



PRELIMINARY STATEMENT

A well-conducted election, but action is needed to improve access for women to political power and to strengthen the supervision of campaign finance

Beirut, 8 May 2018

This preliminary statement of the EU election observation mission (EU EOM) is delivered before the completion of the entire electoral process. Critical stages remain including adjudication of possible petitions. The EU EOM is now only in a position to comment on observation undertaken to 7 May, and will later publish a final report, including full analysis and recommendations for electoral reform. The EU EOM may also make additional statements on election-related matters as and when it considers it appropriate.

Summary

- Parliamentary elections in Lebanon saw the introduction of innovations such as a new proportional system, voting by expatriates and increased voter secrecy that widened the fields of competition and choice for the electorate. However, a low turnout may suggest voter confusion and apathy, despite the fact that Lebanese voters have not been called to the polls for nine years. Stronger campaign finance regulations and capacity to implement them, in a country where campaign spending is high, are needed to support a level playing field, particularly for a new generation of independents and women. Unequal access to media favouring those with the largest campaign funds could be addressed.
- Voting on election day was generally peaceful and the administration of polling efficient with the presence of politically-diverse candidate and list agents. Counting and tabulation were transparent. All EU EOM observers were able to observe the polling process without hindrance.
- The new electoral law introduced several welcome innovations, including the right of expatriate Lebanese to vote, greater secrecy of voting through official printed ballots, and a proportional voting system that opened some previously static fields of competition.
- However, further legislative reform could be considered in a number of areas, including on campaign finance regulation and on the discriminatory provisions against women which persist despite Lebanon's national and international commitments to protect their rights. For example, women are still not allowed to pass their citizenship to their children and have to transfer their voter registration, once married, to their husband's place of registration.
- All layers of the electoral administration conducted their work in a generally transparent and impartial manner. On a technical level, the administration organized the elections efficiently, meeting all the legal and operational deadlines, including the training of staff, printing of ballots and despatch of materials in-country and abroad.
- However, the Supervisory Commission for Elections' lack of financial independence and absence of powers to investigate, adjudicate or sanction breaches are issues that could be addressed. This,

coupled to loopholes in the campaign finance regulations, made effective control of campaign spending difficult. The late allocation of the Commission's budget did not allow it to start monitoring campaign spending before the elections. Adequate control over campaign spending is crucial for a level playing field.

- The voter register, as well as candidate and list registration were assessed as inclusive, and enjoyed the confidence of politicians and other stakeholders. The lists comprised parties from across the confessional and political spectrum, independent candidates and civil society actors. No list was rejected.
- The campaign period was generally peaceful, with parties and candidates on the whole enjoying freedom of speech, movement and assembly. However, there were a number of isolated incidents, including scuffles, sometimes involving arms, physical assault and the denial to some candidates of their right to canvass or hold events in public places.
- Micro-campaigning in small gatherings and door-to-door canvassing was a key element of the campaign period, opening the path to money politics and the exchange of favours for loyalty. In parallel, parties and candidates put significant resources into street advertising, as well as paying for media appearances. The vast majority of independent candidates and aspirants from civil society lists and smaller parties, lacking such resources, turned to intensive use of social networks instead.
- Out-of-country voting for Lebanese expatriates, a long-awaited and positive development, was conducted smoothly and was observed by the EU EOM in ten European countries. Observers reported that the vote was without serious incident, and that party and candidate agents across the political spectrum were widely present and able to observe without undue restrictions. They reported minor voter list administrative errors which deprived a number of people of the right to vote. The mission detected no irregularities with the use of coded seals, tamper-evident envelopes and other safeguards for transportation and storage.
- Lebanon enjoys a diverse and plural media environment and freedom of the media was generally respected during the campaign period. However, the political alignment of media outlets led to uneven media access for candidates and to generally unbalanced election coverage. This was compounded by unclear legal provisions and weaknesses of the Supervisory Commission for Elections (SCE).
- Despite a dramatic increase in the number of female candidates compared to previous elections, women remain severely under-represented in politics. Only six women were elected. The 2017 electoral law did not include affirmative measures to address this.
- According to the electoral law, the Ministry of Interior and Municipalities (MoIM) has the responsibility of taking into account the needs of People with Disabilities (PWD) and facilitating their right to vote. Nevertheless, only 47 per cent of the polling stations visited by EU EOM observers were accessible to PWD, voter education was not inclusive, there were no specimen tactile ballots, and the media coverage of campaign and other election events did not include sign language.

