

## Statement of Preliminary Findings and Conclusions

### ***POLITICAL BACKGROUND***

The June 7, 2009, parliamentary elections in Lebanon follow four years of intense conflict and political instability. After the closure of parliament and the end of former President Émile Lahoud's term in 2007, Lebanon underwent its worst period of political upheaval since the end of the civil war in 1990. The Doha agreement, signed on May 21, 2008, marked the end of this political crisis which had by that time resulted in several hundred deaths. The agreement outlined the steps necessary to end the crisis (including reconvening the Cabinet and Parliament) and led to the election of President Michel Sleiman. In addition, commitments were made regarding electoral reform, and timely elections.

Lebanon has held parliamentary elections since the 1920s (with the exception of a hiatus between 1975 and 1990 during the civil war). The most recent elections in 2005, which were regulated by the 2000 election law, were characterized by a lack of competition.<sup>1</sup> Following the elections, the Council of Ministers appointed the National Commission on Parliamentary Electoral Law (also known as the "Boutros Commission") to revise electoral legislation in Lebanon. This commission submitted a draft law to the Prime Minister in 2006, some aspects of which were incorporated into the new electoral law which was adopted by Parliament in September 2008<sup>2</sup> following the election of President Michel Sleiman and the formation of a new multi-party government under the Doha agreement.

The results of the election have been accepted by both sides. They should provide an acceptable basis for consultations regarding the formation of a broad-based government. In addition, the 2009 electoral process provides an important foundation for additional electoral reforms to which a broad spectrum of civil society and political leaders have already committed.

The Carter Center also commends the political factions for participating in the process of national dialogue that has unfolded since 2006. Although The Carter Center recognizes the difficulty of reaching consensus on several key issues, the dialogue has provided a useful forum for parties to debate questions critical to the nations. In the immediate pre-election period, a national dialogue was held that focused on the elections with parties calling for calm. This was widely perceived as an important contribution to the process.

### ***LEGAL FRAMEWORK***

The Carter Center has based its observations and preliminary findings on Lebanon's domestic legislation and political commitments relating to the electoral process, as well as its international human rights obligations. This preliminary statement details the degree to which Lebanon has upheld of its commitments and provides initial recommendations for future electoral processes.

Lebanon's legal framework is based on the National Pact of 1943, the Ta'if Accord of 1989, and the Doha Agreement of 2008. The legal framework of the parliamentary elections consists of the Lebanese Constitution, the 2008 Parliamentary Election Law (PEL) and other relevant laws and regulations. The current electoral law is based on the 1960 and 2000 electoral laws and the Boutros Commission draft. It was published in October 2008.

Lebanon has ratified a number of international treaties including the International Covenant on Civil and Political Rights,<sup>3</sup> and the Convention on the Elimination of Discrimination

against Women.<sup>4</sup> Additionally, Lebanon is signatory to the Convention on the Rights of Persons with Disabilities.<sup>5</sup> The obligations found therein are reflected in Lebanon's legal framework.

Compared to the 2000 Electoral Law, the 2008 Parliamentary Electoral Law (PEL) includes significant improvements aimed at promoting transparency and deterring voter fraud. Elections are to be held on a single day instead of over four consecutive weeks. In addition, the ballot boxes are transparent;<sup>6</sup> observation by domestic and international observers is explicitly provided;<sup>7</sup> polling staff and candidates' representatives are able to ensure ballot boxes are empty prior to voting;<sup>8</sup> and indelible ink is used to mark the thumb of voters.<sup>9</sup> The Carter Center notes the positive addition of specific provisions regarding the voting of disabled persons to the electoral law.<sup>10</sup>

**Equal Suffrage** - Although notable, the changes in the 2008 PEL do not change the electoral system itself but did alter the delimitation of boundaries. This delimitation does not align with international obligations for equality of suffrage and the right of citizens to vote.<sup>11</sup> As agreed in Doha, the 2008 electoral law divides Lebanon into 26 electoral constituencies (*qadas*) which vary significantly in population size and seat allocation and therefore result in inequalities in the weight of votes across constituencies.<sup>12</sup> Boundary delimitation for future elections should address this disparity to promote greater equality in suffrage.

**Right to Vote** - In addition, the right to vote appears subject to unreasonable restrictions. Specifically, citizens naturalized for less than ten years, and non-retired security personnel are forbidden to vote.<sup>13</sup> While reasonable restrictions on the right to vote are recognized in international law,<sup>14</sup> those found in Lebanon's electoral law appear overly restrictive and should accordingly be reconsidered. In addition, the failure to accommodate voters who are housebound by illness or age, are hospitalized, or are detained through a lack of provisions for voting outside polling stations leads to their effective disenfranchisement.

