPM recalled the victory of Mr. Kamil Khoury over former President Amine Gemayel in the 2007 by-elections (to replace the seat of assassinated Member of Parliament Pierre Gemayel) as evidence that they could still win in Christian-dominated districts, even when a former President was running in his stronghold after his son's assassination against a relatively unknown political figure.

The Armenian electorate<sup>7</sup> was mainly captured by Tashnag, which claimed 60% of its votes notably in Beirut II and Metn, despite the existence of the Ramgavar Democratic Liberal Party and the Hunchag Social Democratic party, which were both part of the majority.

## IV. LEGAL ISSUES

### A. *Legal Framework*

These are the first elections to be held under the 2008 Parliamentary Election Law and the electoral process has benefited from the improved legal framework it provides. After the 2005 elections a National Commission on Election Law was established and presided over by former Minister Fouad Boutros, with the aim of drafting extensive electoral reforms. In June 2006, the Commission's draft law was submitted to the Prime Minister but was among the many projects suspended due to the July 2006 war and its aftermath. In May 2008, the Doha

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<sup>1</sup> Including the Christian Maronite, the Greek and Armenian Orthodox and Catholic.

<sup>2</sup> There are about approximately 960 000 Sunni voters.

<sup>3</sup> The Druze electorate is made up of about 185 000 voters.

<sup>4</sup> The Shii electorate is made up of approximately 900 000 voters.

<sup>5</sup> Approximately 700 000 voters.

<sup>6</sup> Michel Aoun has explained this MoU as a solution towards the peaceful disarmament of Hezbollah, one of the main contentious issues amongst Lebanese parties. The MoU calls the disarmament under a national defence strategy. The MoU also advocated for the modernization of the State, consensual democracy, the adoption of a modern electoral law (in which proportional representation may be one of its effective variations) that guarantees the accuracy and equity of popular representation. ([http://yalibnan.com/site/archives/2006/02/full\\_english\\_te.php](http://yalibnan.com/site/archives/2006/02/full_english_te.php))

<sup>7</sup> Approximately 130 000 voters.

agreement led to the formation of a national unity government, paved the way for the election of President Suleiman and foresaw the examination of the proposed election law by Parliament. In September 2008, Parliament passed the new election law, which retained a number of the improvements drafted in the Boutros proposal but rejected several particularly important ones.

The new election law's most serious flaw is its failure to introduce the use of official pre-printed ballots, which was recommended by the EU EOM in 2005 and retained by the Boutros proposal. The current system relies on voters writing their own ballots, or, more often, on political party representatives distributing ballots listing their candidates. This practice makes votes identifiable, and seriously compromises voters' right to a secret vote and thereby also their right to choose freely and without intimidation. The system also provides a mechanism which can support vote-buying schemes. The newly-introduced mandatory use of polling booths and envelopes for ballots partially enhanced the secrecy of vote but cannot compensate for the lack of pre-printed ballots.

Another important proposal that was not retained in the new election law was the creation of an independent electoral commission. Instead, the new law established the Supervisory Commission on the Electoral Campaign (SCEC) to work under the supervision of the Ministry of Interior and Municipalities, which administers elections. The SCEC is a temporary body with the mandate to supervise campaign spending and monitor media compliance with electoral regulations. While in itself a positive development, the SCEC cannot be considered comparable to a permanent and independent election administration body, the establishment of which remains an essential priority for future electoral reform. Its effectiveness in terms of capping spending during the elections and ensuring an appropriate response to abuses has yet to be tested. Indications are, however, that spending on the elections far exceeded the nominal caps in theory imposed.

The election law did not address the constitutional aim of eventually establishing a non-confessional electoral system. The current electoral system, combined with pre-electoral agreements between parties, results in substantially reduced levels of competition which even led to the assignment of some seats before polling day. In order to attain an electoral system which supports genuine competition, there is a need for reform to introduce a degree of proportionality, while maintaining the protection of all Lebanese communities. So long as it is achieved through complete consensus, further reform prioritising these principles would significantly strengthen the legal framework for Lebanese elections to better meet international standards.

The Parliamentary election law does contain, however, a number of clear improvements. One of these is the decision to hold the elections across the country over the course of a single day. Previous elections were held over several weeks, resulting in an overlap of periods for campaigning, voting and results announcements, which diminished the integrity of the process, as well as affected voters' motivation.

The new law gives Lebanese citizens living abroad the right to vote from outside the country, a provision the law specifies will be implemented in time for the next parliamentary elections. The measure is positive not only because it promotes participation but also because it will limit the opportunity for political parties or other sponsors to provide transport for some voters to return to the country, a practice which, although legal, may enable manipulation of voting choices. In another measure in the spirit of universal suffrage, the new law refers to the right of disabled voters to access polling stations. Also in line with the



principle of universal suffrage is the recent preparation for an amendment to the Constitution, to reduce the minimum voting age from 21 to 18 years, which is the age of majority.<sup>8</sup> This should be in place in time for the next elections. The new law maintains the prohibition of voting for Internal Security Forces, Public Security, State Security and Customs Police. This disenfranchisement of thousands of Lebanese citizens should be reconsidered, in accordance with international standards on universal suffrage.

The Election Law introduced a number of useful safeguards against fraud. While establishing a permanent voter register along with a system to cross-check entries with national identity documents, the law abandons earlier reliance on voter cards, which had been the source of allegations of fraud. Another provision to limit the possibility of multiple voting is the prescribed use of indelible ink. The stipulation of transparent ballot boxes and serialised envelopes for ballots and the provision for storing ballots rather than burning them directly after counting are welcome confidence-enhancing measures. The new law's reference to the right of election observers to accompany the electoral process also supports an important element of transparency.

Other positive measures in the new law include the prohibition of campaigning materials or activities in the immediate vicinity of polling centres and the establishment of a full day without campaigning through the media directly before election day. Last but not least, the decision to count blank ballots rather than qualify them as invalid allows for a valuable recognition of citizens who use their vote to express their dissatisfaction.

### *B. Universal and Regional Standards*

Lebanon has ratified the International Covenant on Civil and Political Rights (ICCPR), the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) and the Convention on the Political Rights of Women (CPRW) and signed but not ratified the Convention on the Rights of Persons with Disabilities (CRPD). Lebanon is also party to the Convention for the Elimination of All Forms of Discrimination against Women (CEDAW) but did not lift its reservations concerning certain articles i.a. the transmission of nationality and marriage rights.

### *C. Other Applicable Election Legislation*

There is no law on political parties but all associations, including political parties, are regulated by the 1909 Association Law, according to which they must register and be approved by the Ministry of Interior. The Personal Status Law 1951 outlines the regulations for maintenance of the civil register on which the voter's register is based, while the Criminal code gives the regulations for penalties that disenfranchise certain categories of convicted criminals. The Press law is the basis for the free press, supplemented by the media regulations in the Election Law. Decree 1517 on International observers deals with the rights and obligations for international observers and fixes a limit of 100 international observers for each accredited organization. Although the content of Decree 1517 represents a step forward in the regulation of the international observation, the removal of this limit in future regulations would undoubtedly contribute to increase the transparency of the process.

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<sup>8</sup> On 19 March 2009, Parliament voted unanimously to adopt a Constitutional Law to reduce the voting age in Lebanon from 21 years to 18 years. A Constitutional Amendment will be drafted pending approval by the Council of Ministers.

#### *D. The Electoral System*

The electoral system is founded on confessional power-sharing<sup>9</sup>, according to which 50% of the seats have to be allocated to each of the two main confessional groups, Muslim and Christian. The 2008 Election Law stipulates that of the 128 parliamentary seats, 27 must be Sunni, 27 Shi'ite, 8 Druze, 2 Alawaite, 34 Maronite, 14 Greek Orthodox, 8 Greek Catholic, 5 Armenian Orthodox, 1 Armenian Catholic, 1 Evangelical and 1 for Minorities. The different confessional seats within each constituency are allocated according to a majority system.