The European Union Election Observation Mission (EU EOM) has been present in Lebanon since 27 March 2018 following an invitation from the Lebanese authorities. The Mission is led by Chief Observer, Elena Valenciano, Member of the European Parliament (Spain). In total, the EU EOM deployed across the country 132 observers from the 28 EU Member States, as well as Norway and Switzerland, to assess the whole electoral process against Lebanon’s international obligations and commitments for democratic elections as well as its own laws. A delegation of the European Parliament, led by José Ignacio Salafranca MEP (Spain), joined the mission and fully endorses this Statement. On election day, observers visited over 525 polling stations in 15 major districts and 26 minor districts of Lebanon to observe voting and counting.

Preliminary Findings

Background

The Lebanese parliament passed a new electoral law with the agreement of almost all political parties in June 2017. The previous eight years were marked by successive coalition governments, three extensions of parliament’s term and more than two years of a vacant presidency, the result mostly of resignations, deadlocks over appointments and disagreement over reforms. The law introduced proportional representation and preferential voting for the first time and remapped constituency boundaries. For the 2018 elections, Lebanese expatriates were able to vote abroad for the first time across the world. After nine years without elections, a large number of first-time voters joined the voter register.

The 6 May parliamentary elections were for 128 seats equally shared between Christians and Muslims, further divided among seven Christian and four Muslim sects¹. Seventy-seven lists contested the elections, with 597 candidates, among them 86 women.

In the past, the majoritarian “winner-takes-all” system guaranteed a secure return of MPs to the leading confessional parties in their strongholds. The element of political contest was almost entirely confined to a few constituencies. The new electoral system introduced new fields of competition hitherto unknown in most areas of the country. This has altered the political architecture, forcing parties to build ad hoc alliances with a broad, movable set of partners established district by district. It has come as the lines between Lebanon’s two big blocs – the March 8 and March 14 alliances² – have gradually blurred, but not entirely disappeared. Candidates emerged from civil society as a new political force in the 2016 municipal elections, and this trend has consolidated with the formation of civil society lists for the 2018 parliamentary elections.

Legal framework

An improved legal framework introduces for the first time proportional representation and official printed ballots, but further reforms could be considered.

¹ Lebanon recognises 18 religious groups. Eleven of them have political representation in parliament.

² Both alliances were formed in the wake of the assassination of Prime Minister Rafiq Hariri in 2005. The pro-Syrian 8 March Alliance led by Hezbollah includes the Amal movement, the Free Patriotic Movement, the Marada Party, the Syrian Social Nationalist Party and other parties or blocs in parliament. The anti-Syrian 14 March alliance led by the Future Movement includes as its main actors the Lebanese Forces and Kataeb.

The legal framework relating to the 2018 parliamentary elections constitutes sufficient basis for holding democratic elections in line with the relevant international standards for elections. It encompasses the Lebanese Constitution of 1926 (with its amendments), the National Pact of 1943, the Taif Accord of 1989, the Doha Agreement of 2008, the Law 250/1993 on the establishment of the Constitutional Council (CC), the newly adopted Election Law 44/17 June 2017, as well as other relevant laws and regulations. Lebanon has ratified the major international and regional legal instruments covering electoral rights³.

Electoral reform brought important improvements to the legal framework and integrated several key recommendations⁴ proposed by civil society and previous EU election observation missions. The law maintained the confessional allocation of seats as mandated by the Constitution, but it adopted for the first time a proportional system based on open lists and one preferential vote, replacing the majoritarian system in place since 1960. Another milestone was the introduction of official, printed ballots, an essential safeguard for the secrecy of the vote and a potential counter-measure to vote-buying. For the first time, Lebanese nationals living abroad were able to exercise their right to vote.

Notwithstanding the positive breakthrough, the new electoral law falls short of international standards regarding several issues. Most significant among these are discriminatory provisions concerning the automatic transfer of a woman's registration to her husband's registration place⁵ and the disenfranchisement of serving military personnel and of naturalized citizens ten years after their naturalization⁶. *De facto*, pre-trial detainees⁷ are also disenfranchised as there are no special voting arrangements for them.