The 2008 Electoral Law stipulates that non-resident Lebanese citizens are entitled to vote outside of the country. The passage of the law in late 2008 prevented out-of-country voting from taking place for the 2009 elections, however plans are in place to implement the law before the 2013 elections. The Carter Center encourages Ministry of the Interior and Municipalities (MOIM) to provide the Lebanese Diaspora with the opportunity to fulfill their rights in their place of residence. Such action may help to reduce the alleged practice by parties of purchasing airline tickets for voters to travel to Lebanon to vote. In addition, the Center welcomes the extension of suffrage to youth voters by lowering the voting age from 21 to 18 through the process of constitutional amendment which is ongoing.

**Right to be Elected** - Confessional representation is a significant barrier to Lebanon's compliance with the international obligation to allow all citizens an equal opportunity to be elected.<sup>15</sup> The 128 seats in Parliament are reserved for 11 confessional groups (including one seat for religious minorities). While recent initiatives have sought to lessen somewhat the impact of the confessional system in Lebanon,<sup>16</sup> The Carter Center remains concerned that candidates must be affiliated with a recognized religion to run for election. No provision is made to ensure the representation of citizens who belong to another religious group or who are not affiliated with a specific religion. The Carter Center fully endorses Lebanon's long-standing national goal of abolishing political confessionalism outlined in the Constitution, through the creation of a non-confessional Chamber of Deputies and a confessional Senate.<sup>17</sup>

***Secrecy of the Vote*** – Official, standardized, pre-printed ballots are not required by law which is of particular concern to The Carter Center mission. Instead, voters could cast their vote using a pre-printed ballot provided by political coalitions which they can cast as is, or could cross out the pre-printed names of candidates from the list and write in their own choice. These ballots vary greatly in size and there are no standard requirements regarding font and format for the ballot. Alternatively, voters could write their preferences in pencil on a blank piece of paper provided inside the voter booth.<sup>18</sup> In practice, the pre-printed ballots are so small, that it can be difficult for a voter to replace a candidates name with his or her choice.

The lack of an official, pre-printed ballot, when combined with the use of the family code, undermines the right to secrecy of the ballot. When registered, voters are assigned a code by family name. In addition, the lack of standard ballot format potentially allows political coalitions to design ballots with unique formatting for specific groups of voters, including families. The family code, coupled with the potentially identifiable ballots, can hypothetically allow candidates' representatives to tie ballots to a specific family during the counting process. In addition, the lack of non-standardized ballots increased concerns regarding potential vote buying in the days before the elections because of the ease with which ballots could be tied to a group of voters. In order to better protect the fundamental rights of citizens, The Carter Center recommends that official, standardized, pre-printed ballots be used in future elections.

#### ***ELECTION ADMINISTRATION***

An independent and impartial electoral authority that functions transparently and professionally is internationally recognized as an effective means of ensuring that citizens are able to participate in a genuine democratic election, and that other international obligations related to the electoral process can be met.<sup>19</sup>

Elections in Lebanon are organized by the MOIM, through governors (Muhafez), district commissioners (Qaimmakam), and poll workers. The MOIM has broad authority over electoral operations and the allocation of election materials. In addition, it has an advisory role in the adoption of government decrees on the implementation of electoral law, registration of candidates, and voting day operations. The MOIM is generally perceived as competent and committed to holding elections in line with legal deadlines and requirements. Carter Center observers noted that, during the pre-election period, almost all necessary election preparations were made on time and most polling boards were prepared and well equipped.

The largely successful conduct of the 2009 elections is widely perceived to be a result of the Minister of the Interior and Municipalities, Ziad Baroud's personal commitment to a transparent electoral process. An independent and impartial election authority would help to ensure that future elections are equally well administered.

***Electoral Preparations*** - The Carter Center commends the MOIM for conducting intensive poll worker trainings for the more than 11,000 polling officials employed on election day, publishing reference manuals for poll workers and observers, and establishing a 'hotline' to respond to the queries of polling officials and voters on May 15, 2009. The hotline appears to have been well-publicized and used. For example, two weeks before election day the hotline received 1,023 calls (an average of 205 call a day). Carter Center observers noted that on election day the hotline appeared to be effectively employed and operators largely

responsive to the issues raised by voters and poll workers when a connection could be made. This represents an important step in ensuring poll workers are aware of their responsibilities and are adequately prepared to effectively implement polling-station-level procedures that are critical to the exercise by citizens of their electoral rights.

