



Office for Democratic Institutions and Human Rights

REPUBLIC OF LITHUANIA

PARLIAMENTARY ELECTIONS

9 October 2016

OSCE/ODIHR NEEDS ASSESSMENT MISSION REPORT

14-16 June 2016



Warsaw
7 July 2016

TABLE OF CONTENTS

I.	INTRODUCTION.....	1
II.	EXECUTIVE SUMMARY	1
III.	FINDINGS	3
A.	BACKGROUND.....	3
B.	LEGAL FRAMEWORK.....	3
C.	ELECTORAL SYSTEM.....	4
D.	ELECTION ADMINISTRATION.....	5
E.	ALTERNATIVE VOTING MECHANISMS.....	6
F.	VOTER REGISTRATION	6
G.	CANDIDATE REGISTRATION	6
H.	ELECTION CAMPAIGN AND CAMPAIGN FINANCE	8
I.	MEDIA	8
J.	COMPLAINTS AND APPEALS	9
K.	ELECTION OBSERVATION.....	10
IV.	CONCLUSIONS AND RECOMMENDATION.....	10
	ANNEX: LIST OF MEETINGS.....	11

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OSCE/ODIHR Needs Assessment Mission Report

I. INTRODUCTION

On 6 May 2016, the Government of the Republic of Lithuania invited the OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR) to observe the 9 October parliamentary elections. In accordance with its mandate, the OSCE/ODIHR undertook a Needs Assessment Mission (NAM) to Vilnius from 14 to 16 June. The NAM included Richard Lappin, OSCE/ODIHR Senior Election Adviser, and Alexey Gromov, OSCE/ODIHR Election Adviser.

The purpose of the mission was to assess the pre-election environment and the preparations for the elections. Based on this assessment, the NAM should recommend whether to deploy an OSCE/ODIHR election-related activity for the forthcoming elections, and if so, what type of activity best meets the identified needs. Meetings were held with officials from state institutions and the election administration, as well as with representatives of political parties, media, and civil society. A list of meetings is annexed to this report.

The OSCE/ODIHR would like to thank the Ministry of Foreign Affairs for their assistance and cooperation in organizing the NAM. The OSCE/ODIHR would also like to thank all of its interlocutors for taking the time to meet with the NAM and for sharing their views.

II. EXECUTIVE SUMMARY

On 9 October 2016, voters will elect members to the unicameral parliament (MPs) for a four-year term. Elections are held under a mixed system, with 71 MPs elected from single-mandate constituencies under a majoritarian system and 70 MPs elected from a nationwide constituency under a proportional system.

Elections are primarily regulated by the Constitution and the Law on Parliamentary Elections. Recent legal amendments addressed several previous OSCE/ODIHR recommendations, including those related to the delimitation of constituency boundaries, campaign finance, and the date of appointment of the Central Election Commission (CEC). However, other key recommendations remain unaddressed, particularly related to restrictions on candidacy, electoral participation of women and national minorities, defamation, and complaints and appeals procedures. A long-term process to adopt a unified Electoral Code is ongoing but, even if adopted, the Code will not enter into force before these elections.

The CEC, 71 Constituency Election Commissions and 2,003 Precinct Election Commissions (PECs) will administer the elections. The CEC has extensive responsibilities and a wide supervisory role. All OSCE/ODIHR NAM interlocutors expressed overall confidence in the election administration, particularly noting the CEC's professionalism and experience. However, a few interlocutors noted concerns about the consistency of CEC decisions on politically sensitive issues.

The law provides voters with a wide range of alternative voting methods, including early, postal, homebound, and out-of-country voting. While alternative voting mechanisms have traditionally enjoyed a high level of trust, several OSCE/ODIHR NAM interlocutors raised concerns about the integrity of homebound and postal voting in rural areas.

All citizens over 18 years of age have the right to vote, except those recognized as incapable by a court decision. Voter registration is passive and the CEC maintains a nationwide electronic voter register. For the first time in parliamentary elections, all voters will be marked off a national electronic list upon receiving their ballot and, in principle, voters may vote at any polling station within their constituency. While no OSCE/ODIHR NAM interlocutors expressed concerns regarding the accuracy of voter lists, the continued development of electronic lists would merit further attention.