#### *E. Delineation of Constituency Boundaries*

The new delineation of constituency boundaries in the 2008 Election Law results in an increase of electoral districts from 14 to 26, effectively readopting the constituencies established by the 1960 Election Law. The 26 electoral districts are loosely based on the administrative boundaries of the *qadas*.<sup>10</sup> Agreement was reached to continue with three electoral districts in Beirut, but with changes to the boundaries of these districts and the number of seats allocated to each.

The electoral districts vary widely in the size of their electorates – from over 250,000 to just under 45,000 voters- and despite the variation in the number of deputies elected per constituency, this results in an inequality of vote, particularly in the light of the majority vote system. In addition, the confessional demography of the constituencies has changed following the 2008 re-drawing of boundaries and whereas before candidates ran on multi-confessional lists and the confessional composition was determined by the available seats, as many as half of all constituencies are now 'mono-confessional'. In the context of the current confessional and majority-vote electoral system, this has reduced competition for many parliamentary seats. However, competition was even more intense in a few areas, especially in those with Christian majorities.

### **V. ELECTION ADMINISTRATION**

#### *A. Structure and Composition of the Election Administration*

Under the Election Law the Ministry of the Interior and Municipalities (the Ministry) is the competent body for administering parliamentary elections and administrative bodies are responsible for implementing measures. The Director General of Political Affairs and Refugees is responsible for the operational and logistical preparations for the elections and the six Governors and 26 sub-Governors administer the elections at the governorate and district levels. Interlocutors from across the political and confessional divide repeatedly commended the consistent neutrality and commitment shown by the person of the Minister of the Interior and Municipalities and recognised the extent to which these elections were, in effect, impartially administered. The Ministry thus retained the confidence of the public and contending parties alike, both in terms of its impartiality and its ability to administer the elections in an organised manner. Nonetheless, it is not possible to assume that this degree of

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<sup>9</sup> Furthermore, the President has to be a Maronite Christian, the Prime Minister a Sunni Muslim and the Speaker of the Parliament a Shia Muslim.

<sup>10</sup> In three cases, two *qada* are merged into one district and in one case, a single *qada* is divided into two districts, Saida and Zahranay.

neutrality could necessarily be upheld in future electoral processes in the current institutional set up, as the Minister himself has acknowledged and it therefore remains crucial that an independent election administration body be established.

The creation of the Supervisory Commission on the Electoral Campaign (SCEC) is perceived by some stakeholders as a first tentative step towards the creation of such a body. The SCEC is composed of ten members appointed by the Council of Ministers<sup>11</sup> and is responsible for monitoring campaign financing and the media. During the campaign period the SCEC issued three reports on its media monitoring, highlighting coverage and violations of Article 68 of the Election Law, especially with respect to defamation towards a list or candidate. The SCEC was perceived to have conducted its work in an impartial manner. However, the Commission faced the challenge of enforcing often insufficiently specific regulations and as a result was sometimes ineffective. Particularly in a context of an election so defined by financial resources, the SCEC's remit to monitor campaign spending was rather narrow and was insufficiently supported during the campaign period. During the campaign period, the SCEC received some complaints specific to campaign financing, mostly in reference to Article 59 of the Election Law which deals with financial donations given by candidates to individuals, charity, social, cultural, family and religious organizations. The auditing of the accounts of candidates was still ongoing when the EU EOM left the country. It is therefore too soon to definitively conclude on the effectiveness of the SCEC in controlling campaign spending.

Both the electoral authority and the SCEC are integrated into the executive branch of power, under the direct responsibility of the Minister of the Interior and Municipalities. As such, neither is independent of the government, although in practice a certain degree of independence of the SCEC was encouraged.

The Ministry established an Election Observer Co-ordination Unit to act as a focal point for national and international observers. In addition to issuing accreditations, the unit acted as a liaison between the electoral administration and observers. One week before elections, the unit produced a 'Guide for National and International Observers and the Media', which in addition to the election law contained practical information about the Lebanese electoral process. The Guide may have been of more use to observers and the media if it had been made available at an earlier date as by the time of its publication observers already had the information contained therein.

### *B. The Administration of the Elections*

The Ministry of the Interior and Municipalities carried out electoral preparations in a generally transparent manner, publishing its decisions and holding regular press briefings on preparation developments. Unlike in previous years, elections were held across the country on a single day. This posed a challenge for the Ministry, which on the whole was efficient in meeting deadlines and commitments and addressed the key logistical and operational requirements for the polling day. These included ensuring the selection and training of 11,500 polling staff members, as well as the sourcing and distribution of election materials for the 5,181 polling stations. Among other initiatives, the Ministry prepared a contingency plan for

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<sup>11</sup>Article 12 of the Parliamentary Election Law stipulates the following members: three presiding judges, two former Presidents of the Bar Association, two media and advertising experts, and three experts in election-related disciplines.

polling stations in case of electricity cuts and coordinated with the Central Security Council to prepare a comprehensive security plan.

The election administration, represented at the local level by the 26 sub-governors, performed its tasks in a generally open and transparent manner. Due to tight management at the central level, sub-governors often had few decisions to make and rather waited for instructions from their superiors in the hierarchy. The Ministry of Interior and Municipalities undertook positive measures to implement provisions of the election law, including the adoption of a decree to facilitate access to polling stations for disabled persons. However, it failed to address in a timely fashion the lack of written procedures for determining the validity of ballots and for the aggregation of results, especially at the Registration and Higher Registration Committee levels. For the first time, the recruitment of women as polling station heads and officials was permitted. The Ministry actively encouraged this. However, women continue to be significantly under-represented in the election administration. In response to allegations that false national ID cards were circulating during the final days of the electoral campaign, the Ministry acted appropriately in introducing provisions to prevent the use of such cards at polling stations.

The Ministry made a concerted effort to produce voter awareness programming throughout the entire electoral period. Following publication of the voter register for inspection, the Ministry ran a series of television advertisements to encourage citizens to verify their information. This was accompanied by radio advertisements, pamphlet distribution and the Minister sending 500,000 messages to citizens' mobile phones. Following the announcement of results on 8 June, and in an effort to maintain a calm post-electoral atmosphere, the Ministry broadcast two television advertisements, both transmitting the message that every citizen was a winner.

The technical competence and transparency of the election administration was further evidenced in the prompt publication of results. Despite the absence of written procedures, an adequate results aggregation and transmission process contributed to the credibility of election results as an accurate and genuine reflection of the votes cast on election day.

## **VI. VOTER REGISTRATION**

### *A. The Right to Vote*

The Election Law states that every Lebanese individual who has attained the legal age stipulated in the Constitution, whether or not resident on the Lebanese territory, shall be entitled to vote. The legal age stipulated in the Constitution is 21 years, despite the age of majority in Lebanon being 18 years old. In a positive development, a project of law has been initiated, aimed at amending the Constitution to reduce suffrage to 18 years.

Military personnel are prohibited from voting and this disenfranchisement of thousands of Lebanese citizens should be reviewed at the earliest opportunity. The election law also lists a wide range of criminal offences and sentences which result in suspension of the right to vote. This list is wide-ranging and at times unclear. In order to ensure that no citizen loses their civil and political rights for a relatively minor crime or before having been found guilty, the list of those prohibited from voting should be clarified and reviewed.

Citizens outside Lebanon have until now been able to vote only if they return to the country, which in many cases makes voting impracticable and in other instances results in private sponsorship of travel costs, a practice which can be argued to constitute a form of vote-buying. The 2008 Election Law provides for out-of-country voting, and the EU EOM considers it important that, as contemplated, the implementation of this provision be in place prior to the next legislative elections in 2013.

### *B. Voter Registration Procedures*

Among the improvements brought about by the 2008 Parliamentary Election Law, a permanent voter's register was established, along with clear annual updating procedures. The voter register was updated for the purposes of these elections between December 2008 and 30 March 2009. Some 3,257,224 voters were registered, representing around a five percent increase in the number of citizens registered for the 2005 elections. The register is considered to be generally inclusive and accurate.