**ID Cards** - In order to cast a ballot, voters have to prove eligibility by presenting their identification document (ID card) or a valid Lebanese passport. While Lebanese authorities embarked on a large-scale effort to provide voters with ID cards prior to the election, a significant number of voters were refused ID cards due to incorrect fingerprinting procedures at *Mukhtar* level. Due to the high number of errors and subsequent rejected applications, the MOIM extended the deadline for corrections and issuance of ID cards until May 23, 2009 (two weeks before election day). The MOIM has also introduced digital fingerprint scanning kits and 27 temporary ID issuing centers to ensure all eligible voters were provided with the necessary identification documents.

In the days leading up to the election, reports of fake IDs being issued to voters and concerns about fraud were rampant. Carter Center observers did not report any cases of fake IDs being used on election day.

#### **VOTING**

The voting process is the cornerstone of the obligation to provide the free expression of the will of the people through genuine, periodic elections. Certain participatory rights must be fulfilled in order for the voting process to accurately reflect the will of the people. Foremost among these are the right to vote, to participate in public affairs, and to enjoy security of the person.<sup>20</sup> The state must take all necessary steps to ensure such rights are fully protected and awarded to all citizens in an equal and non-discriminatory manner.<sup>21</sup>

The Carter Center's overall impression of the process was positive despite a number of procedural shortcomings.

**Security** - Generally the environment on election day was peaceful. The presence of security forces, deployed in large numbers in advance of election day, was noted as positive by Carter Center observers. Isolated incidents of violence were effectively controlled and did not overly disrupt the process.

**Distribution of Materials** - The distribution of materials was observed by almost all teams. In general, this process was completed as planned but was noted by some to be rather chaotic. In some polling stations observed by The Carter Center, there was confusion regarding the procedures for the storage of materials. While security forces played an active role in the deployment of election materials, escorting and securing election materials in some locations, in others, polling station heads or village or town mayors stored materials in their homes. This inconsistency should be addressed prior to future elections.

**Poll Opening** - On election day, observers generally noted that polls opened on time. Where there were delays, they were short and were caused by minor administrative issues that did not appear to represent a systematic shortcoming on the part of election administrators. Overall opening procedures appear to have been clearly understood and effectively followed.

**Slow Voting Procedures** - Procedures were generally implemented, including the use of the voter booth. Carter Center observers noted, however, that the procedure of only allowing as

many voters into the polling station as there were polling booths, caused delays in the voting process and long lines of voters waiting to enter the station, leading to increased tensions in some places. Voters waited for several hours in some polling station observed by the Center. In response to these difficulties, the Minister of the Interior and Municipalities announced that additional voting booths would be provided to polling stations as needed. However this instruction does not appear to have been consistently transmitted to polling station staff.

***Candidates Representatives and Political Association Supporters*** – Carter Center observers reported candidates’ representatives to be present in all polling stations visited, increasing the transparency of the electoral process.

In many polling places visited, candidates’ representatives or candidate supporters were selected to serve as polling assistants in the polling stations. The electoral law only states that polling assistants shall be drawn from a pool of literate voters and does not prohibit supporters of specific parties fulfilling this role. For the most part, partisan polling assistants were chosen from competing factions. Carter Center observers noted that these polling assistants did not always fulfill their official role, but instead continued to act as candidates’ representatives. This effectively left some polling stations understaffed, exacerbating the inefficiencies in the voting process.

***Election Day Campaigning*** – Carter Center observers in multiple districts reported widespread campaigning in and around the polling station. This included the handing out of pre-printed ballots, supporters wearing party paraphernalia within the polling place, supporters campaigning from cars, and posters within the 50m radius of the entrance to the polling station in which such behavior is prohibited.

***Intimidation of Voters*** – Carter Center observers noted multiple instances of voter intimidation by party supporters in some parts of the country. The presence of party supporters in and around polling stations, as well as the establishment of temporary party offices in the immediate vicinity of polling centers was considered intimidating by observers.