In order to stand as a candidate, a person must be an eligible voter with permanent residence in the country and be at least 25 years old on election day. Contrary to international obligations and a European Court of Human Rights judgment, a person removed from public office through an impeachment process is indefinitely prohibited from being elected to parliament. Candidates may be nominated by parties or through self-nomination, with independent candidates required to submit 1,000 supporting signatures. Some OSCE/ODIHR NAM interlocutors voiced concerns that candidate registration procedures may prove burdensome for independent candidates.

There are no legal requirements to promote women candidates and few parties have voluntary policies. The UN Committee on the Elimination of Discrimination against Women has expressed concern that no temporary special measures have been applied to enhance women's political representation. Women hold some 20 per cent of seats in the outgoing parliament.

The election campaign officially started on 9 April following the announcement of elections. No concerns were raised about the ability to campaign freely, but some OSCE/ODIHR NAM interlocutors raised concerns about vote-buying. Campaign finance is comprehensively regulated, with recent amendments strengthening oversight and sanctions. While the majority of OSCE/ODIHR NAM interlocutors recognised campaign finance rules as contributing to transparency, some expressed concerns regarding possible circumvention of the rules.

The media environment is diverse and campaign coverage is thoroughly regulated. Contestants are provided with free airtime on an equal basis on the public broadcaster and private media are obliged to provide equal conditions for paid advertising. Most OSCE/ODIHR NAM interlocutors expressed overall satisfaction with provisions for media access and coverage during elections.

Decisions of election commissions can be challenged at the higher commission or, ultimately, to the Supreme Administrative Court. Election results can be challenged at the Constitutional Court whose conclusions provide a basis for a final decision by parliament. The OSCE/ODIHR previously recommended that the final decision be taken by a court. In line with a prior OSCE/ODIHR recommendation, the timelines for considering such complaints were extended.

Several parties informed the OSCE/ODIHR NAM that they will deploy observers to polling stations as a measure to enhance transparency. The law provides for international election observation, but does not explicitly cover observation by citizen groups. The CEC informed the OSCE/ODIHR NAM that accreditation will be provided to citizen observers.

Although the majority of OSCE/ODIHR NAM interlocutors expressed confidence in the overall professionalism of the election administration, most welcomed a potential OSCE/ODIHR observation activity for these elections, recognizing that further improvements could be made and that an external assessment may contribute to ongoing reform efforts. While several previous OSCE/ODIHR recommendations have been addressed, some areas would benefit from closer attention, including issues related to candidate registration, campaign finance and vote-buying, the participation of women and national minorities, electronic voter lists, alternative voting mechanisms, and complaints and appeals procedures. On this basis, the OSCE/ODIHR NAM recommends the deployment of an Election Assessment Mission for the upcoming elections.

III. FINDINGS

A. BACKGROUND

Lithuania is a parliamentary republic with legislative power vested in the 141-member unicameral parliament (*Seimas*), with a directly-elected president serving as head of state. The prime minister is the head of government and is appointed by the president subject to parliamentary approval. Executive powers are primarily exercised by the government, with some specific powers, including those pertaining to foreign policy and national defence, vested in the president.

The political landscape is pluralistic. The last parliamentary elections were held on 14 October 2012 and resulted in a government led by the Social-Democratic Party with 40 seats in the outgoing parliament, in coalition with the Labour party (28 seats) and the Order and Justice Party (9 seats). The opposition is led by Homeland Union – Christian Democrats with 30 seats, followed by the Liberals Movement (12 seats) and the Electoral Action of Poles in Lithuania – Christian Families Alliance (8 seats). The remaining 13 seats are filled by independent MPs.

Women are broadly under-represented in political office. While the president and speaker of the outgoing parliament are women, only some 20 per cent of MPs and ministers are women. The establishment of political parties on an ethnic basis is permitted and several parties actively identify themselves as representing the interests of national minorities.¹

The OSCE/ODIHR has observed three elections in Lithuania since 1996.² For the 2012 parliamentary elections, the OSCE/ODIHR deployed an Election Assessment Mission, which found that “a high level of confidence in the functioning of the democratic process was expressed by most of the interlocutors”. However, some political parties appealed the results, alleging cases of vote-buying, which led to the cancellation of results and repeat voting in two majoritarian races. The report on the 2012 elections included recommendations for the authorities on how electoral processes may be improved and brought more closely in line with OSCE commitments.³