The timeframe in which the Constitutional Council (CC) must treat any complaints against the election results is still excessively long⁸, permitting potential uncertainty over the electoral results while cases are being determined. The electoral law suffers from various omissions⁹. Some new provisions, such as the reserved seats for out-of-country voting (OCV) and the use of electronic magnetic voters' cards, have not been implemented for these elections, and still need procedural clarification.

Election system

The key innovation of the new electoral law is the proportional electoral system of open lists, held in 15 newly delimited districts comprising 26 minor districts. The system is quite complex. The proportionality

³ International Covenant on Civil and Political Rights (ICCPR), the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), the Convention on the Political Rights of Women (CPRW), and the Arab Charter of Human Rights. Lebanon ratified the UN Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) with reservations that deny to Lebanese women the right to pass citizenship to their children and deprive them of equal marriage rights. The preamble of the Constitution also notes that Lebanon abides by the UN's covenants and that the "*Government shall embody these principles in all fields and areas*".

⁴ More than 20 electoral law proposals were drafted by civil society organizations, the Boutros Commission 2006, and most of the political parties. Recommendations were also included in the EU EOM Lebanon 2009 final report.

⁵ UN, ICCPR, art.25., UN, ICCPR, Art. 3: "*The States Parties to the present Covenant undertake to ensure the equal right of men and women to the enjoyment of all civil and political rights set forth in the present Covenant*"

⁶ UN, ICCPR, Art. 25(b), UN (CCPR) General Comment 25, para. 3, "*Distinctions between those who are entitled to citizenship by birth and those who acquire it by naturalization may raise questions of compatibility with article 25*"

⁷ UN, ICCPR Art. 25, UN (CCPR), General Comment 25, para. 14 "*Persons who are deprived of liberty but who have not been convicted should not be excluded from exercising the right to vote.*"

⁸ From the date of the proclamation of results by the MoIM and the decision of the CC on complaints against the election results more than five months can pass.

⁹ For example, polling day complaints, although in practice allowed, are not specified in the law and lack clear procedures.

functions at major district level within the existing confessional distribution of the 128¹⁰ parliamentary seats. A preferential vote, at minor district level, has also been introduced. The system has exposed notable discrepancies in the number of votes needed to get a seat, due to the constitutionally-mandated fixed allocation of confessional seats, which is not matched by the changing demographics of the different districts.

Election administration

All layers of the electoral administration have conducted their work in a generally transparent and efficient manner.

The administration of the election is a government function. The Ministry of Interior and Municipalities (MoIM) has extensive powers over most aspects of the electoral process, including voter and candidate registration, administration and conduct of polling and counting, and announcement of results. In the field, governors and sub-governors manage election operations and logistics. The Ministry of Justice (MoJ) and the judiciary play a leading role in handling complaints relating to voter registration and results management. These responsibilities are carried out through 162 Primary Registration Committees (PRCs) and 30 Higher Registration Committees (HRCs). The Ministry of Foreign Affairs (MoFA) has organisational responsibility for the out-of-country voting (OCV).

Although numerous concerns and criticisms have been raised by civil society and candidates regarding the candidatures of the Ministers of Interior and of Foreign Affairs¹¹, all layers of the electoral administration have generally conducted their work in a transparent and impartial manner. On a technical level, the election administration organized the elections according to its mandate and in a timely fashion, meeting all the legal and operational deadlines, including the training of polling staff, printing of electoral documents and ballots, and delivery of sensitive and non-sensitive material in-country and abroad.

The MoIM, as the main body responsible for voter information, launched a voter information programme later than the complexity of the voting system might have warranted, in late March. However, it improved noticeably in the three weeks before the election, particularly in the video and animated spots shown on the traditional media and in social networks. LTOs reported that candidates were carrying out most voter education on the ground, allocating a significant part of their campaign efforts to explaining the new system to voters.

The Supervisory Commission for Elections (SCE)

The Supervisory Commission for Elections (SCE) is a monitoring¹² and regulatory body with responsibility for media supervision, regulation of the election campaign and campaign finance. It consists of 11 members nominated by different state institutions and independent bodies¹³. It was given a slightly enhanced mandate in the new electoral law but is still financially dependent on the government and has

¹⁰ In accordance with the Constitution, all parliamentary seats are divided equally between Christians and Muslims. The seats are further sub-divided into eleven confessional branches (four within Islam and seven within Christianity).