***Participation of Women*** - State obligations to promote de facto equality for women derive, in part, from broader political obligations regarding absence of discrimination<sup>22</sup> and the right of all citizens to participate in the public affairs of their country regardless of gender.<sup>23</sup>

Lebanese women obtained the right to vote and run for election in 1953. Although women are well-represented within the membership of some political parties, the leadership of parties in Lebanon is predominantly male. While there are no legal obstacles to the participation of women in elections, de facto barriers remain. The Carter Center notes with concern that women were significantly under-represented on the candidate lists for this election with only 12 women contesting seats out of 587 official candidates (two per cent overall). Furthermore the visibility of female candidates in the electoral campaign was low, reflecting, in part, the lack of positive measures to promote women’s participation within parliament that would better ensure compliance with international obligations for women’s political equality.<sup>24</sup>

While this low level of participation is of significant concern, the Center commends the initiative of the MOIM to include women as polling station staff, for the first time in Lebanon's history. Some 2,000 women, (15 to 20 per cent of the more than 11,000 polling staff), have been identified through the Ministry of Education to perform the duties and responsibilities of clerks.

Center observers visited polling stations that were both gender specific and mixed-gender polling stations. In general, women seemed to exercise their franchise in equal if not higher numbers than men. In addition, female party agents were observed at a majority of polling places visited by Center observers.

***Participation of Disabled Voters*** – States are obligated to ensure persons with disabilities may exercise all political rights on an equal basis with others, including the right to vote and be elected.<sup>25</sup> All citizens are to have equal access to the election process, which should enable blind (including citizens with limited sight) the deaf or those with disabilities to cast a secret ballot.

On May 13, 2009, the Lebanese Government issued a decree regarding accessibility for disabled voters,<sup>26</sup> the first attempt to improve disabled persons' access to the polls. These include adding architectural features to polling stations and centers that will facilitate access to polling stations by disabled persons, and training for poll workers. While such steps have the potential to increase access to polls for the approximately 68,000 registered voters with disabilities in Lebanon, Carter Center observers were disappointed to note that, in practice, access to the polls for disabled voters remained extremely limited and suggest that in the future polling places be more readily accessible.

***Civil Society and Domestic Observation*** - An international commitment that every citizen has the right to participate in the public affairs of their country establishes the right of all citizens to freely participate within civil society and domestic observation organizations.<sup>27</sup>

For the first time, the 2008 electoral law explicitly provides for the accreditation of domestic election observers. Several such domestic organizations participated in the 2009 elections. These include the Lebanese Association for Democratic Elections (LADE), which recruited 2,325 volunteers and trained 1,744 representatives<sup>28</sup> as well as extensively following media conduct throughout the electoral process. LADE issued a number of public reports regarding electoral violations in the pre-election period.

In addition, Lebanese Transparency Association (LTA) trained and deployed 79 monitors and have tracked campaign funding and expenditures since August 2008. In addition to assessing the cost of publicity, and electoral offices, LTA has developed a monitor's manual. Following the election, LTA will issue public reports, and will embark on an advocacy campaign regarding campaign finance.

Carter Center observers reported meeting domestic observer representatives in over half of the polling stations visited. In general, domestic observer access to the polling stations and electoral process was not hindered and they could actually observe the process unfold.

***Late Dissemination of Regulations*** - A number of rules and regulations were disseminated very late in the process. These include a number of circulars detailing such aspects of the process as the distance from the polling station within which campaigning is prohibited and other matters that were released on Friday June 5. The degree to which poll workers were aware of these circulars varied.

Circulars regarding essential matters such as the procedures for tabulating votes at the Registration Committee were not forthcoming in advance of the election, leaving the process unclear through election day.

#### ***COUNTING AND TABULATION***

An accurate and non-discriminatory vote counting process, including the announcement of results, is an essential means of ensuring that the fundamental right to be elected is fulfilled.<sup>29</sup>

Polls closed at 19:00 in the majority of polling stations observed by the Carter Center and voters who were in line at that time were able to cast their ballots. Carter Center observers noted that, in general, the environment during poll closing and counting was peaceful and took place free from unauthorized interference.

Carter Center observers noted that in some polling places procedures were not consistently followed, in particular, envelopes were not sorted based on validity and invalidity, although in most cases the validity of the ballots themselves was determined according to the established procedure. Carter Center observers reported that ballots were accurately counted in polling stations visited, and that the results were publicly posted in a consistent manner.

The Carter Center observed the tabulation of votes at Registration Centers throughout the country. Most observer teams noted that the lack of clear procedures for tabulation of votes resulted in confusion, particularly during the material collection process. The Carter Center recommends more timely clarification of such essential procession in advance of the next election.

#### ***CANDIDATES, PARTIES AND THE CAMPAIGN ENVIRONMENT***

The right of individuals to participate in public affairs, including through the establishment of and free association with political parties and participation in campaign activities, is protected by international principles and fundamental electoral rights.<sup>30</sup>

Overall, the campaign environment has been relatively calm and candidates were able to campaign freely throughout the country. Candidates have used a broad array of campaign methods, including short text messages, billboards, car convoys, media appearances, media advertisements, music festivals and rallies. Campaigning (handing out posters and other materials, food, and cars driving round with campaign paraphernalia rather than rallies) continued right up to election day.