B. LEGAL FRAMEWORK

Parliamentary elections are primarily regulated by the 1992 Constitution (last amended in 2006), the 1992 Law on Parliamentary Elections (PEL), the 2002 Law on the Central Election Commission, and the 2004 Law on Funding of Political Campaigns and Control of Funding, as well as a range of Central Election Commission (CEC) regulations and judicial decisions.⁴ Lithuania is a party to major international and regional instruments related to the holding of democratic elections.⁵

¹ Including the Electoral Action of Poles in Lithuania – Christian Families Alliance, Russian Alliance, and Union of Russians.

² See all [previous OSCE/ODIHR reports on Lithuania](#).

³ In paragraph 25 of the 1999 OSCE Istanbul Document, OSCE participating States committed themselves “to follow up promptly the ODIHR’s election assessment and recommendations”.

⁴ Secondary legislation includes the 1990 Law on Political Parties, 1996 Law on Public Information, 1996 Law on Personal Data, 1998 Law on Equal Opportunities for Women and Men, 1999 Law on Administrative Proceedings.

⁵ Including the 1965 International Convention on the Elimination of All Forms of Racial Discrimination (CERD), 1966 International Covenant on Civil and Political Rights (ICCPR), 1979 UN Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), 2003 UN Convention against Corruption, and 2006 UN Convention on the Rights of Persons with Disabilities. Lithuania is also a member of the Council of Europe’s European Commission for Democracy through Law (Venice Commission) and Group of States against Corruption (GRECO).

The legal framework was amended between 2014 and 2016, with broad cross-party support.⁶ The changes addressed several previous OSCE/ODIHR recommendations, including those related to the delimitation of electoral constituencies, campaign finance, and the date of appointment of the CEC. However, a number of prior OSCE/ODIHR recommendations remain unaddressed in the law, particularly those related to restrictions on candidacy, electoral participation of women and national minorities, defamation, and complaints and appeals procedures.

In line with a prior OSCE/ODIHR recommendation, a parliamentary working group was established in 2013 to prepare a single Electoral Code that would consolidate relevant electoral legislation, regulations, and judicial decisions. The working group comprises representatives of the authorities, political parties, media, and civil society. While several political parties did not exclude adoption of the new Electoral Code before the end of the outgoing parliament's mandate, other interlocutors expected that this would be completed by the next parliament due to the need to finalize political agreement and ensure effective public consultation. In any case, a new Electoral Code would not come into force until at least the subsequent parliamentary elections, scheduled for 2020.

C. ELECTORAL SYSTEM

Parliamentary elections are held under a mixed system, with 71 MPs elected from single-mandate constituencies under a majoritarian system and 70 MPs elected from a nationwide constituency under a proportional representation system with preferential voting. All MPs are elected for four-year terms.

In the majoritarian contests, if the voter turnout is above 40 per cent, a candidate must receive an absolute majority of valid votes to be elected. In case of a lower turnout, the winner must receive votes from at least 20 per cent of eligible voters. If there are more than two candidates in the election and no one wins in the first round, a run-off is held within two weeks between the two candidates who received the most votes. In this case, the candidate that receives the most votes is elected irrespective of the voter turnout.⁷

In the proportional contest, the elections are valid if the turnout is more than 25 per cent. In order to qualify for the allocation of seats, a candidate list must pass a five per cent threshold, while coalitions have to pass a seven per cent threshold.⁸ If this method of seat allocation results in a parliament composed of parties and coalitions that collectively obtained less than 60 per cent of votes cast, then the next party with the largest number of votes enters the parliament. This process continues until the total number of votes for those in the parliament reaches 60 per cent.

The PEL obliges the CEC to establish constituency boundaries in advance of every parliamentary elections. Following a 2015 Constitutional Court ruling, and in line with a prior OSCE/ODIHR recommendation, the PEL was amended to require that the number of registered voters per constituency may not deviate by more than 10 per cent from the average number nationwide.⁹ The constituencies for the upcoming elections were confirmed by the CEC in December 2015 following broad consultations, including with national minority parties. While most OSCE/ODIHR NAM interlocutors expressed overall satisfaction with the process, a few parties voiced concerns that some constituencies were delineated in favour of the ruling political parties.