¹¹ 16 ministers were standing for election.

¹² The SCE does not have the mandate to supervise the MoIM.

¹³ They are the Supreme Judicial Council, the State Council, the Court of Auditors, the Beirut and Tripoli Bar Associations, the Association of Certified Public Accountants, the Press Syndicate and civil society organisations. The MoIM has the right to nominate two members. However, in the present composition, the MoIM nominated three members, at the expense of the member appointed by the National Audiovisual Council.

no powers to investigate, adjudicate or sanction breaches. These shortcomings could be addressed. Coupled to loopholes in the campaign finance regulations, they made effective control of campaign spending difficult. The late allocation of the SCE's budget didn't allow it to start monitoring campaign spending before the elections. Adequate control over campaign spending is crucial for a level playing field. The SCE made several determinations and clarifications on some, but not all, issues relating to the accreditation of observers, conduct of the campaign and the media. It did not fully carry out its obligations on voter education, provided for in the electoral law.

Voter registration

An inclusive and transparent list that enjoyed the confidence of political and other actors.

Confidence in the inclusiveness and transparency of the voter list among political forces and other interlocutors was widespread¹⁴. The final voter list, which is extracted from the Personal Status Register (PSR) and maintained by the MoIM, included 3,744,245 voters. This represents an increase of 15 per cent since 2009, a figure which is feasible demographically given that the last parliamentary election was held nine years ago.

The PSR captures Lebanese citizens regardless of the place where they live or are born. Since the adoption of personal status legislation in 1924, a voter's voting place is the paternal ancestral village, which leads to massive movements of people around every election day. An application for a transfer of registration location may be made, but the procedure is extremely cumbersome and not socially accepted because it is perceived as something which could jeopardise the confessional status quo.

Voters had the opportunity to challenge the preliminary voter lists, or ask for corrections, during a reasonably long public consultation period. The appointment of PRCs and HRCs six days after the public consultation period began did not have a detrimental impact on the process. Voter lists have been available in the form of purchasable CDs. The EU EOM observed that voter lists were posted in all observed polling stations.

Out-of-country voting (OCV)

Out-of-country voting for Lebanese expats, a long-awaited and positive development, was conducted smoothly.

The EU EOM deployed 13 teams of two to observe the OCV in 12 cities of nine EU countries and Switzerland. They reported that the vote was well organised, orderly and without serious incident, and that party and candidate agents across the political spectrum were widely present and able to observe the entire process without undue restrictions. Observers assessed that opening, voting and closing procedures had been respected. The use of static video cameras in all polling stations and live broadcast of the content at the MoFA in Beirut contributed to the transparency of the process. Moreover, the use of coded seals, tamper-evident envelopes and other safeguards for the onward transportation of ballots to Lebanon were deemed important factors in guaranteeing the integrity of the process. However, observers reported that a number of voters did not find their name on the list of the polling station they went to despite having registered correctly. The failure was explained as arising because the assignment

¹⁴ No census has been conducted since 1932.

of voter to polling station was done by the MoIM, which did not always take into account the voter's place of residence.

The EU EOM observed the sorting and counting of out-of-country and early voting ballot papers. The delivery and reception of the electoral materials from the Central Bank of Lebanon took place in a calm, professional and organised manner. Observers cross-checked the integrity of the seals as observed in Europe and during the early voting, and verified that their codes matched. Observers rated the operation as transparent and evaluated the performance of the staff involved as efficient and compliant with procedures.

However, during the OCV counting the PRCs failed to assure the secrecy of voting in cases where only a small number of voters in a polling station abroad (often just one) had cast their ballots for lists and candidates in a given minor district. This problem could have been rectified by PRCs counting these ballots together rather than individually, making it difficult to trace back the identity of a voter.

Registration of candidates/political parties (lists)

A smooth and widely accepted process, but a discriminatory registration fee.