Voter registration in Lebanon is a passive system administered by the Directorate General of Personal Status (DGPS) of the Ministry of Interior and Municipalities. The DGPS has a centralised computerised database that it draws from the civil status records held at the Civil Registry offices across the country. Registry offices are responsible for maintaining a register of all births, marriages, deaths and other changes to a citizen's personal status. The DGPS updates the Voter Register annually and produces one automated voter roll for each electoral district.

Although the possibility to remove confession from the register was introduced, this mechanism has been used by a very reduced number of Lebanese citizens. Voters are registered in their place of origin rather than their place of residence and procedures for changing registration location are excessively lengthy and cumbersome.<sup>12</sup> This is linked to the country's confessional system and requires voters to travel considerable distances on election day. Married women's place of registration is automatically their husband's place of registration. Voters aged over 100 years are removed from the Voter Register but can be reinstated upon submission of a request within one month of the publication of the Voter Register.

The last update of the Voter Register took place between 5 December 2008 and 5 January 2009. The updated Voter Register included all citizens who were aged 21 years or above as of 30 March 2009. Around 45,000 citizens turned 21 between March 2008 and March 2009 and were thus added to the Voter Register. Only registration location transfers that had been approved before 5 December 2007 were taken into account during the updating period. Around 130,000 changes were made to Voter Lists, including new voters, the deceased and the indicted, resulting in 3,257,224 voters on the final Voter Register, which constituted a 5% increase compared with 2005, when there were around 3,100,000 registered voters. However, inasmuch as the Voter Register is passive, deriving directly from the Civil Registry offices which continue to list many Lebanese who no longer reside in Lebanon and who

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<sup>12</sup> According to Article 41 of the 1951 Law on Civil Registry Records, an application for transfer of registration location may be made after three years of permanent residence, by producing a statement signed by the Mukhtar and two witnesses and submitting this to the Civil Registry Office in the original registration location. The validity of the claim is then investigated by the police or gendarmerie, after which the claim is considered by the government, which has the discretion to allow it or not.

would not normally have registered to vote, and that it also includes those who are not allowed to vote, such as the military and the internal security forces, the number of registered voters does not reflect the actual number of voters.

This preliminary update of the Voter Register was made available for public inspection between 10 February and 10 March in government offices (muhafazats, qadas, municipalities, makhaters), on the DGPS website, and on a purchasable CD. During that period, any interested individual had the opportunity to submit to the competent Registration Committee a request for the correction of any mistake regarding him or her on the Voter List. Further, each voter registered on a Voter List had the right to ask the competent Registration Committee to cross off or add any other name that had been illegally registered or removed. The DGPS also interpreted article 35 of the election law as allowing it to take the initiative to include eligible citizens on Voter Lists. Registration Committees were required to make decisions on requests for Voter List rectification within five days of submission. Decisions could be appealed within five days before the Higher Registration Committee. Voter lists were extensively reviewed, partly because of the Ministry's awareness campaign and publication of the Voter Register on the website, and partly because of the highly competitive nature of the elections. The decisions of the Registration and Higher Registration Committees were entered into the final version of the Voter Register, which was closed and published on 30 March when it was sent to the Directorate General of Political Affairs and Refugees.

After 30 March it became impossible for voters incorrectly removed from the Voter Register to be reinstated. In spite of article 81 of the election law which stipulates that competent Registration Committees may issue a decision allowing non-registrants to vote, it seems that the Ministry of Justice leaned more toward article 36 that clearly sets 10 March as the deadline for any possibility of the sort. Reportedly, eligible voters who had been left off Voter Lists were not attended at the competent Registration Committees on election day to obtain a decision allowing them to vote.

The Voter Register of each electoral district designated voters to Polling Stations. On election day, Polling Stations were issued with two Voter Lists. A Voters Checklist was signed by every voter after their ballot was cast; an official Voter List was posted at the entrance to the Polling Station.

Voter Checklists included the serial number of the voter's ID card or passport. However, not all eligible voters had an ID card or passport issued prior to the closure and publication of the Voter Register on 30 March. A delay in issuing identity cards was partly due to the rejection of many applications by the Directorate General of Personal Status, the responsible body for issuing ID cards. As part of the ID card application process, the DGPS required citizens to submit prints from all ten digits and there were apparently technical problems at the local level in collecting prints. Although around 300,000 ID cards were issued in the five months prior to the elections, it is possible that a small number of citizens who did not receive their ID card before election day and did not have a valid passport were left disenfranchised.

## VII. REGISTRATION OF CANDIDATES AND POLITICAL PARTIES

### A. *Registration of Political Parties*

The Constitution guarantees freedom of association.<sup>13</sup> There is no law on political parties and the only regulation, including registration procedures, is in the Law of Association, which dates back to 1909 when Lebanon was part of the Ottoman Empire. The Law has not been sufficiently reviewed since then and it has little to provide for political parties' freedoms or responsibilities.

Political parties, like other associations, must submit a request for approval to the Ministry of Interior and Municipalities, which may issue a discretionary decision. No political party has expressed any dissatisfaction with the registration process. There are currently 81 officially active and registered political parties and associations.

Partly due to the outdated and weak regulatory framework, Lebanese political parties have traditionally had a less significant role than in other parliamentary democracies and are often identified by the lists of candidates or a bloc of Members of Parliament, which have been endorsed by a prominent national or local political leader.

### B. *Registration of Candidates*

The election law's criteria for candidates to register are generally straightforward and in accordance with international standards and the deadline for candidate registration on 7 April passed without incident or complaint. Following the official deadline for candidacy withdrawal, several candidates announced their unofficial withdrawal from the campaign. These withdrawals increased closer to election day, partly due to the negotiation processes through which candidates' lists were finalised and agreements among rival candidates were struck.

Candidates running for the elections are required to submit their candidacy applications to the Ministry, specifying the seat and the district for which he or she wishes to run. Candidates have to be of the same confession as the seat they wish to contest, and therefore, can only run in those districts in which there is a seat allocated to their confession. According to the new election law, candidates not only have to submit a financial receipt proving that they have paid the required fees and deposit of 2 and 6 million Lebanese Pounds respectively, but also a bank certificate confirming the opening of an "Electoral Campaign Account".

The election law requires that candidates' registration close 60 days before election day, and that the deadline for candidates' withdrawal is at least 45 days prior to election day. Following the 7 April deadline for candidates' registration, the Ministry announced that 702 candidates were running. Of these only 12 were women, constituting a mere 2% of the total number of candidates. On 22 April, after the deadline for candidates' withdrawal had passed, the Ministry announced that of the 702 original candidates, 215 had withdrawn, and that the remaining 587 were competing for 125 seats, as three Armenian Orthodox seats had already been allocated due to their being only one candidate for the seat corresponding to that confession: two in Beirut II and one in Metn.

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<sup>13</sup> Article 13 [Expression, Press, Assembly, Association] of the Constitution: "*The freedom to express one's opinion orally or in writing, the freedom of the press, the freedom of assembly, and the freedom of association are guaranteed within the limits established by law*".

Following the official deadline for the withdrawal of candidacy, candidates continued to withdraw as lists were formed and candidates opted out following negotiations. Payments for withdrawing have been alleged. Whereas withdrawal within the official period gives withdrawing candidates the right to recover half of the deposit paid, candidates withdrawing after the deadline do not recover deposits. It is estimated that in the period following the official deadline for withdrawals, over 50 candidates unofficially withdrew.

## **VIII. ELECTION CAMPAIGN AND PRE-ELECTION ENVIRONMENT**

### *A. Overview of the Election Campaign*

Election campaigning took place in a generally peaceful environment, despite some isolated incidents.<sup>14</sup> During the course of the campaign, EU EOM interlocutors from across the political spectrum expressed their concern that the prevalence of arms in the country could disturb the electoral process. Particularly considering the recent history of conflict in Lebanon, the mission's assessment is that concerns about a relevant impact on the electoral process did not materialise in a significant way during the campaign period.