⁶ The changes introduced in 2016 were of a technical nature, concerning financing activities of election commissions and did not affect fundamental aspects of the electoral process.

⁷ If the only candidate in the first round does not secure votes from 20 per cent of voters, a new election is called.

⁸ National minority parties are subject to the same thresholds as other political parties. The OSCE/ODIHR previously recommended consideration of a lower threshold for national minority parties to enhance their representation in the parliament.

⁹ The Constitutional Court, in its [2015 ruling](#) noted that “elections in European countries [should] observe the OSCE/ODIHR’s position that the voice of every citizen must have the same value, and the constituencies should be formed providing an approximate equality of each of elected representatives and the electorate”.

D. ELECTION ADMINISTRATION

Parliamentary elections are administered by a three-tiered system, comprising the CEC, 71 Constituency Election Commissions (ConECs) and 2,003 Precinct Election Commissions (PECs).¹⁰ Additional polling stations will be established in Lithuania's diplomatic and consular offices and on ships-at-sea to facilitate out-of-country voting.

The CEC is the only permanent election administration body. The current CEC was appointed by the parliament in June 2012 for a four-year term and, in line with a previous OSCE/ODIHR recommendation, the law now specifies that the CEC should be re-appointed after parliamentary elections.¹¹ The CEC consists of 16 members combining professional and party representation: the Ministry of Justice and Lithuanian Bar Association each nominate four members, while all seven parties that received proportional seats in the previous parliamentary elections each nominate one member.¹² The CEC chairperson is nominated by the speaker of the parliament and is currently serving his fifth mandate. Although there are no gender requirements for nomination, seven CEC members are women.

The CEC has extensive powers and responsibilities in all aspects related to the organization and conduct of the election, including the monitoring of campaign finance and media coverage of the campaign. The CEC informed the OSCE/ODIHR NAM that it intends to use new technologies in the upcoming elections to facilitate voter registration and identification (see *Voter Registration*) and the tabulation of results. All CEC sessions are public and streamed online via the CEC website.

The ConECs and their chairpersons are to be appointed by the CEC by 16 July. They comprise one nominee from each of the Ministry of Justice, Lithuanian Bar Association, and local administration, as well as from all parties that won a proportional seat at the last parliamentary elections. The ConECs are responsible for verifying candidate signatures in the single-mandate constituencies, registering election observers, monitoring adherence to campaign rules within the constituency, organising early and postal voting, tabulating and transferring the constituency voting results to the CEC, and considering complaints against PEC decisions and actions.

The PECs and their chairpersons are to be appointed by the ConECs by 25 August. PEC members are nominated by political parties that have a proportional seat in either the parliament or the corresponding municipal council. Any vacancies are to be filled by citizens nominated by the heads of local administration. The PECs facilitate access to voter lists and consider complaints on errors in the lists, supervise postal and homebound voting within the precinct, organise voting, counting, and transfer of results to the ConECs, and consider election day complaints from voters and observers.

The CEC informed the OSCE/ODIHR NAM that it plans to prepare comprehensive voter education materials for different categories of voters, including in Polish and Russian languages. However, interlocutors representing national minorities voiced concern about a lack of meaningful voter information, as well as ballots, in minority languages.

¹⁰ Each election precinct has a maximum of 5,000 voters. According to preliminary CEC data, 184 precincts have more than 3,000 voters, including 50 with more than 4,000 voters. The OSCE/ODIHR previously recommended lowering the maximum number of voters per precinct to avoid queues and improve efficiency.

¹¹ According to the amended law, the CEC should be formed between 140 and 200 days after each parliamentary elections. Previously, the CEC was appointed shortly before the elections.

¹² According to the amended law, the next CEC should include one nominee from each parliamentary party or coalition and two nominees each from the President, Minister of Justice and Lithuanian Bar Association. Nominees must be eligible to stand for parliamentary elections and possess a law degree.

All OSCE/ODIHR NAM interlocutors expressed overall confidence in the election administration, particularly noting the CEC's professionalism and experience. However, a few interlocutors noted concerns about the consistency of CEC decisions on politically sensitive issues as well as a high representation of government officials in lower-level commissions.