However, some incidents of violence, including the burning of billboards, removal of candidate's pictures, and partisan street fights were reported during the pre-election period. In addition, some parties and media outlets have reported on allegations of improper use of state resources. Some candidates have engaged in divisive language aimed at particular confessional groups or at the role of particular candidates in Lebanon's civil war.

***Campaign Finance Regulation*** - The 2009 elections were the first in which campaign finance was regulated which is an important step for Lebanon, where the funding of campaigns has long been a controversial matter. Of particular note in this regard was the establishment of the Supervisory Commission on the Electoral Campaign (SCEC)<sup>31</sup> with a mandate to monitor, control and report on the candidates' campaign expenditures and media-related provisions. While the creation of this body is a positive step towards increasing oversight of campaign finance and the media environment, the Center notes that the SCEC

faces several challenges beyond its control, including banking privacy laws which undermines the SCEC's ability to fully regulate campaign finance by making it possible to open a bank account without providing personal information.

The SCEC has attempted to improve control and reporting of campaign expenditures, such as clarification of how to allocate spending to the different candidates<sup>32</sup> and preventing the use of prohibited facilities (such as places of worship and certain public venues) there are several issues that are not effectively addressed in the law or in practice.<sup>33</sup> It remains difficult for the SCEC to control foreign funding,<sup>34</sup> which remains a pervasive issue in Lebanese electoral campaigns, even though it is prohibited in the PEL. In addition, individual charitable contributions by candidates remain difficult to regulate.<sup>35</sup>

In order to promote greater transparency and improve the regulatory system for campaign finance, The Carter Center offers two recommendations. First, the SCEC should consider making public the expenditure reports submitted by candidates and, second, should consider regulation of political parties finance. Such practices would be in line with line with emerging international norms regarding transparency of political finance.

### ***MEDIA ENVIRONMENT***

International obligations related to the media and elections include freedom of expression and opinion and the right to seek, receive and impart information through a range of media.<sup>36</sup> Although The Carter Center did not conduct comprehensive media monitoring for the 2009 elections in Lebanon, the following observations are offered.

Media plays a key role in the electoral campaign by providing information to voters regarding their rights, communicating candidates' programs and policy positions, and framing electoral issues. In general, the Lebanese media landscape is highly political and aligned along religious lines, as evidenced by licensing practices for private TV stations.<sup>37</sup> Better regulation of licensing and ownership requirements could aid in the creation of a more pluralistic media environment, which is an internationally recognized means of ensuring robust political discourse and open debate concerning the electoral process.

The 2008 election law provides for campaign silence 24 hours before polling day,<sup>38</sup> restrictions on the publication of opinion polls ten days before polling day,<sup>39</sup> and regulation of electoral advertisements.<sup>40</sup> Additionally, the 2008 Parliamentary Electoral Law provides the SCEC the discretion to conduct media monitoring of foreign satellite channels,<sup>41</sup> including candidates' access to them which is difficult to regulate.<sup>42</sup>

Under Article 19 of the 2008 election law, the SCEC is in charge of implementing Chapter 6 of the same law on Electoral Media and Advertising. Although the SCEC is not fully independent from the Ministry of Interior and Municipalities,<sup>43</sup> the Minister has underscored his commitment to uphold SCEC decisions. Prior to the election, the SCEC released two reports on legal violations by the media that indicates that the most frequent violation has been defamation by politicians and candidates.<sup>44</sup> In order to address the situation, the SCEC sent an initial letter to each concerned a media outlet requesting that the reported violation be addressed, before considering the application of any penalty under PEL Article 68.

The Carter Center also notes with concern that Article 68 of the 2008 law does not exempt media outlets from liability for the dissemination of untrue or inflammatory statements made by others during a live broadcast.<sup>45</sup> While the right of the media to freedom of expression

may be limited based on objective and reasonable criteria,<sup>46</sup> a media should not be held responsible for a candidate's statements that it unknowingly disseminates.<sup>47</sup>

### ***VOTER REGISTRATION***

Sound voter registration processes which ensure an accurate and complete voters' list are a principal means of ensuring that universal suffrage and the right of every citizen to vote are fulfilled.<sup>48</sup>

Voter registration is conducted by the General Directorate of Personal Status of the Ministry of Interior and Municipalities. Voters lists are permanent in nature and updated once a year on the basis of the civil registry. Administrative changes to people's status are introduced by *Mukhtars* on the basis of death and birth certificates or religious marriages.<sup>49</sup> The Carter Center notes that the absence of a central electronic database requires book-keeping in 47 Registration Offices, a potentially burdensome practice that could be counteracted by the creation of an automated database at the national level.

