

Beirut, April 14th, 2022

Maharat Foundation, Factual Certificate number 226/2006

New Jdeideh- Azure Center- Block B- 5th Floor

To the Supervisory Commission for Elections

Subject: Maharat Foundation's response to the Supervisory Commissions for elections' letter on the participation of our association "in keeping pace with and monitoring the elections without submitting a request to the Supervisory commission."

In response to your letter No. 975 addressed to us on April 13, 2022, "as an association that is participating in keeping pace with and monitoring the elections without submitting a request to the Supervisory Commission for elections."

Maharat Foundation would like to clarify the following to the Supervisory Commission for elections:

- Maharat Foundation is an association concerned with issues of media, diversity, safeguarding and ensuring freedom of expression and democratic participation for all through the media.
- Maharat Foundation is also specialized in media monitoring and issuing periodic reports and studies in this regard.
- Monitoring media coverage of electoral campaigns is one of the focusses that Maharat works on among dozens of other topics that we follow, such as issues of women's political participation, diversity media, monitoring hate speech and political propaganda and others. In our archives, we have dozens of studies on media coverage of various audio-visual media platforms, newspapers, and social media platforms.
- Issuing reports on media coverage of electoral campaigns is not new for Maharat, and since the 2009 elections, it has monitored media coverage of electoral campaigns and issued reports in this regard.
- Maharat Foundation issued its final report on media coverage of the 2009 elections, in the presence of the Minister of Interior at the time, Mr. Ziad Baroud, who praised the role played by Maharat in monitoring media coverage of electoral campaigns.
- Maharat Foundation has also issued media monitoring reports for the 2016 municipal and parliamentary elections for 2018, which are published and accessible to all.
- Maharat also trained monitors accredited by the Supervisory Commission to monitor media and electoral advertising for the 2018 elections at the request of the electoral program of the United Nations Development Program (UNDP). Maharat at the time did not mind transferring its expertise in media monitoring so that the commission could carry out its tasks entrusted to it under the election law.
- In response to the subject of the current letter, which considers that Maharat Foundation carries out the work of "keeping pace with the elections and monitoring their course without applying for authorization to the authority, similar to other licensed associations."

And since Article 19 of the Election Law No. 44/2017 stipulates the functions of the commission, specifically Paragraph 9, which stipulates accepting and assessing the requests of electoral observers and granting them permits.

Paragraph A of Article 20 of the Electoral Law confirmed that requests for observer permits granted by the Commission are related to “keeping up with the elections and observing their course.” Paragraph C of Article 20 above states that the commission has the right to cancel the permit of any party or one of its affiliates that is “authorized to accompany the electoral process.”

Since the authority of the commission is limited to this scope in granting permits to local observers to keep pace with the executive process of the elections on the ground, to monitor the executive courses and to obtain permits that allow them to enter public administrations and polling stations.

Since the activity of Maharat Foundation to monitor media performance during electoral campaigns is not included in the concept of keeping pace with the elections and monitoring their course stipulated in Articles 19 and 20.

Additionally, the text of Articles 19 and 20 on which the authority relies to restrict the activity of the Maharat Foundation do not give the commission any legal authority or guardianship over civil society institutions whose work does not require obtaining permits to keep pace with the electoral process.

The text of Article 20 of the electoral law was explicit in terms of granting additional rights to civil society bodies with expertise that wish to accompany the elections and monitor their course under the supervision of the commission. The text of Article 20 did not come in the form of prohibiting, negating and derogating from the rights of other civil society organizations that do not wish to do so or do not necessitate doing so, as paragraph A of Article 20 states that “civil society bodies with competence have the right to” And if the aforementioned text came in the form of a prohibition, it would have said “civil society bodies with competence are not entitled to...” it would have been in flagrant violation of the Lebanese constitution and the principles of freedom of opinion, expression, writing, publishing, scientific research, information circulation and participation in society. Since the text of the above article does not deny the right of any association or body of civil society to exercise its role and tasks that are consistent with its subject and objectives during the democratic process and the period of elections that are to be held on the 15th of next May,

Therefore,

We draw the attention of the Commission that Maharat does not commit any violation of the provisions of the law through its media monitoring reports. And that Articles 19 and 20 of the election law do not apply to Maharat's activities, as explained above.

Maharat Foundation considers that the association’s activities related to monitoring the performance of the media during the electoral campaign period and issuing media reports about it is a legitimate and guaranteed right of the association and does not require a license from any party and falls within the framework of fundamental freedoms guaranteed in the constitution and international treaties.

Maharat considers that any attempt to restrict its work and activity in monitoring the media during electoral campaigns constitutes a violation of the law.

Yours Sincerely,

Beirut, April 14th, 2022

Executive Director of Maharat Foundation