The limited extent of genuine competition in many constituencies meant it was always clear that the future parliament's majority would be determined by the results in a small number of intensely competed constituencies and campaigning efforts were focused on these areas, particularly the districts in Mount Lebanon, Beirut I and Zahle. Nonetheless, rallies, bill-posting and village gatherings took place throughout the country.

Despite the elaboration of detailed electoral platforms by the major parties, relatively few campaign messages focused on substantive social or economic programmes. As such, there was little to outweigh the influences of confessionalism, community allegiance and financial resources.

### *B. Use of State Resources*

The EU EOM did not receive any allegations or evidence of direct use of State resources for campaign purposes. Rather, the resources provided by charities, networks and foundations run by political groups played a significant role in campaigning. These organisations' activities appeared to have the most important role in seeking to ensure electoral support through the provision of health, education and other welfare services, or more evidently through the patronage of local leaders and families. These practices were common to most political parties.

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<sup>14</sup> Before polling day, there were some 16 election-related incidents which resulted in injuries. Of these, the two most serious incidents took place in the last fortnight of the campaign period. In Mount Lebanon, opposition supporters clashed with supporters of former MP Emile Nawfal, resulting in injuries to police officers and civilians. The other serious incident resulted in the death of an opposition supporter and the injury of a Lebanese Army member, when a clash took place between two families supporting rival coalitions in Bekaa.



### *C. Campaign Finance*

Lebanese electoral campaigning is significantly influenced by the huge financial resources available to parties in both political blocs. The 2008 Election Law introduced regulations for campaign spending and gave the SCEC the mandate to enforce them. Candidates were required by law to open a campaign bank account and to abide by campaign spending limits determined by the size of their prospective constituencies. However, neither the spending regulations nor the SCEC's resources were of sufficient scope to address the extent to which finances defined the campaign. Auditing of candidates' financial statements takes place after the elections, with little practical regulation during the campaign period. Any realistic attempt to regulate campaign spending will have to take into account that the largest amounts of disbursements in connection to seeking electoral support are outlayed by the charities, foundations and networks linked to political parties and often significantly pre-date the official campaign period during which such finance comes under scrutiny. During the campaign period there were also numerous allegations of external financing.

## **IX. MEDIA AND ELECTIONS**

### *A. Media Environment*

The media landscape in Lebanon is vibrant and diverse, with a large number of print and broadcast media outlets providing a variety of opinions. However while the media system as a whole enables Lebanese citizens to access a plurality of political perspectives, individual media outlets are with very limited exceptions politically aligned. As a consequence, only by being exposed to several media outlets can Lebanese people obtain balanced political information. Freedom of expression was generally respected during the campaign period with no reports of any major restrictions of movement or access for journalists.

### *B. Legal Framework for the Media and Elections*

Freedom of speech and of the press is guaranteed by Article 13 of the Constitution. The Lebanese media is further regulated by the Press and Audio-Visual Media Law (1994) and by the Press Law (1962) which prohibits media content that threatens national security, endangers national security, national unity or state frontiers or that insults high-ranking Lebanese officials or a foreign head of state.

Provisions governing election coverage in the media has been introduced in the new electoral law. Media regulations apply to paid advertisement as well as to editorial content. Print and audiovisual media are required to apply the same conditions for all political advertisement. Moreover, political advertising space should be clearly marked as such and indicate the advertising party. Public and private broadcasters are required to guarantee balance and impartiality in coverage. The election law further stipulates that audio-visual media, together with lists and candidates, should refrain from defamation, inflammatory language and from broadcasting anything that can incite division and violence. A campaign moratorium has been

introduced both for the publication of opinion polls results and for political advertisement and promotion, which is now forbidden in the audio-visual media 24 hours before election day until the closing of polling.

Under the new legislation the Supervisory Commission on Electoral Campaign is tasked with monitoring media for infringements, including unbalanced coverage. The SCEC started at the beginning of April with daily quantitative media monitoring of print and audiovisual media. Based on its monitoring findings, the Commission issued three reports presenting figures on level of access and on media violations. The reports highlighted that the recorded media violations recorded were mainly in breach of Article 68 of the Electoral Law and included instances of defamation and inflammatory language. Violations by candidates were found to be much more frequent than violations by the media. The SCEC makes a broad interpretation of article 68 of the Electoral Law, which refers to audiovisual media. The SCEC has stated it considers article 68 to also apply to the print media, and as such the Commission included the print media in its monitoring of campaign regulations infringements. Unbalanced coverage was also highlighted in the SCEC reports.

The SCEC received a number of media-related complaints from parties and candidates, mainly linked to candidates engaging in divisive and possibly defamatory language through the media. Both in response to the complaints and as a consequence of its media monitoring results the SCEC sent warnings to media outlets and five cases were referred by the Commission to the Court of Publication. The Commission is also reported to have asked websites to remove specific contents.

In practice, while the publication of periodical media monitoring findings and the use of warnings provided journalists and media companies with feedbacks on their ongoing performance during the campaign, these measures proved to be scarcely efficient to ensure that the media covered the elections in an impartial manner. Media interlocutors and candidates met by the EU EOM, while welcoming the establishment of a supervising authority, generally perceived the SCEC as being ineffective in correcting or preventing violations such as bias in campaign coverage.

The introduction of new media regulations during the campaign was received positively by the journalists. However, media interlocutors highlighted that a number of media provisions were unclear and open to interpretation and suggested that early instructions by the SCEC might have clarified certain elements. Also perceived as problematic by the journalists was the fact that the responsibility of unlawful statements made by candidates was considered ascribed not only to the individual making the statement but also to the media publishing it.

### *C. Monitoring of Media Coverage of the Elections<sup>15</sup>*

Based upon the premise stated on section A, in connection with the freedom of expression, print and audiovisual media provided extensive coverage of the elections throughout the monitoring period. Media coverage of the campaign on TV included large amounts of news coverage, a large number of political talk shows as well as panel discussions with experts.

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<sup>15</sup> From 29 April to 6 June the EU EOM monitored a cross section of the Lebanese media with a standard quantitative and qualitative analysis of their election coverage. The sample of media included eight television channels (the state owned Tele Liban and the private channels Al Manar, Future News, LBC, MTV, NBN, New TV and OTV, from 18:00 to 24:00) and four newspapers (Al-Akhbar, Al-Mustaqbal, An-Nahar and As Safir).

The print media covered all major election events and commented the campaign in columns and editorials. EU EOM monitoring results indicate that most media align themselves with a political bloc expressing partisanship in their editorial stances.

Television news broadcasts tended to be partial, either in terms of coverage, tone, or both. In its distribution of time in news reporting, Tele Liban allocated 51% to March 14<sup>16</sup> representatives and 28% to the representatives of the opposition<sup>17</sup>, while in overall informative and political programming; Tele Liban devoted 39% of its time to March 14 and 33% to the opposition. The tone of its reporting was generally neutral.

The private TV channels monitored offered a wide range of formats in their campaign coverage. However, commercial stations coverage tended to be shaped along political lines. Al Manar, NBN and OTV gave more news coverage to the opposition with OTV and Al Manar in particular commenting negatively on March 14. Al Manar devoted 68% of its news coverage to the opposition and 23% to March 14. Similarly OTV gave 66% to the opposition and 23% to March 14. On NBN 62% of the news coverage referred to the opposition and 26% to March 14. For its part, New TV gave almost equal coverage to each bloc in its prime time news but was more often critical about March 14.

In contrast, Future News, MTV and LBC all gave more coverage to March 14, with MTV and Future News in particular airing negative comments on the opposition. On Future News 14 March representatives received 66% share of news coverage of political actors, with the opposition parties receiving 22%. On MTV, March 14 representatives were afforded 57% and the opposition 30% of the news coverage. In the LBC prime time news editions March 14 received 52% of the political airtime, while the opposition parties 32%. Independent candidates received a coverage share ranging from 3% to 6% in the monitored channels' news bulletins. A distinctive feature of television news bulletins was the presence of editorials, in the form of commentary by newsreaders at the start of the news and containing clear instances of channel endorsement of a political option.

