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Observation of the early parliamentary elections in Bulgaria (12 May 2013)

Election observation report

Bureau of the Assembly

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Contents

| | Page |
|---|------|
| 1. Introduction | 1 |
| 2. Political context | 2 |
| 3. Legal framework | 3 |
| 4. Administration of the elections, drawing up of electoral rolls and registration of political parties | 4 |
| 5. The election campaign and the media environment | 5 |
| 6. Polling day and election results | 7 |
| 7. Conclusions and recommendations | 8 |
| Appendix 1 – Composition of the ad hoc committee | 10 |
| Appendix 2 – Statement by the pre-electoral mission | 11 |
| Appendix 3 – Programme of the election observation mission | 12 |
| Appendix 4 – Statement by the election observation mission | 14 |

1. Introduction

1. Further to an invitation from the Bulgarian Foreign Minister, the Bureau of the Assembly, at its meeting of 7 March 2013, decided to form an ad hoc committee comprising 21 members and the rapporteur of the Committee on the Honouring of Obligations and Commitments by Member States of the Council of Europe (Monitoring Committee), *ex officio*, to observe the early parliamentary elections in Bulgaria, scheduled to be held on 12 May 2013. The Bureau also authorised a pre-electoral mission. Mr Andreas Gross was appointed Chair of the ad hoc committee. At its meeting on 22 April 2013, the Bureau took note of the declarations of absence of conflicts of interest by the candidates for the observation mission and approved the final composition of the ad hoc committee (see Appendix 1).

2. On 4 October 2004, a co-operation agreement was signed between the Parliamentary Assembly and the European Commission for Democracy through Law (the Venice Commission). In pursuance of Article 15 of this Agreement, "When the Bureau of the Assembly decides to observe an election in a country in which electoral legislation was previously examined by the Venice Commission, one of the rapporteurs of the Venice Commission on this issue may be invited to join the Assembly's election observation mission as legal adviser", the Bureau of the Assembly invited an expert from the Venice Commission to join the ad hoc committee as an adviser.

3. In order to assess the organisation of the election campaign and the political climate during that campaign, the Bureau sent a pre-electoral mission to Bulgaria on 4 and 5 April 2013. The pre-electoral delegation, representing the Assembly's five political groups, comprised Mr Andreas Gross (Switzerland, SOC), Head of Delegation, Ms Marietta de Pourbaix-Lundin (Sweden, EPP/CD), Ms Tinatin Khidasheli

(Georgia, ALDE), Mr Mevlüt Çavuşoğlu (Turkey, EDG), Mr Nikolaj Villumsen (Denmark, UEL) and the rapporteur of the Monitoring Committee for Bulgaria, Mr Luca Volontè (Italy, EPP/CD). The statement issued by the pre-electoral delegation at the end of its mission is reproduced in Appendix 2.

4. The ad hoc committee observed the elections as part of the International Election Observation Mission (IEOM), which also comprised delegations from the Parliamentary Assembly of the Organization for Security and Co-operation in Europe (OSCE-PA) and the Election Observation Mission conducted by the OSCE's Office for Democratic Institutions and Human Rights (OSCE/ODIHR).

5. The ad hoc committee met in Sofia from 10 to 13 May 2013 and met, amongst others, the leaders and representatives of the main parties taking part in the elections, the head of the OSCE/ODIHR mission and members of his staff, the chair and members of the Central Election Commission, and representatives of civil society and the media. Outside the joint programme, the members of the pre-electoral mission also met Mr Rosen Plevneliev, President of Bulgaria, Mr Marin Raykov, interim Prime Minister and members of the caretaker government. The programme of the ad hoc committee's meetings is reproduced in Appendix 3.

6. On election day, the ad hoc committee split up into 12 teams to observe the elections in the following cities: Sofia and the surrounding area, Plovdiv, Varna, Pazardzhik, Blagoevgrad, Kiustendil, Montana and Vratsa.

7. The IEOM concluded that the early parliamentary elections of 12 May 2013 "were held in a competitive environment, fundamental freedoms were respected, and the administration of elections was well managed, although the campaign was overshadowed by a number of incidents that diminished trust in State institutions and the process was negatively affected by pervasive allegations of vote-buying". The IEOM press release published following the elections is reproduced in Appendix 4.