The law regulates the grounds for disqualification from running for membership of the parliament, which are generally in line with Lebanon's international obligations, but which are circumscribed by the country's confessional system as candidates have to be of the same confession as the seat they contest¹⁵. It raised the non-reimbursable candidate nomination fee from two million Lebanese pounds to eight million¹⁶, a high figure which can be considered an obstacle¹⁷ for those candidates with limited financial resources.

The law provides for a two-stage registration process. Firstly, between 5 February and 6 March, candidates running for election had to submit their applications to the MoIM, specifying the confessional seat and district they wanted to run in. The registration process went smoothly, with 976 candidates registered and only one rejected, and with no appeal to the State Council, the only administrative body in charge of the resolution of complaints relating to candidate and list registration.

As a second step, registered candidates had until 26 March to form lists to be able to run for election. 597 candidates, including 86 women, formed 77 lists, involving a set of variable alliances with parties making calculated deals to improve their chances of winning seats under the new system. The 86 were included in 50 out of the 77 lists¹⁸. The rest of the candidates either withdrew or did not succeed in forming a list. No list was rejected and all parliamentary seats were contested.

¹⁵ UN Human Right Committee, CCPR/C/79/Add.78, Lebanon (1997): *"The Committee notes with concern that every Lebanese citizen must belong to one of the religious denominations officially recognized by the Government, and that this is a requirement in order to be eligible to run for public office. This practice does not, in the Committee's opinion, comply with the requirements of article 25."*

¹⁶ Equivalent of approximately €1,100 and €4,300 respectively.

¹⁷ U.N. (ICCPR), General Comment 25, para. 16 *"fees or deposits should be reasonable and not discriminatory"*.

¹⁸ One list in Akkar, "The Women of Akkar", comprised exclusively women.

Campaign environment

A peaceful and generally free campaign environment, but some incidents were reported and the high cost of media appearances and street advertising disadvantaged aspirants with few resources.

The campaign period was generally peaceful, with parties and candidates on the whole enjoying freedom of speech, movement and assembly. However, a number of isolated incidents were reported to observers, ranging from scuffles, sometimes involving arms, to physical assault and the denial to others of the right to canvass or hold events in public places in some villages. As a consequence of the new architecture of alliances and the preferential vote, which opens the space for competition within lists, campaigning rarely involved joint activities between different partners on lists. One side effect of this pragmatic deal-making is that political actors often shied away from debate so as not to jeopardise a fragile, perhaps temporary, arrangement. In contrast to the 2005 and 2009 electoral campaigns, when regional developments were paramount issues in a more polarised Lebanon, the campaign issues in 2018 focused on internal topics, first among them the fight against corruption and delivery of public services. Micro-campaigning, featuring small gatherings and door-to-door canvassing, was a key element of the campaign period, opening the path, according to many EU EOM interlocutors, to money politics and the exchange of favours for loyalty. In parallel, parties and candidates put significant resources into posting billboards, posters and other advertising hoardings, as well as paying for slots for media appearances. The vast majority of independent candidates and aspirants from civil society lists and smaller parties lacked such resources and turned instead to intensive use of social networks.

Campaign finance

Loopholes in the campaign finance regulations and a limited monitoring capacity by the SCE make effective control of campaign spending difficult.

The 2017 electoral law establishes the legal framework for campaign finance and tasks the SCE with its monitoring. It enhances the capacities of the SCE to oversee adherence to campaign finance provisions by candidates and lists and includes elements to add transparency to their spending¹⁹. However, its effectiveness remains limited due to the restricted scope of its mandate. It lacks the power to pursue cases of breaches, which must be referred to the Constitutional Council and the Office of the Prosecutor, or to impose fines²⁰. Furthermore, the late allocation of the SCE's budget did not allow it to start monitoring campaign spending before the elections.

Contributions to campaign spending are restricted to Lebanese nationals and legal entities. The ceiling on spending for the lists is based on the number of candidates. For the candidates, it is based on the number

¹⁹ To the mandate established by the 2008 elections law of receiving and auditing financial statements, the 2017 Law reinforces the SCE's tasks by entitling it to carry out the necessary investigations to verify the accuracy of the balance sheets of candidates and lists, to decide on their validity and to reject those found to be inaccurate (article 64). The SCE shall refer these cases to the Constitutional Council, which is in charge of the resolution of electoral disputes. To increase the transparency of contributions and spending, the 2017 elections law requires them to submit a monthly statement of accounts in addition to the final one (article 63).