Comparable trends to those noticed in the news were observed in the other informative programmes and in political talk shows.<sup>18</sup> Media representatives suggested that some politicians were reluctant to participate in talk shows aired by TV stations perceived as supporter of opposite political views, thus making impossible for the channels to provide a balanced access to their programs.

Among the four monitored newspapers Al Mustaqbal attributed 65% of its political space to March 14 and the 20% to the opposition parties, often in a negative tone. Al Akhbar gave reasonably equal space to both blocs (45% of coverage was given to March 14 and 41% to the opposition) and was more critical of March 14. An Nahar's coverage of the opposition was more negative than its coverage of March 14 to which the paper awarded more space (47% to March 14 and 37% to the opposition). As-Safir granted 40% of its political space to

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<sup>16</sup>Independent candidates running on March 14 and opposition tickets have been considered here as representatives of these blocs.

<sup>17</sup>The remaining political time was allocated to the independent candidates, to the President of Republic and to members of the Government not affiliated to a political party.

<sup>18</sup>New TV shows a different trends in the news coverage compared to in the informative and political programmes overall (the latter category includes news, talk shows, current events programmes, live coverage of campaign activities, speeches of parties' leaders). In fact, while in the news coverage New TV gave roughly equal coverage to both political blocs, in its overall political and informative programming it dedicated 47% of its political time to the opposition and 25% to March 14.

March 14 and 46% to the opposition and the tone of its coverage was slightly more negative towards March 14 than towards the opposition.

Information about the elections was also available in internet versions of newspapers and on main news portals. Election contenders used the web to convey their messages, posting political advertisements on web pages and promotional videos on the popular video-sharing website YouTube, while bloggers actively commented on the campaign.

The EU EOM media monitoring noted instances in which articles and programmes included strong negative campaigning with personal attacks against political opponents. Incitement to division has emerged as a feature of the political discourse reported by the media and rhetoric at times verged on inflammatory. The strong polarisation of the Lebanese political landscape, combined with a general lack of debate on policy issues, created a political discourse in the media based on emotional appeals and communal representations, rather than on political platforms.

Electoral adverts were not frequently aired by TV stations during the monitored period, though an increased number of spots were broadcast towards the end of the campaign period. Some candidates complained to the EU EOM that rates for TV airtime were too high and that they had received requests to pay for news coverage. Very few paid advertisements were placed in the monitored newspapers. Voter education spots produced by the Ministry of Interior were aired by the TV stations, encouraging voters' participation.

The EU EOM noted instances of partisan reporting aired by TV channels during the 24 hours media blackout period directly before election day.

## **X. PARTICIPATION OF WOMEN AND MINORITIES**

### *A. Participation of Women*

The Constitution guarantees equal rights for the sexes and there are no legal impediments for women to stand for election or to be registered as a voter.

Although Lebanese women cast their votes in large numbers, they have extremely low levels of participation in Lebanese political processes and there is no semblance of gender balance in political bodies. Out of the 587 parliamentary candidates, only 12 were women. While in 2005, six women were elected to parliament, in 2009 only four women were elected, constituting 3% of the new parliament, even less than the 5% representation in the outgoing parliament. The development of appropriate measures might enable improvement of women's political representation and their participation in the administration of elections.

The draft election law drafted by the Boutros Commission in 2005 included a quota for women candidates of 30% of those candidates proposed for election in the constituencies where PR was to be applied. However this was not retained by Parliament.

In general women candidates face economic and social constraints, firstly because campaigning is very expensive and secondly because of the dominance of male social structures.

The election law consolidates civil registry rules by stating that on marriage; a woman's location of registration is automatically transferred to her husband's. In addition, Lebanon's nationality law forbids the transmission of Lebanese nationality to the children of a Lebanese woman married to a foreigner. These rules are clear instances of discrimination against women as they restrict their enjoyment of civil and political rights.

Promotion of women in political life is currently carried out by several women's rights organizations such as the Lebanese Association for Combating Violence against Women, the Committee for Political Rights of Women, the Lebanese Women's Council, the Lebanese Association of Women Lawyers, and the Council for Lebanese Women's Organization.

### *B. Special Needs Voting*

Relying on legal provisions for disabled persons (Election Law, Article 92), the Lebanese Physically Handicapped Union (LPHU) promoted accessibility to Polling Stations. A countrywide audit of Polling Stations carried out by the LPHU found that there was very little provision for physically disabled voters with, for example, only two of the 72 Polling Centres in Beirut ensuring adequate access. LPHU worked with the Ministry in drafting a decree for implementing the Election Law with respect to the disabled; the decree, passed by Cabinet of Ministers approval on 13 May 2009, contained basic practical provisions. While significant improvements were not implemented in time for the 2009 elections, the LPHU maintains a long-term programme for change through improved legal provisions. LPHU deployed over 100 observers on election day, in addition to a number of volunteers mobilised across the country to assist disabled voters in accessing Polling Stations.

## **XI. PARTICIPATION OF CIVIL SOCIETY**

Lebanon has a vibrant civil society sector and organisations were active during the electoral campaign period and the period prior to the adoption of the 2008 Election Law. Civil society organisations involved in elections ranged from NGOs focusing on electoral reform, to electoral observation organisations, to organisations seeking to promote human rights, including within the electoral process. Many voter awareness programmes were equally launched during the campaign, focussing on human rights issues such as women's rights and the rights of the physically disabled.

Despite the adoption of the 2008 Election Law, several NGOs continued to call for further reform of the electoral system, and many expressed specific support for the Boutros Commission Draft Law. The Civil Campaign for Electoral Reform (CCER) was particularly active in promoting electoral reform prior to the campaign period, as was the Lebanese Physically Disabled Union, which continued, alongside electoral observation organisations to play an active role throughout the campaign.

Provisions regarding electoral observation were included for the first time in the new election law. This had a decisive impact on the visibility and the working capacity of domestic observation groups, both during the electoral campaign and on election day.

The Lebanese Association for Democratic Elections (LADE), which was present in 2005 but had not managed to obtain accreditations from the Ministry for its observers in the absence of legal provisions defining their work, was widely present before and on Election Day.

Through the Lebanese Coalition for Election Observation (CLOE), which included 57 NGOs and 7 universities, LADE managed to train and deploy around 2,500 domestic observers throughout the country, with an emphasis on closely contested areas. Funded by international donors, this was the largest domestic observation group. Alongside its domestic observers, LADE invited a group of monitors and experts from several NGOs and universities originating from 17 Arab countries. The group's aim was to not only participate as observers but also to learn about Lebanese democratic practices. Following the elections, LADE announced its intention to join efforts with other Arab organisations to help contribute to the creation of a solid electoral observation network within the Arab world.

During the election campaign period, LADE held three press conferences in which it released its observation findings, including on the performance of the electoral administration and the behaviour of candidates and media outlets. National civil society organisations expressed general support of LADE's reports.

## **XII. COMPLAINTS AND APPEALS**

### *A. Electoral Offences*

There are three kinds of electoral offences in the Election Law, one concerning funding and spending, one campaign violations and one the behaviour of polling officers.

Article 62 stipulates that any intentional breach of the provisions in the chapter on funding and spending shall be penalised with a maximum of 6 months imprisonment, a fine of between 50 and 100 million LBP, or both.

Article 76 authorises the SCEC to issue warnings and order the guilty media outlet to publish an apology or allow the right to respond. Alternatively, the SCEC can refer the matter to the Court of Publication, which can either impose a fine ranging between 50 and 100 million LBP or suspend the political and news programmes bulletins, interviews and fora for a maximum of three days. If the violation is repeated, all programmes can be suspended for a maximum of three days.

Article 79 sanctions heads and clerks who fail to appear at the polling station with one month in jail or a fine of 1 million LBP. If said members of the polling station panel fail to perform their obligations or follow instructions stipulated in the election law, they risk imprisonment of between three months and three years, or a fine of 1 to 3 million LBP.