2. Political context

8. Parliamentary elections in Bulgaria were originally due to be held on 23 June 2013. In early February 2013, however, mass demonstrations took place in Bulgaria; initially the participants were protesting about the increase in electricity costs. Later these demonstrations evolved into a non-partisan movement criticising State corruption and the extreme hardship of the population; these demonstrations took place in over 30 towns and cities and led to the resignation of the government of Prime Minister Boyko Borisov on 28 February 2013. Following these developments, President Rosen Plevneliev dissolved the parliament and called for early parliamentary elections on 12 May 2013. The same day, the President appointed a caretaker government.

9. Since the collapse of the communist system in 1989, not a single government has been re-elected to power in Bulgaria. Voters have constantly demanded change, but no matter which leaders have been chosen, they have all pursued fairly similar macro-economic policies. Successive governments have justified their failure to change economic policies in response to voter dissatisfaction by arguing that maintaining an economic austerity policy was a pre-condition for joining the European Union – something an overwhelming majority of Bulgarians wanted, and achieved in 2007.

10. The lack of trust in the leading classes to change economic policy and combat corruption effectively was probably the most significant feature of the political crisis in Bulgaria. This explains why the protests, which broke out in February 2013, changed overnight; from being mere complaints about excessively high electricity prices, which went unheeded, they quickly turned to demands for radical political and constitutional change.

11. While the protests may have brought only around 2% of the population onto the streets, President Plevneliev informed the Assembly delegation that approximately 90% of the country's inhabitants sympathised with the protests, showing that the concerns of the citizens had been overlooked in the pursuit of strict austerity policies.

12. Paradoxically, however, despite the popular discontent, all recent public opinion polls indicated that, for the first time since 1989, the former governing party – the centre-right GERB (Citizens for the European Development of Bulgaria) would emerge the winner of the early elections. Consequently, many of those with whom the Assembly delegation spoke predicted that the result of the elections would be a prolonged period of political instability and uncertainty which could lead to further elections.

13. During the pre-electoral mission, the Assembly delegation observed political polarisation and deep mistrust – both between the politicians and the population and between the political parties themselves. The widespread climate of suspicion had led many citizens to lose trust in political parties and in the electoral process in general.

14. The street protesters were calling for the elimination of the State structures which were perceived as corrupt. They wanted to reduce the number of MPs in the 240-seat National Assembly, the removal of the immunity of members of parliament and the creation of a 50% citizens' quota for the direct control of State mechanisms by the public – each of these demands would require the adoption of a new constitution. However, these claims have not been transposed into a common political platform of the new “street-based” protest parties. Nor has the protest movement turned into a new political force which could participate in the elections.

15. One of the major challenges for these elections was the acceptance of results. The Assembly's pre-election delegation was concerned about the frequent allusions to possible new elections. The delegation therefore welcomed President Plevneliev's call on all parties to refrain from any attempts to invalidate election results for tactical purposes, and to use the month of campaigning to capitalise on positive engagement in this electoral process, focusing on proposing credible and deliverable solutions that tackled the main reasons for the current public mistrust of the institutions and politics.

16. For the first time in Bulgaria's modern history, the early parliamentary elections were organised by a caretaker government, which set as its priority the organisation of free and fair elections and the easing of social tension. In order to help boost citizens' confidence in the electoral process, the government set up a Consultative Election Board, with the participation of non-governmental organisations (NGO) active in electoral matters. The Board's task was to highlight any shortcomings in the application of the electoral law and to suggest improvements to the law in the interest of democracy and the citizens. Many people with whom the Assembly delegation spoke voiced their criticism about the way the Consultative Electoral Board functioned: it was much criticised for being a mere smokescreen as it had only consultative powers.

3. Legal framework

17. The main texts governing the parliamentary elections of 12 May were the Electoral Code, the Constitution, the Political Parties Act and the instructions and resolutions of the Central Election Commission (CEC).

18. The new Electoral Code was adopted in January 2011, constituting the first unified electoral legislation in Bulgaria and providing an effective framework for the holding of democratic elections, if properly applied.

19. The joint Opinion on the Electoral Code of Bulgaria by the Venice Commission and the OSCE/ODIHR was adopted in June 2011. Mr Georgi Parvanov, the then President of Bulgaria, vetoed the adoption of the Code on account of the 12-month residency requirement in order to participate in local elections, limitations on voting rights of citizens with dual citizenship and certain provisions relating to local and municipal elections. The presidential veto was overridden by a majority of members of the National Assembly. Although the limitations on the voting rights of citizens with dual nationality were criticised in the joint Opinion, in particular in the light of the case law of the European Court of Human Rights,¹ the provision in question remains in the Code.