E. ALTERNATIVE VOTING MECHANISMS

The law provides voters with a wide range of alternative voting methods, including early, postal, homebound, and out-of-country voting. Voters who cannot come to their polling station on election day can vote in advance at official municipality premises from 5 to 6 October. Postal voting is allowed for voters in health and social care institutions, prisons and detention centres, and military facilities, and will be conducted via specially designated post offices from 5 to 7 October. Voters with disabilities and those aged over 70 have the right to request homebound voting to cast their ballots from 6 to 8 October. Voters registered abroad can vote by post or in diplomatic and consular offices during a 10-day period prior to the elections, which is decided separately by each diplomatic mission.

While alternative voting mechanisms have traditionally enjoyed a high level of trust in Lithuania, several OSCE/ODIHR NAM interlocutors raised concerns about their use in recent local elections, particularly with regards to the integrity of homebound and postal voting in rural areas.

F. VOTER REGISTRATION

All citizens who are at least 18 years by election day have the right to vote, except those declared incapable by a court decision.¹³ Voter registration is passive, except for those who reside abroad and must actively register. The CEC maintains a nationwide voter register based on data from the population register. According to the CEC, there are currently some 2.5 million registered voters.

The CEC compiles two types of electronic voter lists: a national list and separate constituency lists that are provided to ConECs 39 days before election day.¹⁴ In turn, the ConECs provide preliminary precinct voter lists to PECs no later than 26 days before election day for public familiarization and possible corrections. Voters can check their data in voter lists at PECs or diplomatic representations, as well as through a dedicated telephone hotline and website. Final voter lists are approved no later than seven days before election day. After this date and until two hours before close of polls, eligible voters may be added to supplementary voter lists by PECs based on proof of residence.

For the first time in parliamentary elections, all voters will be marked off in the national electronic list upon receiving their ballot at the polling station, as well as in case of early or homebound voting. For this purpose, all the PECs are equipped with computers linked to a nationwide network. Voters and PEC members are still required to sign the paper voter list. While voters are assigned to specific polling stations they may, in principle, vote at any polling station within their constituency. While no OSCE/ODIHR NAM interlocutors expressed concerns regarding the accuracy of voter lists, the continued development and implementation of electronic voter lists could merit further attention.

G. CANDIDATE REGISTRATION

In order to stand as a candidate, a person must be an eligible voter with permanent residence in the country and be at least 25 years old on election day. Persons who have not finished serving any criminal sentence 65 days prior to elections, judges, military personnel and police officers who have

¹³ The UN Committee on the Rights of Persons with Disabilities (CRPD) has noted concerns about undue restrictions on the legal capacity of voters with disabilities. See CPRD "[Concluding Observations on Lithuania](#)" (11 May 2016), CRPD/C/LTU/CO/1, paragraph 57.

¹⁴ The CEC also provides lists of voters residing abroad to diplomatic and consular representations.

not retired from duty at least 65 days prior to elections, as well as those bound by an oath or allegiance to a foreign state cannot stand as candidates.

According to the PEL, a person removed from public office through an impeachment process, may not be elected as a MP for four years. This provision was introduced to address a 2011 judgment of the European Court of Human Rights (ECtHR).¹⁵ However, in 2012, the Constitutional Court ruled that the four-year limit cannot be enforced as it is contrary to the Constitution.¹⁶ Despite ongoing parliamentary initiatives to amend the Constitution, most OSCE/ODIHR NAM interlocutors expressed doubt that the authorities would implement the ECtHR ruling before the elections. One political party stated that the lack of implementation of the ECtHR judgment limits their possibility to put forward candidates and would subsequently undermine the free choice of voters.

Potential candidates must declare to the CEC if they collaborated with “special services of other states” or if they have current or prior criminal convictions. This information is included on voter information materials and posted in polling stations. Some OSCE/ODIHR NAM interlocutors noted that this may deter potential candidates or lead to stigmatization of some candidates.

Individual candidates can be put forward by political parties and by self-nomination in single-mandate constituencies. Parties registering a candidate list in the nationwide contest must pay an electoral deposit of EUR 7,570¹⁷ and candidates running in single-mandate races are obliged to pay a deposit of EUR 757.¹⁸ In addition, self-nominated candidates and candidates nominated by parties that are not running in the nationwide contest must support their candidacy with at least 1,000 signatures of voters from their constituency. This number ranges from 2.5 to 4.3 per cent of the number of voters per constituency.¹⁹ A voter may sign in support of multiple candidates.