The Penal Code includes criminalisation of several acts that can have an impact on the electoral process, such as preventing a citizen from exercising his or her civil rights or duties, any act that would influence the vote of a citizen with the intention of affecting the results of the elections through threats or promises, and any act that intends to change the results through fraud.

A public employee shall be penalised if he takes advantage of his position to another citizen's vote. The sentence includes deprivation of civil right until after rehabilitation which generally takes between three to seven years after the principal punishment has been served.

Crimes such as defamation, inflammatory or insulting speech and incitement to public disorder or violence are provided for in the Penal Code and the Press Law.

To date, the mission is only aware of sanctions imposed in relation to Article 76, as described in the media section.

### *B. Complaints and Appeals*

The re-establishment of the Constitutional Council shortly before polling day restored the recourse for appealing against election results. Once an appeal is submitted, the President of the CC appoints another CC member as a reporter with investigating powers, who shall present a report to the President within three months of his appointment. Immediately after the submission of the report the Council will convene and must issue its decision within one month. This means that from the time a complaint is made to the issuance of a decision, as much as four months may have passed.

Appeals may only be lodged by defeated candidates and may only concern the constituency in which they contested. Complaints may be registered up to thirty days after the official announcement of results, which means the deadline for any appeal of these election results was 8 July 2009.

Appeals do not suspend elections results and those Members of Parliament considered elected according to official results remain in their positions, unless the CC determines that the challenge against them was well-founded. In such an instance, the CC may either annul the result and declare the appellant the winner or may order a re-election for the seat.

Recourses for complaint regarding the preparatory stages of the electoral process are limited and unclear. The Constitutional Council and the State Council previously determined themselves incompetent to adjudicate preparatory electoral acts, such as the formation of voter lists, or decrees on calling elections.<sup>19</sup> The new election law gives the State Council jurisdiction to hear appeals against SCEC decisions, which by definition are limited to media and campaign regulations. This recourse was employed in one instance during the electoral campaign, although the outcome was a confirmation of the SCEC's authority to sanction, rather than a substantive appeal determination.<sup>20</sup>

Shortly after election day, four former candidates expressed their intention to challenge the election results in the districts of Zahle and Metn, both among the most closely-contested constituencies.

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<sup>19</sup>Constitutional Council Decision December 8<sup>th</sup>, 2000 and State Council Decisions July 18<sup>th</sup> and August 1<sup>st</sup> 2007.

<sup>20</sup>On 21 May 2009, the Co-ordinator of the General Secretariat of the March 14 alliance appealed against a SCEC decision not allowing an advertisement to be broadcast, due to its content. The State Council confirmed the SCEC's competence to evaluate electoral content of advertisements, despite the Sécurité Générale's competence to review general content.

On 10 June 2009, Michel Aoun announced that the FPM / Reform and Change Bloc intended to contest before the Constitutional Council Michel Murr's membership in parliament on charges of intimidation and threats,<sup>21</sup> while Michel Murr filed a contestation of the overall election results in Metn on the grounds that there were fake votes from the Armenian community which exceeded the normal Armenian voting rate.<sup>22</sup> In parallel, the Syrian National Socialist Party candidate Ghassan al-Achkar contested Sami Gemayel's election on the ground that three ballot boxes were allegedly not opened.

FPM / Reform and Change Bloc contested the results in Zahle. FPM / Reform and Change Bloc claimed that an important number of Sunni voters were not supposed to be considered as registered voters in this district. Agriculture Minister Elias Skaff (whose bloc is part of the Change and Reform Bloc) additionally accused the intelligence bureau of interference in the polls.

At the time the mission left the country, no complaints had been officially lodged at the CC.<sup>23</sup>

During the campaign period, the SCEC received no campaign financing complaints, but did receive a number of media-related complaints from candidates, lists and parties. In the main, these complaints relied on Article 68 of the Election Law which prohibits defamation and referred to statements made by candidates in the print and broadcast media, as well as the content of political parties' websites, billboard advertisements, booklets and pamphlets. Other complaints referred to the misuse of public spaces for advertising or other electoral purposes such as events or rallies, as defined under Articles 70 and 71 of the Election Law. The SCEC issued several warnings in response, and referred five cases to the Publications Court. By the time the mission left the country, the Court had ruled on one of these cases, confirming the SCEC's position.

### **XIII. ELECTION DAY**

#### *A. Overview of Voting*

A significant increase in voter turnout, as compared to the 2005 parliamentary elections, confirmed the Lebanese people's commitment to democracy. The official participation rate was 54%, an increase of approximately eight percent compared to the 2005 elections. Given the voter register's passive nature and its inclusion of people who are unable or prohibited from voting, this turn-out figure under-represents the proportion of people who availed themselves of their right to vote<sup>24</sup>. The rate varied significantly between districts, ranging from 37 % in Becharre to 68 % in Saida. Generally the higher participation rates were seen in the highly contested districts which determined the parliamentary majority, that is to say Beirut I, Zahle and Metn. In the districts of Zahle and Metn, the turnout was relatively high

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<sup>21</sup>Narhanet. 10 June 2009.

<sup>22</sup><http://www.naharnet.com/domino/tn/NewsDesk.nsf/getstory?openform&BABEEACA74E941E1C22575D7003180CDU>. 16 June 2009.

<sup>23</sup>Michel Aoun filed 7 complaints after the EU EOM left Lebanon. Consequently, the mission did not observe and cannot evaluate the way these complaints were handled by the CC.

<sup>24</sup>The Voter Register is passive, deriving directly from the Civil Registry which lists many Lebanese who have resided abroad, sometimes for generations, and would not have normally registered to vote. Further, the Voter Register includes those who are not allowed to vote, including military personnel.



(56%) while the number of votes which determined the winners was particularly low in Metn and Beirut I. In Beirut I, the difference between the majority and opposition lists was just 2,500 votes.

Voters' motivation was supported by the decision of the Council of Ministers to make the two days on either side of polling day national holidays, thus enabling voters to travel. However, long waiting times and queues resulted in tensions in some locations. Security forces acted quickly and efficiently to maintain order and were always observed to operate within their mandate. Throughout the day, the Minister's presence both in the media and on the ground facilitated ad hoc clarifications to improve procedural shortcomings and contributed to a calm atmosphere.

The opening of polling stations took place in a timely, calm and peaceful manner, with no observed incidents of intimidation or violence, and in 92 % of observed polling stations EU EOM observers assessed the overall process as either satisfactory or good.

Voting processes were well-administered by polling station staff, which included at least one woman in 33 % of polling stations. Women were observed acting as polling station heads in only 8% of polling stations. Domestic observers were present in 40% of polling stations observed by the EU EOM and while candidate representatives were observed in almost all polling stations, they were over-represented in 17% of polling stations. The timely distribution of election material resulted in no observed shortages on election day. Despite the law prohibiting them, campaigning materials were present in the direct vicinity of more than 40 % of observed polling stations and campaigning activities in 18 %.

Contrary to Article 82 (2) of the election law, which states that there must be a minimum of one polling station head and two assistants present during the electoral process, the Ministry's official polling and counting handbook indicates that polling operations could proceed even if there are fewer than three members present. EU EOM observers noted throughout the day that almost 25% of polling stations operated with fewer than three members, and candidate representatives were often selected to fulfil the roles of both political representative and polling assistant. Despite this shortcoming, implementation of polling procedures was rated as either satisfactory or good in 95% of observed polling stations.

## **XIV. RESULTS**

### *A. Counting and the Announcement of Results*

Polling stations were closed according to schedule and the counting took place in a generally calm atmosphere. Procedures were implemented in a transparent manner and with only minor irregularities concerning validation of the ballots and packaging of sensitive materials. In the observed polling stations, the content of every ballot was always announced aloud, results were posted outside polling stations and candidate representatives received copies of the results. EU EOM observers assessed closing and counting procedures as either satisfactory or good in almost all observed polling stations.