²⁰ Where it believes that alleged violations of the provisions of the law can be considered a criminal offense (article 65), the SCE should refer these to the Public Prosecution Office. Fines are imposed by the Ministry of Interior at the request of the SCE (article 66).

of registered voters in their constituency²¹. The ceiling was assessed as very high by candidates and election officials, allowing a large difference in spending to emerge. On the ground, EU observers reported significant differences in the capacity to spend on advertising in the media and in public places, as well as to sponsor the transportation of voters, in particular those living abroad returning to vote.

Candidates are obliged to open a bank account through which all campaign contributions and expenses should be channelled during the campaign period. The SCE is to have full access to them, by-passing otherwise stringent secrecy of banking rules. Nevertheless, monitoring of campaign finance is limited to transactions carried out from the moment of registration of the candidacies and through the official campaign bank accounts. Contributions and spending prior to the nomination, and movements channelled through other bank accounts as well as payments in cash, are not considered as campaign spending and would not need to be recorded for scrutiny by the SCE. The fact that part of the financial movements of candidates or lists is not monitored by the SCE contributes to undermining the transparency of campaign finance. Additionally, the law does not require the SCE to disclose to the public information about its auditing of the financial reports of candidates and lists, a measure which would be in line with international standards²².

The provision of services and payments to voters is prohibited and falls under the category of bribery as stated in the penal code. However, an exception is made if services and payments have been provided consistently by institutions owned or managed by candidates or parties for three years prior to the election. These are not subject to campaign spending limits and do not fall under the control of the SCE. The provision of services and payments by entities on behalf of candidates they are associated with, with the aim of influencing voters, has played a significant role in driving electoral support and may be interpreted as tantamount to vote-buying.

Media

Freedom of the media was generally respected in the campaign period, however unclear legal provisions, weaknesses of the SCE and a partisan media environment led to uneven media access for candidates.

Lebanon enjoys a lively and pluralistic media environment, with a number of media outlets offering a variety of political opinions. However, this pluralism reflects the country's confessional and sectarian system and most broadcast, print and online media align themselves with different sectarian and political sides. Television was the main source of information, followed by news distributed through social networks.

Freedom of the media was generally respected during the campaign period. The Constitution guarantees freedom of expression, but libel and defamation, especially against the President and public officials, as

²¹ The ceiling on spending for lists is 150 million LBP per candidate (around €83,000). It ranges from 450 million LBP (around €273,000) for a 3-candidate list in South Lebanon I, to 1,800 million LBP (€1,2 million) for a 12-candidate list in Mount Lebanon 4. For candidates, the spending ceiling is 150 million of LBP (around €83,000) plus 5,000 LBP (around €3) per registered voter. It ranges from 912 million LBP in South Lebanon I (around €536,000) to 2,602 million LBP in South Lebanon III (around €1,3 million).

²² Article 7.3 of the United Nations Convention Against Corruption (ratified by Lebanon on 22 April 2009) states "Each State Party shall also consider taking appropriate legislative and administrative measures, consistent with the objectives of this Convention and in accordance with the fundamental principles of its domestic law, to enhance transparency in the funding of candidatures for elected public office and, where applicable, the funding of political parties".

well as insulting the army or flag, are criminal offences.²³

The Election Law offers sufficient but unclear provisions on the conduct of the media during the election campaign and does not grant sanctioning power to the SCE, the supervisory body responsible for overseeing the media's compliance with the law.²⁴ Despite financial constraints severely affecting its operations, the supervisory body's media monitoring was able to detect several media violations. But, unlike in previous parliamentary elections, the SCE did not publish reports on these violations, on complaints received or on actions undertaken during the campaign.²⁵ Neither did the SCE publish the price lists for paid advertising received from media outlets, thus giving them room for potentially favourable treatment of candidates. While the SCE did not have a specific legal obligation in this regard, the publication of this information would have reminded all media of their obligations and would have enhanced the overall transparency of the process.

The EU EOM media monitoring showed that the election coverage by private broadcast media resulted in an uneven playing field for contestants and affected the availability of genuine information for voters. Unclear legal provisions and the absence of comprehensive regulations by the SCE permitted several private TV channels to offer paid access to contestants in a variety of formats, including appearances on discussion shows and in newscasts.²⁶ Several interlocutors spoke to the EU EOM of very high, sometimes negotiable prices for the paid coverage offered to candidates. Moreover, in breach of the law, the paid coverage was rarely marked as paid for, blurring the line between editorial coverage and electoral campaigning.