20. The new Electoral Code was amended in February 2013. A number of changes are a positive response to several recommendations made by the Venice Commission and the OSCE/ODIHR, in particular the fact that observers may now observe the whole electoral process, the transparency of the activities of the election administration has been improved, the meetings of the district electoral commissions (DECs) are now published online, and it is now possible to obtain a copy of the records of results in polling stations following the count.

21. Nonetheless, the introduction of amendments to the Electoral Code in February 2013, roughly two months before the early parliamentary elections, made it difficult for them to be implemented and threatened the stability of the electoral system. It posed particular difficulties regarding the implementation of the CEC's new responsibilities, as it was required to broadcast its meetings in real time and maintain an updated, public database regarding the challenges submitted.

1. *Tănase v. Moldova*, judgment of 27 April 2010. See CDL-AD(2011)013, paragraph 18.

22. The Parliamentary Assembly delegation would point out that the majority of the changes to the Code in February 2013 may be considered as merely technical and have not incorporated the main recommendations set out in the joint Opinion of the Venice Commission and the OSCE/ODIHR of 2011, including:

- the lack of balance between political parties in the appointment of chairs and secretaries at all levels of election commissions, which could undermine confidence in the electoral process. In this regard, it should be noted that, according to ODIHR long-term observers, 30 out of 31 DEC chairs were appointed by the ruling GERB party;
- the need for tighter criteria regarding the financing of political parties and election campaigns, and more effective penalties in order to combat corruption;
- the need to ensure equal access to the different media for those taking part in the elections;
- the need to uphold the rights of minorities, primarily regarding the use of their mother tongue in the election campaign;
- the deprivation of voting rights should be defined more clearly and apply only to persons convicted of a serious crime;
- improvement of dispute resolution, as the Electoral Code does not authorise the election results to be challenged by voters, only by political parties, coalitions and candidates.²

23. Parliament is elected for a four-year term. The electoral system in Bulgaria is one of proportional representation. There are 31 multi-member constituencies for the 240 seats in the National Assembly. The changes to the Electoral Code in February 2013 introduced a system of closed lists. The number of seats allocated to each constituency ranges from 4 to 16. The CEC determines this number according to the size of the constituency.

24. In this connection, the Parliamentary Assembly delegation was told that there was a significant disparity between the number of voters in the various constituencies. For example, the constituency of Kardzhali had 44 768 voters, some 56% above the national average. This is contrary to the provisions of the Venice Commission's Code of Good Practice in Electoral Matters which states that the permissible departure from the norm should not exceed 15%. A member of parliament elected by majority vote in the largest constituency represents four times as many voters as a member elected in the smallest constituency. This is contrary to the constitutional principle of equal votes. This matter was challenged before the Constitutional Court by 70 members of parliament, but was rejected.

25. Seats are allocated in accordance with the Hare-Niemeyer method (the largest remainder method). Entitlement to seats is limited to parties and coalitions of parties which have obtained at least 4% of the votes cast within Bulgaria and abroad. The Parliamentary Assembly delegation considers that the high threshold for representation in parliament prevents a considerable number of votes cast for small political parties from having any parliamentary representation.

4. Administration of the elections, drawing up of electoral rolls and registration of political parties

26. The parliamentary elections were administered by a three-level system of election commissions: the Central Election Commission, the 31 district election commissions (DECs), one in each of the 31 multi-member constituencies, and 11 400 polling station commissions (PSCs). The election administration bodies are constituted on the basis of political appointments. The CEC appoints the members of the DECs and the DECs appoint the members of the PSCs. The same parties and coalitions making up the CEC nominate members of the DECs and the PSCs.

27. According to the ODIHR, the meetings of the CEC, closed to representatives of the parties and the media, were well organised and complied with the legal deadlines. The CEC administered the elections in an effective manner, its meetings were streamed online on its website in a timely manner, contributing to the transparency of the way it operates.

2. See CDL-AD(2011)013, paragraphs 57 and 58.

28. However, the CEC decisions on the composition of the DEC's, providing no information on the political affiliation of the appointed members, did not contribute to the transparency of the electoral process or confidence on the CEC's impartiality. This is why the opposition parties and certain NGOs expressed their concern over the independence of the DEC's and the PSC's, due to the alleged domination of the ruling GERB party.

29. The CEC launched a nationwide voter education campaign, comprising explanations on voting procedures, broadcast on television and radio. Transparency International conducted a voter education campaign against vote-buying.