Despite the lack of detailed written procedures for aggregation of results at Registration and Higher Registration Committee levels, the transmission of results from the polling station to the Registration committees was generally performed in an orderly manner and in a secure

environment, free from intimidation or incidents. Although formal complaints were lodged in over 20% of Committees, the EU EOM assessed the aggregation process as transparent and as either satisfactory or good in over 90 percent of observed Committees.

In accordance with the election law, results were posted outside polling stations, adding an extra measure of transparency to the electoral process. While it is not required by the election law, this transparency could have been extended to the posting of results following their aggregation at Committee levels. This was in fact done by fewer than half of observed Committees.

Article 96 of the election law requires that blank ballots be considered valid and should therefore not be counted with invalid ballots. This new provision provides a means for voters to demonstrate their dissatisfaction with the political offer. Out of the 1,487,972 votes that were cast, 11,197 were blank, constituting an estimated 1% of the total.<sup>25</sup>

While the EU EOM noted that Registration Committees changed Polling Station Head decisions regarding invalid ballots in almost 30 percent of observed Committees, the number of affected ballots was always less than five from any given polling station. Out of the 1,487,972 votes that were cast, 9,706 were considered invalid, constituting less than 1% of the total.<sup>26</sup>

The day after election day, the Minister of Interior and Municipalities held three press conferences to announce the results in all of Lebanon's electoral districts, as these became available. By early afternoon all results had been announced and soon after, results were made available on the official Ministry website. However, the Ministry removed all results from the website within three days of putting them up. While the posting of results is an important transparency measure and their removal was unfortunate, it is understood that the most likely reason for their removal was due to data input difficulties for a small number of districts.

Figures of votes cast in two constituencies - Nabatiyeh and Zahle - were not made available on the official election website prior to the removal of all results figures, and nor were the number of blank votes cast in Zahle, Zahrani, Saida and Byblos.

Overall the counting, aggregation and announcement of results processes were carried out reasonably well and there was no indication that any weaknesses in the process were intentional. However, clearer, more detailed procedures would enhance transparency by ensuring consistent practices.

### *B. Political Overview of the Election Results*

The official results of the parliamentary elections as announced by the Ministry of Interior and Municipalities show that the March 14 bloc won 71 seats in total and the opposition 57 seats, compared to 72 and 56 seats in 2005 respectively.

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<sup>25</sup>Due to the missing figures for votes cast in Nabatiyeh and Zahle, as well as the number of blank votes in Zahle, Zahrani, Saida and Byblos, the total number of votes and blank votes may change but it is unlikely the percentage will vary much when the information becomes complete.

<sup>26</sup>Figures of invalid votes are still not available for Zahle, Zahrani, Saida and Byblos.

On the majority side, Saad Hariri and his Future Movement were the primary winners of these elections with 38 seats<sup>27</sup> and Mr Hariri was chosen as Prime Minister-designate, tasked with forming a government, on 28 June. The two Christian parties of the Majority, Amin Gemayel's Kateab and Samir Geagea's Lebanese Forces, won five seats respectively. Walid Jumblatt's Progressive Socialist Party / Democratic Gathering Bloc won 12 seats.

On the opposition side, the Free Patriotic Movement and its allies of the Reform and Change Bloc (Tashnag, El Marada and other FPM-affiliated independent candidates) won 27 seats;<sup>28</sup> an increase of 6 seats compared with 2005, notably due to gains in Zgartha (3 seats, against the Majority), Jezzine (3 seats, at the expense of Amal), Baabda (4 seats)<sup>29</sup> and despite losses in Zahle (4 seats lost) and the allying of Michel Murr's bloc (2 seats) with the majority. Amal obtained 13 seats and Hezbollah 11.

Contrary to expectations, there was little cross-ticket voting. Most voters used ballots provided by political parties, and the almost complete absence of cross-ticket voting explains why candidates running majority lists in Beirut I and Zahle were all elected, resulting in the unexpected failure of Elias Skaff for Change and Reform Bloc in Zahle.<sup>30</sup>

According to a study by the Beirut Centre for Research, the popular vote was won by the opposition (54.7% of the votes – 839,371 votes) while the majority only received 45.3% of the votes (693, 931 voters). This represents a difference of 145,000 votes.

Early reactions from both blocs indicated that the results were accepted by all political parties. Saad Hariri (Future Movement) took a conciliatory stance after the publication of the results and said that there was no winner or loser after these elections. He added that he was “ready to give the resistance and Hassan Nasrallah all that they could require in terms of guarantees for their weapons”.<sup>31</sup> Just before the official release of the results, Walid Jumblatt (Progressive Socialist Party) warned against a policy of “isolation against the others” in case of a March 14 victory and called for a joint implementation of the Taef Accord.<sup>32</sup> Nabih Berri (Amal) congratulated the majority for their victory,<sup>33</sup> while Hassan Nassrallah (Hezbollah) said that his party accepted results and the new parliamentary majority while awaiting statistics on popular majority.

The 2009 elections results have maintained the balance of power between the majority and the opposition. Saad Hariri's Future Movement remains the most prominent party within the

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<sup>27</sup>The Future Movement won 32 seats and can be expected to achieve between 35-40 with affiliated members, depending on the outcome negotiations.

<sup>28</sup>FPM won 15 seats. The Change and Reform Bloc, of which FPM is part, should effectively gain a total of 27, including affiliated independent candidates and Members of Parliament from Tashnag, El Marada and the Lebanese Democratic Party.

<sup>29</sup>The seats in Baabda were previously won by the current majority and Hezbollah in 2005. Along with Amal, they formed the quadripartite alliance, which was effective in all the electoral districts during the 2005 parliamentary elections.

<sup>30</sup>The electoral results in Zahle have been considered as surprising by the opposition. Elias Skaff (a Greek catholic candidate running for the opposition), despite being a Minister and having been elected as a Member of Parliament in 2005, was not elected this time, and neither were the members of his list. The result was indeed primarily determined by the importance of the Sunni voters (considered as being usually pro-majority), which represents 26 % of the total of the registered voters.

<sup>31</sup>An Nahar. 8 June 2008.

<sup>32</sup>In an interview with LBC on 7 June 2009. <http://www.mideastmonitoring.com/2009/06/lebanon-jumblatt-warns-against-policy-of.html>.

<sup>33</sup>Narhanet 8 June 2008.

majority, while the opposition will be dominated at the Parliament by Michel Aoun's Free Patriotic Movement / Reform and Change Bloc.

One of the major national issues surrounding these elections was to see whether the Christian vote would repeat its 2005 choice (“Aoun's Change and Reform Bloc”) or opt for the 14 March Christian parties (Kateab and Lebanese Forces mainly). Amin Gemayel (Kataeb) and Samir Geagea (Lebanese Forces) have alleged that Michel Aoun lost his leadership over the Christian votes. They claimed that the majority benefited from 58 % of the Christian votes, an argument which was refuted by the Reform and Change Bloc, which is claiming 50 % of these votes. The FPM / Reform and Change Bloc subsequently pointed out that they won 18 seats out of the 34 seats (53%)<sup>34</sup> allocated for the Christian Maronites.

With 11 seats, Hezbollah is one the main parties within the opposition along Amal and the Reform and Change Bloc.

## **XV. RECOMMENDATIONS**

The following recommendations to improve the electoral process and related areas are offered for consideration and action by the Government of Lebanon, political parties, civil society and the international community.

### **Legal Framework**

1. All future electoral reforms should take the opportunity to consider the Constitutional aim of a non-confessional electoral system. Without imposing a fixed timeframe, the appropriateness of gradually reducing the emphasis on confessionalism in the electoral system should be maintained as a consideration, so long as it is achieved through complete consensus and maintains protection for all Lebanese communities.

### **Electoral System**

2. So long as it is achieved through consensus, the electoral system should be reformed to introduce a degree of proportionality. The current majority vote system contributes to the limited level of competition for most parliamentary seats.