The law, as well as most political parties, do not provide quotas for women candidates.²⁰ The OSCE/ODIHR has previously recommended that consideration be given to introducing legislative measures to promote women’s participation. The UN Committee on the Elimination of Discrimination against Women (CEDAW) has expressed concern that no temporary special measures have been applied to promote the equal participation of women in political life.²¹

Following verification of all requirements, the CEC should publish the final list of candidates by 8 September. While no OSCE/ODIHR NAM interlocutors questioned the overall inclusiveness of candidate registration, some voiced concerns that registration procedures may prove burdensome for independent candidates or small parties, while others noted that more could be done to promote women and national minority candidates.

¹⁵ In *Paksas v. Lithuania*, the ECtHR found the previous unlimited ban on impeached persons to stand for office as disproportionate and in violation of an individual’s passive electoral rights. See also, UN Human Rights Committee “[Communication No. 2155/2012](#)” (3 April 2014), CCPR/C/110/D/2155/2012.

¹⁶ See the 2012 [Constitutional Court ruling](#).

¹⁷ Parties that failed to provide campaign finance reports for preceding elections must pay twice the amount.

¹⁸ The deposit is refunded to the contestants that receive more than three per cent of the votes within the constituency, provided they report on their campaign finance.

¹⁹ Section 1.3.ii of the Code of Good Practice in Electoral Matters of the Venice Commission recommends that the law should not require collection of signatures of more than one per cent of voters in the constituency concerned for an individual candidate or a party list of candidates.

²⁰ Of the current parliamentary parties, only the Social-Democratic Party’s statute provides a gender quota requirement for nominating candidates.

²¹ CEDAW [Concluding Observations on Lithuania](#) (24 July 2014), CEDAW/C/LTU/CO/5, paragraph 28.

H. ELECTION CAMPAIGN AND CAMPAIGN FINANCE

The election campaign officially started on 9 April following the announcement of elections. A campaign silence period starts 30 hours before the opening of polls on election day and lasts until the end of voting. Campaign posters may not be posted on public buildings or transport, on private buildings without consent, or within 50 meters of a polling station. Posted campaign materials may remain during the silence period. Materials can be produced in national minority languages.

The campaign is expected to be active and centred on public meetings, posters, media advertisements, and social media. No concerns were raised about the ability to campaign freely, but some OSCE/ODIHR NAM interlocutors highlighted concerns of vote-buying, particularly in rural areas, despite dedicated efforts of the police to stop this practice.

Campaign financing is regulated by the Law on Funding of Political Campaigns and Control of Funding. Amendments to this law in 2012 and 2013 addressed several prior recommendations made by the OSCE/ODIHR and the GRECO, including establishing limits for political party membership fees, providing annual oversight of public financing to parties, and strengthening sanctions for violations of the law.²²

Campaigns may be financed from political party funds, individual donations, loans, interest accrued from funds in campaign accounts, and a candidate's own money.²³ Legal entities are not allowed to contribute to contestants' funds. All donations exceeding some EUR 12 are disclosed on the CEC website within 10 working days. The expenditure limit is linked to the number of voters per constituency and was defined by the CEC as EUR 740,000 for the nationwide contest and between EUR 19,000 and 21,000 for the single-mandate constituencies.²⁴

All campaign finance transactions must be made via a special bank account. Campaign finance is primarily monitored by the CEC while the State Tax Inspectorate reviews the eligibility of donors. Contestants should provide final campaign finance reports to the CEC no later than 25 days after the publication of final results.²⁵ Reports are sent to independent auditors and all reports and conclusions of the audit are made public on the CEC website. While the majority of OSCE/ODIHR NAM interlocutors recognised the current campaign finance rules as comprehensive and contributing to a high degree of transparency, some concerns were expressed regarding its effective implementation and possible circumvention of rules.