In its news, the state-owned *Télé Liban*, which has lower viewership than the leading private TV channels, covered widely the institutional activities of the President, Prime Minister and the government. In line with the law, *Télé Liban* offered free airtime to candidates. A limited number of candidates took advantage of this opportunity.

Private broadcasters *Al Jadeed*, *MTV* and *LBC* covered widely in their news the campaign activities of independent candidates, which together got similar coverage to that of the main parties. Additionally, they offered consistent coverage in the news, and partly in other formats, to FPM, Future Movement and Lebanese Forces.²⁷ Four other private TV channels, *Al Manar*, *Future TV*, *NBN* and *OTV*, were largely biased in their news coverage. *Future TV* offered 68 per cent of its news space to Future Movement. *Al Manar* offered 48 per cent to Hezbollah, *NBN* 47 per cent to Amal Movement and *OTV* 39 per cent to FPM.

Positively, state and private monitored broadcast media offered extensive space to voter information during their news and TV programmes, airing spots produced by the Ministry of Interior, other institutions

²³ Recently, before the election campaign started, there were some court proceedings against a prominent journalist and a comedian. They did not lead to convictions, but could nonetheless have had the effect of increasing self-censorship among journalists and of constricting public debate.

²⁴ Among other provisions, the Election Law requires all media to offer fair and balanced coverage to the contestants, regulates paid advertising and grants candidates some free access to state-owned broadcast media.

²⁵ The SCE informed the EU EOM that up until 30 April its media monitoring had detected 75 media violations that incurred warnings, while it referred five more serious media violations to the Court of Publications for sanction. Most of the violations related to libel, defamation and to paid-for material not labelled as such. The SCE received no media-related complaints generated outside the body.

²⁶ The EU EOM conducted a quantitative and qualitative media monitoring of eight TV channels from 14 April 2018 daily from 17:00 to 01:00.

²⁷ *MTV*, *LBC* and *Al Jadeed* are the private TV channels with the highest audience in Lebanon and enjoy a diversified viewership. For these reasons they attracted several candidates ready to pay for their coverage. As their TV programmes were not properly labelled, it is difficult to assess to what extent their coverage reflects independent editorial or the paid-for platforms of candidates.

or by the TV channels themselves. Major media outlets used social networks and mobile applications to further spread their information content.

Participation of women

Despite a dramatic increase in the number of female candidates, women remain severely under-represented in politics. The new electoral law does not include affirmative measures.

Traditionally, women's participation in Lebanese political life has been minimal²⁸. In the last five parliamentary elections the number of women elected ranged from three to at most six, with only four²⁹ following the most recent elections in 2009. This places Lebanon consistently at the bottom of the ranking of women's parliamentary representation in the Middle East (184th out of 194³⁰). Despite increased social demands and various law proposals, the 2017 electoral law failed to include any affirmative measures to improve women's political representation, as recommended by the EU EOM in 2009. Important social and financial barriers remain. Nevertheless, the 2018 elections saw a remarkable increase in the number of women candidates compared to all previous elections, from only 12 in 2009 (1.7 per cent) to 86 in 2018 (14.4 per cent). This resulted in six women being elected on 6 May, representing only 7.6 per cent of the members of the parliament. Four of them are newcomers.

The legal framework has not seen any reform either in targeting the civil rights of women. Despite Lebanon's political commitments at national and international level to promote and protect women's rights, they continue to be discriminated against as a result of the automatic transfer of their voter registration, once married, to their husband's place of registration and of the failure to reform the nationality law³¹ (provisions of which still do not allow women to pass on their citizenship to their children). These shortcomings could be addressed.

Participation of Persons with Disabilities (PWD)

The electoral process is still not inclusive for People with Disabilities.

Although Lebanon did not ratify the Convention on the Rights of Persons with Disabilities (PWD) and its Optional Protocol, in 2000 it adopted the Law on the Rights of Disabled Persons (Law 220/2000), a major step forward for disability rights in Lebanon and the wider Middle East region. The new electoral law includes some measures aimed at improving the inclusion of people with disabilities, such as the possibility of assisted voting. For the first time, one of the members of the SCE³² was a representative of PWD.