### **Election Administration**

3. As a matter of priority, the necessary reforms should be made to introduce the use of officially printed ballots. This will be an essential element of voter's right to a secret vote and will abolish practices associated with vote-buying and increase confidence in the process.

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<sup>34</sup> Namely in Zgartha (3), Jbeil(2), Kesrouan (5), Metn (3), Jezzine (2), Baabda (3).  
Source. FPM. 10 June 2009.

4. In order to ensure neutrality and transparency, an independent election management body should be established, building on the experience gained with the SCEC. The body should enjoy financial and administrative autonomy and be composed of non-partisan commissioners who hold regular plenary sessions with stakeholders and immediately publish decisions.

5. The capacity of any independent Election Management Body (EMB) to monitor candidates' spending during the campaign period should be enhanced. The EMB should have access to full financial disclosure from candidates in carrying out the verification of statements of campaign expenditures and revenues.

6. All electoral administration decisions and instructions should be promptly published, on the appropriate website, in a printed gazette and in the media.

### **Voter Registration**

7. In line with international best practices, the minimum voting age should be the age of majority. The Council of Ministers and Parliament should pursue the recent adoption of a project of law aimed at amending the Constitution to reduce suffrage to 18 years.

8. The disenfranchisement of military personnel should be rescinded.

9. The provision for out-of-country voting in the 2008 Election Law should be implemented in time for the next parliamentary electoral process.

10. The process by which voters may transfer their location of voter registration to where they reside should be simplified, shortened and made more transparent. This administrative process should not take longer than a few months at most and should not be subject to discretionary veto by the Ministry of Interior and Municipalities.

11. The law should clearly ensure that pre-trial detainees do not lose their right to vote.

### **Political Parties and Candidates**

12. In the absence of a law on political parties, the law of association which regulates the registration of organisations including political parties should be amended to provide for a clear timeframe for the consideration of registration requests and should make the decision to enable registration accountable. In the law and any eventual decisions, reasons for refusing registration should be clearly outlined and consistent with international human rights standards.

### **Campaign Environment**

13. It would be useful for the election law to stipulate a limited campaign period prior to election day. Currently, candidates may begin campaigning as soon as they are registered and in practice campaigning often starts before this. A prescribed time limit for campaigns would contribute to a level-playing field and would help to maintain voter's interest and motivation to participate.

14. The prescribed length of the campaign period should end before polling day. Currently, the law only prohibits campaigning in the media during the 24 hours before voting starts. The prohibition of campaign activities on this day and on polling day should be enforced.

15. Financial resources play a disproportionate role in election campaigning in Lebanon and current regulations and enforcement are inadequate. Campaign spending regulations should be further detailed and practices which could be viewed as conducive to vote-buying should be limited, including the private sponsorship of travel to Lebanon for expatriate citizens.

16. While the widespread influence of charities, foundations and networks is culturally deeply-rooted, regulation should be introduced to mitigate the extent to which these organisations can be used to achieve electoral support.

### **Voter Education**

17. Lebanon has a long tradition of electoral processes and several generations of the electorate have repeated experience of elections. However, public education programmes regarding the right to a secret vote may be constructive and could be linked to public support and understanding of official pre-printed ballots.

### **The Media Sector**

18. Insufficiently detailed media-related provisions of the election law should be clarified to ensure an unambiguous regulatory framework for the media. Any future EMB should adopt sub-legal acts and regulations to provide legal clarification of uncertain media obligations in order to make media provisions more effective and enforceable. These clarifications should be achieved in consultation with journalists and editors and thereafter should be published.

19. In the absence of a legally-stipulated campaign period, the media should be informed of exactly when campaign-related media regulations come into force.

20. The regulatory framework could be further enhanced by establishing a more effective mechanism to ensure compliance with and enforcement of media regulations.

21. Impartiality and equal access are of particular importance in news, current affairs or discussion programmes and therefore all broadcasters should abide by standards of impartiality in their informative programmes, in line with the obligations set by the election law. While reflecting a polarised political discourse, media organs should be mindful of their responsibility to avoid amplifying or exploiting incitements of hatred or division in their coverage.

22. Consideration should be given to allocate free airtime to political parties and candidates on state-owned broadcasting corporations to allow all election contenders to effectively communicate their platforms to the public. In a media system characterised by a private audio-visual media sector shaped along political lines, state broadcasters have a particular responsibility to be a genuine public service and create a forum for all campaign messages during the election period.

23. Journalists should consider developing self-regulatory principles to ensure respect for journalistic standards and awareness of the media's social responsibility during election campaigns. Such principles should be embodied in a code of conduct endorsed by all media.

### **Women's Participation**

24. Legislation that discriminates against women's enjoyment of civil and political rights should be amended. The automatic transfer of women's registration to their husband's location should be changed as a matter of priority, primarily because of its discriminatory nature and also because of its secondary practical implications when registration is based on location of origin rather than location of residence.

25. The law which prevents Lebanese women from passing on citizenship to children if they marry a foreign national is in urgent need of amendment in order to meet Lebanon's commitments to non-discrimination on the grounds of gender and also because of its implications when all Lebanese citizens are entitled to vote, even second or third generation emigrants.

26. Beyond their participation as voters, women's representation in Lebanese political spheres is extremely low and should be improved with adequate measures.

27. Women's representation in the administration of elections could be improved by training and recruitment programmes which include women's representation as a priority.

### **Civil Society and Domestic Observation**

28. The Election Law provides for access to polling stations for the physically disabled and the LPHU has worked with the Ministry to draft a decree for implementing this provision. Action should be taken in good time prior to the next elections to ensure that physically disabled voters enjoy their right to access polling stations.

29. Building on the first reference to election observers in the 2008 Election Law, the rights and responsibilities of national and international observers could be given further detail, prioritizing observers' right to view all stages of voting and counting and their responsibility to remain neutral and not interfere in the process. Domestic observation organisations should be supported in their endeavour to recruit and train election observers, not least because of the opportunity provided for citizens to be involved in a constructive and evaluative approach to political processes.

30. Although the Decree 1517 represents a step forward in the regulation of the international observation, the removal of the limitation to 100 observers per international observation mission in future regulations would undoubtedly contribute to increase the transparency of the process.

## **Complaints and Appeals**

31. A clearer and more comprehensive complaints framework to enable challenges of more elements of electoral administration would enhance transparency and accountability. The existing structure enabling decisions by the SCEC to be challenged at the State Council is appropriate, but is naturally only a recourse for the limited number of issues which the SCEC is mandated to monitor. A clear appeals system should be established to enable voters and candidates alike to seek redress on all elements of electoral administration, from voter registration to pertinent incidents on polling day. Legislation or regulations should clearly set out which administrative or judicial institution is responsible for hearing specific types of complaints.

32. With regard to the existing recourse for appeal to the Constitutional Council against election results, the effectiveness of the complaints process could be enhanced by a revision of the timeframe for decisions. While the thirty-day margin for complaints to be submitted is appropriate, the CC's requirement to produce a decision only within three months is excessive. Unless an adjournment for specific evidential reasons is necessary, the CC should be required to determine appeals within one month of their submission, providing a record of the evidence considered.

## **Polling, Counting and Publication of the Results**

33. All appropriate measures should be undertaken to ensure the attendance of the required number of polling station staff members at each polling station. The reliance on fewer staff members or the assistance of untrained members of the public or party agents diminishes the credibility and efficiency of polling processes.

34. The introduction of standardised officially pre-printed ballots remains of the highest priority. In their absence, the number of serialised envelopes received by the polling stations should be counted and recorded prior to the start of polling and reconciled with the number of envelopes before the start of counting.

35. Written procedures for aggregation of results after counting at polling stations should be drafted, for use by Registration and Higher Registration Committees. These procedures should include reference to the right of party agents and election observers to attend aggregation stages of the counting process.

36. Publication of results should continue to be done in a timely fashion and should be issued to the press, on the internet and in a published gazette. The removal of official results from the Ministry's website, however, should be avoided as it raises unnecessary concern about transparency and reliability of official figures.