I. MEDIA

There are some 55 television and 50 radio broadcasters, as well as numerous Internet-based media at the national, regional and local levels, constituting a diverse media environment. Despite the growing significance of the Internet, television remains the primary source of political information. The Constitution guarantees freedom of expression and many OSCE/ODIHR NAM interlocutors noted that media operate with a high degree of freedom. However, despite some initiatives in parliament,

²² See [GRECO Second Compliance Report on Lithuania, 21 June 2013](#).

²³ Private donations cannot exceed EUR 7,570, provided that they do not exceed 10 per cent of the total income of the donor for the previous year. Candidates and their parties can donate a maximum of EUR 15,140.

²⁴ The expenditure limit for a single-mandate constituency is defined as some EUR 0.6 multiplied by the number of voters in this constituency.

²⁵ In case a contestant received total campaign funds exceeding EUR 53,000, an independent audit of the report should be provided. In this case the final financial report together with the audit report should be provided to the CEC within 85 days after publication of election results.

defamation remains a criminal act, thereby leaving a prior OSCE/ODIHR recommendation unaddressed.²⁶

Media conduct during elections is closely regulated. Registered contestants are provided with free airtime on the public broadcaster on a strictly equal basis, usually provided in the format of candidate debates. The public broadcaster informed the OSCE/ODIHR NAM that, starting from 9 September, it plans to organize 12 nationwide debates on television and numerous debates on radio. Private media are obliged to provide contestants with equal conditions for paid campaigning and such expenditures should not exceed 50 per cent of the campaign spending limit. The form and content of advertising is further regulated: it has to be clearly marked as such, should be at least 30 seconds, should include direct presentation of campaign platforms, and should not be published on the front pages of print media.

Although media are largely self-regulated, the CEC is vested with a supervisory role during the campaign. Media are obliged to declare the terms of political advertising in advance of the campaign period and submit reports to the CEC on the time or space provided to contestants. The Radio and Television Commission, a media regulatory body, monitors all nationwide broadcasters and provides reports to the CEC. In case of violation of media campaign rules, the CEC and ConECs report on the offence and send the case to a district court.

Most OSCE/ODIHR NAM interlocutors expressed overall satisfaction with provisions for media access and coverage during elections, although some anticipate disproportionate coverage of incumbent candidates due to their institutional appearances.

J. COMPLAINTS AND APPEALS

According to the PEL, decisions of election commissions can be appealed by contestants and their proxies as well as by observers to the higher level election commission. CEC decisions, excluding the decision to declare the final election results, may be appealed to the Supreme Administrative Court, which is the final instance. Appeals against CEC decisions must be submitted within five days of the adoption of the decision and adjudicated within two days. The representatives of the Supreme Administrative Court informed the OSCE/ODIHR NAM that this timeframe is short but reasonable to ensure effective remedy.

Complaints regarding inaccuracies in the voter lists can be filed by voters or contestants no later than seven days before election day to a PEC, the decision of which can be further appealed to a district court within three days. The PEC has to address the complaint within two days, while the court has three days for final adjudication of the appeal.

Complaints regarding election day procedures can be filed with ConECs no later than 24 hours after the signing of PEC results protocols. These complaints should be decided within 24 hours. The ConEC's tabulation procedures can be appealed to the CEC within 72 hours after announcing the results at constituency level and must be decided before the final nationwide results are confirmed.

Despite previous OSCE/ODIHR recommendations, only candidates and their parties, but not voters, can appeal the final election results.²⁷ Such complaints can only be applied through the parliament or the president to the Constitutional Court within 24 hours. In 2015, the deadline for the Court to

²⁶ On 9 July 2015, the OSCE Representative on Freedom of the Media reiterated her call for full decriminalization of defamation.

²⁷ Section II.3.3.f of the 2002 Venice Commission Code of Good Practice in Electoral Matters recommends that "All candidates and all voters registered in the constituency concerned must be entitled to appeal. A reasonable quorum may be imposed for appeals by voters on the results of elections".

investigate the complaint was extended from 72 to 120 hours, which is in line with a previous OSCE/ODIHR recommendation. The Court's conclusions in such cases are not a ruling, but a basis for a final decision of the parliament.²⁸ The OSCE/ODIHR has previously recommended that the final determination regarding the validity of elections should be made by a court.