²⁸ Women were also largely absent from the Council of Ministers until two female appointments were made in 2014. As of 2015, there has been only one woman in the Council of Ministers (out of 30 ministers).

²⁹ Three are Christian and one is a Muslim.

³⁰ UN Women in Politics 2017 report, 1 January 2017.

³¹ UN, CCPR Human Rights Committee, Third Periodic Report of Lebanon, 5 April 2018: "*Lebanon should amend the nationality act to ensure that women have equal rights with men in the transmission of their nationality to the children and spouses.*" The Lebanese Personal Status Laws have attracted repeated criticism from the CEDAW Committee also.

³² Sylvanna Lakkis was the representative of civil society organizations. She resigned on 20 April 2018.

According to the electoral law, the MoIM has the responsibility of taking into account the needs of PWD and facilitating their right to vote. Nevertheless, only 47 per cent of the polling stations visited by EU EOM observers were accessible to PWD, voter education was not inclusive, there were no specimen tactile ballots, and the media coverage of campaign and other election events did not include sign language.

Domestic observers

The Lebanese Association for Democratic Elections (LADE) is the main domestic observation group. It observed the campaign and the electoral preparations with 57 long-term observers and issued several reports during the campaign period. LADE made an important effort in deploying observers for the OCV globally. It deployed more than 1,200 short-term observers for election day in Lebanon. The Lebanese Transparency Association (LTA) focused its observation effort on campaign expenditure monitoring with 40 long-term observers in three districts. A small group of mixed national and international observers, the Arab Network for Democratic Elections (ANDE), deployed a small delegation one week before the election and on election day. On election day, EU EOM observers met national observers in 24 per cent of the polling stations.

Polling and counting

An efficient administration of polling and a transparent counting and tabulation.

Voting on election day was generally peaceful, although there were a number of confrontations between party supporters, which were swiftly defused by the internal security forces and the army. Overall, the observers' assessment of the opening of polling was positive, with adherence by and large to procedures. Although almost 80 per cent of polling stations had fewer than three officers, their performance assessed as good or very good in all but 5 per cent of cases. The gender distribution of polling staff was balanced, although mostly men were head officers. The agents of candidates, parties and lists across the political spectrum, an important part of transparency, observed the process without hindrance in all stations visited. This included the agents of independent candidates. Lawful campaign activities were conducted throughout the country, although in some cases they were held close to the polling station, which is unlawful. It would be important to clarify the law in this instance and to reinforce its implementation³³. Observers reported a few instances of vote buying. Several broadcast media did not respect the silence period on election day. Implementation of polling procedures throughout the day was rated as positive, so too overall transparency of the process³⁴. All EU EOM observers were able to observe the polling process without hindrance. Although voters' fingers were not consistently inked, all safeguards to avoid multiple voting were in place: verification of voter ID, inking and signing of the voter list. In 88 per cent of observed polling stations, the layout was adequate for the administration of polling and protection of voting secrecy.

Counting

Observers reported that where voters were in queues at 7pm, they were generally allowed to cast their ballots. The use in the polling stations of overhead projection-style systems, capturing and showing the ballots as they were counted, as well as the presence of candidates' agents in all observed polling stations,

³³ The law only forbids campaigning near the polling centre, without specifying any precise distance

³⁴ A similar evaluation was made of the early voting of polling station staff.

contributed to the transparency of the process. However, observers reported that the procedures for reconciliation of ballots cast against signatures in the voter list was not always properly conducted and that the polling staff had difficulty in filling the PS reports. This delayed the finalisation of counting procedures. In 89 per cent of observed polling stations, results were posted outside, while party agents received a copy of the results in 76 per cent of cases.

The tabulation of results in the PRCs, which are headed by judges, was carried out in the presence of candidate agents and observers. However, this transparency would have been enhanced by the publication online of disaggregated results by polling stations. In some cases, the tabulation was long mainly due to the recounting of ballot boxes from polling stations whose results forms contained numerical inconsistencies, and to the counting of the votes cast abroad and early voting.

An electronic version of this Preliminary Statement is available on the Mission website

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