The provisions of the 2008 Parliamentary Election Law dealing with voter registration have shortcomings, most notably, that revisions to the list may only be made during specific updating periods. This practice excludes those who come of age between March 30 of an election year and the election day from the register. This could be addressed by allowing those whose birthdays will fall within that period to register during the updating period despite not yet reaching the age of majority.

In a positive step not explicitly required by the PEL, the General Directorate of the MOIM extended the verification period by requesting that the heads of regional registration offices begin the process prior to the official December 5, 2008 start date. According to the authorities, the process of checking and verifying data on the voter register resulted in the deletion of approximately 40,000 double entries. Some 45,000 citizens newly eligible to vote were included in the current voter register. In total, 3,258,572 citizens were registered to vote in the June 7 elections.

However, the system does not register voters according to their "actual residence" in the civil registry. Instead, citizens are registered in the place of their family's origin, which, in many cases, differs from their current domiciles. This neglects the existing demographic map and causes unnecessary inconvenience to voters who must travel specifically to vote on Election Day, as well as potentially disenfranchising voters with limited mobility or who are unable to travel away from their place of residence. This, coupled with the one-day election, led to concerns that traffic throughout the country would be heavy and might delay voters from reaching their constituencies. Carter Center observers found this concern to be unfounded, with the exception of Tripoli where the movement of voters was hindered due to heavy traffic.

The MOIM conducted a number of education campaigns regarding the voter registration process. In addition, a number of *Mukhtars* and candidates demonstrated initiative by conducting door to door canvassing to improve the quality of the register. No complaints related to inaccuracies to the voter registry were reported to Carter Center observers.

### ***VOTER EDUCATION***

States must take specific measures to address difficulties that may prevent persons from exercising their electoral rights effectively.<sup>50</sup> Voter education is recognized in international

law as an important means of ensuring that an informed electorate is able to effectively exercise their right to vote.

According to the election law civic education programs were to be broadcast three hours a week;<sup>51</sup> the locations of the polling stations were published in the official gazette at least 30 days before polling day;<sup>52</sup> and, the voters' register and polling stations locations were published on the website of the Ministry of Interior and Municipalities.<sup>53</sup> In April, the MOIM launched nationwide voter education radio and TV programs (seven public service announcements on the television and three documentaries). Voter education programming was broadcast on both public and private outlets. The MOIM, supported by the United Nations Development Program (UNDP), conducted national voter education and awareness campaigns informing voters where, when and how to register and to vote.

MOIM voter education efforts included a focus on cooperation with the 'Lebanese Council of Women,' a network of approximately 170 non-governmental organizations based in six Lebanese districts.<sup>54</sup> The UNDP organized roundtables with participation of women's NGOs and candidates, in which women have the opportunity to ask the questions and discuss relevant topics with the candidates.

#### ***ELECTORAL DISPUTE RESOLUTION***

Efficient electoral dispute mechanisms, including, as necessary, the provision of a fair and public hearing before a tribunal, are essential to ensure that effective remedies are available for the redress of violations of fundamental rights related to the electoral process.<sup>55</sup>

One of the major shortcomings in the Lebanese electoral law is the lack of provisions on complaints and disputes resolution. While most complaints during the electoral campaign were filed with the SCEC, the legal mandate of this body is limited to media and campaign finance matters<sup>56</sup> making the degree to which it can resolve other electoral complaints unclear.<sup>57</sup> In addition, the 2008 Parliamentary Electoral Law does not make any provision for lodging complaints on polling day,<sup>58</sup> and the means by which the MOIM will process and resolve electoral complaints is uncertain.

The Constitutional Council remains the only institution with jurisdiction over challenges to the electoral results.<sup>59</sup> However, five of the ten Council members were only appointed on May 26, 2009, even though a majority (seven of ten members) is needed to rule in electoral cases.<sup>60</sup> The appointment of the Council members is evidence of the state's commitment to provide citizens with an effective system of redress for the violation of electoral rights. The Center urges all electoral stakeholders to pursue complaints through their appropriate channels of resolution. Carter Center observers will remain in Lebanon in the post-election period to monitor the resolution of disputes.