K. ELECTION OBSERVATION

Electoral contestants can appoint up to two observers per PEC, as well as proxies to the CEC and ConECs. Several parties informed the OSCE/ODIHR NAM that they intend to deploy observers to polling stations as a measure to enhance transparency in the electoral process. The PEL provides for international election observation but, despite previous OSCE/ODIHR recommendations, does not explicitly provide for observation by citizen groups.²⁹ The CEC informed the OSCE/ODIHR NAM that accreditation will be provided to citizen observers. The civil society organisation White Gloves intends to deploy a comprehensive observation mission for the upcoming elections.

IV. CONCLUSIONS AND RECOMMENDATION

All OSCE/ODIHR NAM interlocutors expressed confidence in the overall professionalism of the election administration, including on election day. Although several previous OSCE/ODIHR recommendations have been addressed, most interlocutors stated that they would welcome a potential OSCE/ODIHR observation activity for these elections, recognizing that an external assessment and recommendations could contribute to the ongoing reform of the electoral legal framework.

In this context, some areas would benefit from closer attention, including issues related to candidate registration, campaign finance and vote-buying, the participation of women and national minorities, electronic voter lists, alternative voting mechanisms, and complaints and appeals procedures. Based on these considerations, the OSCE/ODIHR NAM recommends the deployment of an Election Assessment Mission for the 9 October parliamentary elections.

²⁸ Section II.3.3.a of the 2002 Venice Commission Code of Good Practice in Electoral Matters recommends that "The appeal body in electoral matters should be either an electoral commission or a court. For elections to Parliament, an appeal to Parliament may be provided for in first instance. In any case, final appeal to a court must be possible".

²⁹ Article 61.1.1 of the PEL authorizes the CEC to issue observer certificates "at its own discretion".

ANNEX: LIST OF MEETINGS

Ministry of Foreign Affairs

Oskaras Jusys, Director, Department for UN, International Organizations, and Human Rights
Evaldas Marozas, Second Secretary, Department for UN, International Organizations and Human Rights
Erika Šalčiuvienė, Chief Officer
Robertas Naudžiūnas, Third Secretary

Central Election Commission

Zenonas Vaigauskas, Chairperson
Rokas Stabingis, Member
Živilė Verbylaitė, Member
Lina Petronienė, Head of the Department of Control over Funding of Political Parties and Campaigns
Kristina Ivanauskaitė-Pettinari, Head of the Education and Communication Department
Jūrate Sokolova, PR Officer

Constitutional Court

Dainius Žalimas, President
Ingrida Danėlienė, Secretary General

Supreme Administrative Court

Irmantas Jarukaitis – the acting President
Dalia Višinskienė – Judge
Arūnas Dirvonas – Judge
Audronė Gedmintaitė – Head of the Legal Research and Information Department
Agnė Andrijauskaitė – Assistant to the President

Radio and Television Commission

Nerijus Maliukevičius, Executive Director
Dainius Radzevičius, Member
Martynas Lukosevičius, Adviser on Media Monitoring

National Radio and Television of Lithuania

Audrius Matonis, Director of Television News
Guoda Litvaitienė, Director of Radio Programmes
Jolanta Tarasevičienė, Head of Foreign Relations

Political Parties³⁰

Tadas Langaitis, Candidate, Homeland Union – Christian Democrats
Valentinas Bukauskas, MP, Vytautas Gapšys, MP, Labour Party
Remigijus Žemaitaitis, MP, Kęstutis Bartkevičius MP, Donatas Laurinavičius, Expert, Order and Justice Party
Vytautas Bakas, Tomas Tomilinas, Representatives, Lithuanian Peasant and Greens Union
Rita Tamašunienė, MP, Vanda Kravčionok, MP, Juzef Kvetkovskij, MP, Irina Rozova, MP, Valdemar Urban, Desk Officer, Ryšard Trainovič, Adviser, Lithuanian Poles' Electoral Action – Union of Christian Families
Algirdas Sysas, MP, Social Democratic Party

Civil Society

Rasa Aleskevičiūtė, Co-ordinator, Rita Jonusaitė, Co-ordinator, Lithuanian Youth Council
Sergejus Muravjovas, Executive Director, Transparency International Lithuania
Julius Lizūnas, Chairperson of the Board, “White Gloves” Civic Movement

³⁰ The Liberals Movement cancelled the scheduled meeting with the OSCE/ODIHR NAM.