The Carter Center notes that the 2008 electoral law requires that ballot papers be retained for three months before burning, an increase from previous legislation which destroyed ballots upon the announcement of results. This provision is an important improvement which may substantially increase the efficacy of dispute resolution by retaining ballots for any necessary recounts. Also notable is the legal provision that ballots be retained securely beyond the three month deadline if they are subject to a challenge before the Constitutional Court.<sup>61</sup>

***The Carter Center conducts election observation in accordance with the Declaration of Principles of International Election Observation and Code of Conduct for International Election Observation adopted at the United Nations in 2005.***

*The Carter Center was founded in 1982 by former U.S. President Jimmy Carter and his wife, Rosalynn, in partnership with Emory University, to advance peace and health worldwide. A not-for-profit, nongovernmental organization, the Center has helped to improve life for people in more than 65 countries by resolving conflicts; advancing democracy, human rights, and economic opportunity; preventing diseases; improving mental health care; and teaching farmers to increase crop production. Visit: [www.cartercenter.org](http://www.cartercenter.org) to learn more about The Carter Center.*

<sup>1</sup> In Lebanon, the Druze are included in the list of Muslim confessions that are represented in Parliament.

<sup>2</sup> Published in Gazette, issue no. 41, of October 9, 2008.

<sup>3</sup> Ratified November 3, 1972. Also the International Convention on the Elimination of all forms of Racial Discrimination, the International Convention on Economic Social and Cultural Rights, (Ratified November 31, 1972),<sup>3</sup> the Convention on the Political Rights of Women (Ratified June 5, 1956),<sup>3</sup> and the Convention on the Rights of the Child (Ratified May 14, 1991).<sup>3</sup> Additionally, Lebanon has endorsed the 1948 Universal Declaration of Human Rights.

<sup>4</sup> Ratified April 16, 1997, reservation Art. 9(2), Art. 16(1c) (1d) and (1g), Art. 29(1)

<sup>5</sup> Signed June 14, 2007, entered into force May 3, 2008

<sup>6</sup> PEL Article 85(1).

<sup>7</sup> PEL Article 20, 83 and 94.

<sup>8</sup> PEL Article 86(1).

<sup>9</sup> PEL Article 90(3).

<sup>10</sup> PEL Article 91 and 92.

<sup>11</sup> International Covenant on Civil and Political Rights, Art. 25(b); UNHCR General Comment 25, para. 21.

<sup>12</sup> For example, over 41,000 voters are represented by each of the three seats allocated to the Bin Jbeil district, while 17,845 voters are represented by each seat in the Keserwen district.

<sup>13</sup> PEL, arts. 5, 6 and 8

<sup>14</sup> UNHRC General Comment 25, paras. 4, 10.

<sup>15</sup> ICCPR, Art. 25(b), Convention on the Political Rights of Women, Art. 2, Concluding Observations of the Human Rights Committee: Lebanon. 01/04/97. CCPR/C/79/Add.78, para. 23.

<sup>16</sup> Circular issued on February 11, 2009 by the Ministry of the Interior and Municipalities which makes the statement of confession in the civil register optional.

<sup>17</sup> See Article 22 of The Lebanese Constitution (amended on the basis of the Ta'if Agreement).

<sup>18</sup> A list of candidates is provided in the polling booth.

<sup>19</sup> UNHRC, General Comment No. 25 para. 20

<sup>20</sup> International Covenant on Civil and Political Rights, Arts. 2, 25(a) and 9

<sup>21</sup> The State must take necessary measures to give effect to rights enshrined in the treaty to which they are party. Such rights include the right for all citizens to be treated in an equal and non-discriminatory manner. ICCPR; Art. 2(2); International Convention on the Elimination of all forms of Racial Discrimination, Art. 1.

<sup>22</sup> ICCPR, art. 25; 2(1); 26

<sup>23</sup> UDHR; Art. 21(a); ICCPR, Art 25(9); ICERD, Art 5(c)

<sup>24</sup> Convention on the Elimination of All forms of Discrimination against Women Arts. 3, 4(1), 7. See also, CEDAW Committee General Recommendation No 23, para 15.

<sup>25</sup> United Nations Convention on the Rights of Persons with Disabilities, Art. 29

<sup>26</sup> Decree on accessibility for people with special needs during the voting process, May 13, 2009

<sup>27</sup> International Covenant on Civil and Political Rights, Art. 25(1)

<sup>28</sup> LADE Report No. 2, May 8, 2009, page 2.

<sup>29</sup> International Covenant on Civil and Political Rights, Art (25)(b)

<sup>30</sup> ICCPR, Art. 25(a); ICERD, Art. 5(c); CEDAW, Art. 7(b), UNHRC General Comment 25, para. 26

<sup>31</sup> PEL, art. 12

<sup>32</sup> It is supposed to balance the difference in maximum amount to be spent per candidate in each district. The maximum amount a candidate can spend is in Baalbek-Hermel (1,172,548,000 LBP, i.e. USD 781,738) and the lowest is in Becharre (335,636,000 LBP, i.e. USD 223,789). See PEL Article 57 on the flat amount, Decree no. 1655 of April 4, 2009 defining the variable ceiling of the maximum that each candidate can spend during the electoral campaign, published on April 9, 2009, as well as the SCEC resolution available at: <http://www.elections.gov.lb/SCEC/Campaign-Finance-Regulations/> -سقف-الانفاق-الانتخابي-النهائي-بحسب-تقسيم-الدوائر-  
l.aspx.

<sup>33</sup> The SCEC resolutions and statements are available at: <http://www.elections.gov.lb/SCEC/Campaign-Finance-Regulations.aspx>; or in the newspapers.

<sup>34</sup> Direct and indirect foreign funding is explicitly prohibited in PEL Article 56(3).

<sup>35</sup> See prohibition under PEL Article 59.

<sup>36</sup> ICCPR, Art. 19

<sup>37</sup> Source: Democracy Reporting International (DRI) and the Lebanese Association for Free Elections (LADE), *Assessment of the Election Framework. Election law of 2008. Lebanon*, December 2008, page 34.

<sup>38</sup> PEL Article 73.

<sup>39</sup> PEL Article 74(4).

<sup>40</sup> PEL Article 63 and 66.

<sup>41</sup> PEL Art 75(2)

<sup>42</sup> PEL Article 75(2).

<sup>43</sup> PEL Article 11.

<sup>44</sup> The first report covers the period from April 14 to 28, 2009, the second covers the period from May 7 – 13, 2009. During the former period there were 293 reports of violations. During the latter period there 543 violations.

<sup>45</sup> The exception are cases where the statements have been ruled unlawful by a court or the statements constitute direct incitement to violence and the media outlet had an opportunity to prevent their dissemination.

<sup>46</sup> ICCPR, Art. 19(3)

<sup>47</sup> Joint Statement of the UN Special Rapporteur on Freedom of Opinion and Expression, the OSCE Representative on Freedom of the Media, the OAS Special Rapporteur on Freedom of Expression and the ACHPR Special Rapporteur on Freedom of Expression and Access to Information on the Media and Elections, May 15, 2009

<sup>48</sup> An accurate and complete voters registration list promotes public confidence in the electoral process and protects fundamental human right to a genuine democratic election (General Comment No 25, para 16)

<sup>49</sup> Every locality/municipality within the *qada* whose population exceeds 500 individuals elects a local registrar or *mukhtar*, who serves as middleman between residents of the locality/municipality and the registration center to which they belong. The *mukhtars* don't receive money from the State. Instead they receive remuneration for services provided to the residents in personal status matters.

<sup>50</sup> Specific difficulties include such things as language barriers, poverty, and impediments to the freedom of movement. States must ensure that voter education reaches the broadest possible pool of voters; United Nations Human Rights Committee General Comment 25, para. 11)

<sup>51</sup> PEL Article 69.

<sup>52</sup> PEL Article 78.

<sup>53</sup> PEL Article 34 and 78.

<sup>54</sup> Beirut, Bekaa, Nabatyeh, Mount Lebanon, North Lebanon, and South Lebanon

<sup>55</sup> International Covenant on Civil and Political Rights Art. 2(3), UNHRC General Comment No. 32, para. 18

<sup>56</sup> PEL Article 19.

<sup>57</sup> See the SCEC resolution on the complaint process available at: <http://www.elections.gov.lb/SCEC/Campaign-Finance-Regulations/> بيان-من-هيبة-الاشرف-على-الحملة-الانتخابية-بشان-تح.aspx

<sup>58</sup> The issue is not really addressed in the official Polling Station Handbook, page 24: "Complaints and Remarks during the Polling Day. The polling station head shall record in the minutes all the complaints and remarks related to the electoral process and submitted by people who are authorized to be in the polling station, including voters."

<sup>59</sup> Constitutional Council Law of 1993 Article 24.

<sup>60</sup> Constitutional Council Law of 1993 Article 2. See Article 3 of the same law on members' qualification requirements and selection process.

<sup>61</sup> PEL Article 101.