30. Voter lists are drawn from the national population register maintained by the Civil Registration and Administrative Services Department of the Ministry of Regional Development. The number of registered voters was 6 868 455. Depending on their permanent address, voters could be added to an electoral roll on polling day. The Central Election Commission opened 227 polling stations in 56 foreign countries. 81 409 voters were registered on the lists for overseas voting.

31. In this connection, some people with whom the delegation spoke voiced concern over voting outside Bulgaria and the way the elections abroad were organised and how the Central Election Commission applied the principle of where to open polling stations. The concerns voiced related not so much to European Union countries, but rather to non-EU countries with large Bulgarian communities, such as the United States and Turkey.

32. The Assembly's ad hoc committee which had observed the presidential election in 2011 had expressed concern about the ratio between the number of inhabitants (7.3 million) and the number of registered voters (6.9 million), with the difference being much lower than the normal number of non-voting age inhabitants of a country. This matter had been raised in the joint Opinion on the Electoral Code of Bulgaria by the Venice Commission and OSCE/ODIHR of 2011. Some of the people with whom the Assembly delegation spoke claimed that this was still a concern for the parliamentary elections of 12 May 2013.

33. In order to be registered and take part in the elections, political parties and coalitions had to submit an application to the CEC with 7 000 supporting signatures, with voters able to support only one political party. 63 political parties were registered, of which 25 formed seven coalitions. The total number of candidates registered on the political party lists was 8 100 and only two candidates were successful in being registered as independent candidates. In this regard, the Parliamentary Assembly delegation believes that the requirements for the registration of independent candidates are difficult to meet and that this does little to ensure equal opportunities between different categories of candidates.

5. The election campaign and the media environment

34. The election campaign began on 12 April and was conducted in a pluralist and generally violence-free context. The caretaker government undertook several measures to show its neutrality, guarantee the holding of democratic elections and prohibit the use of administrative resources, which had been very frequent during preceding elections. In addition, the President of the Republic had set up a Consultative Electoral Board with the participation of NGOs active in election matters, to highlight any shortcomings noted in the implementation of the electoral law and to suggest improvements to the legislation.

35. In their election campaign, the political parties focused on the problems of poverty, unemployment, and the fight against corruption and organised crime. Some political parties, such as the "Ataka" party, the Bulgarian National Movement (VMRO-BND) and the National Front for the Salvation of Bulgaria (NFSB), based their electoral platform on ethnic exclusion, adopting xenophobic rhetoric concerning the Roma population. The slogan of the GERB ruling party was "We have the will to go on", particularly in the fields of construction, infrastructure, improving living conditions and using European Union funds to carry out social programmes. The main opposition party, the Coalition for Bulgaria, promised to create 250 000 new jobs, to combat monopolies and launch a debate on the building of the Belene nuclear power plant.

36. The Assembly delegation was told about allegations of vote-buying, of intimidation and pressure on voters (with forms of so-called "controlled voting"³), and of corruption of members of the election commissions. According to independent surveys carried out by Transparency International during the election campaign, up to 15% of voters admitted that they would be prepared to sell their vote.

3. OSCE/ODIHR, Needs Assessment Report, 12 May 2013.

37. The Assembly delegation heard statements from various people on instances of vote-buying and controlled voting which had taken on unacceptable proportions. According to some, all political parties were involved in this form of election corruption. It was claimed that vote-buying was primarily carried out in ethnically mixed areas. For the 12 May elections, according to Transparency International, the extent of vote-buying was going down whereas that of controlled voting was going up.

38. These allegations of electoral corruption are repeated from one election to another. The Principal State Prosecutor told international observers that 26 investigations into vote-buying had been initiated. At the time of drafting this report, one person from Pleven had been given a five-month prison sentence and fine of €50 000 for vote-buying. The Ministry of the Interior is believed to have received various reports of instances of electoral corruption, and investigations are under way.

39. In this connection, the Parliamentary Assembly delegation calls on the competent Bulgarian authorities to investigate these allegations as thoroughly as possible and, if they are substantiated, to bring those responsible to account, including those who ordered this type of electoral corruption, and to inform both the public and the Parliamentary Assembly as soon as possible.

40. The election campaign was tainted by two wiretapping scandals involving senior civil servants and politicians. On 28 March, Mr Stanishev, leader of the Coalition for Bulgaria, submitted to the Bulgarian Principal State Prosecutor documentary evidence of illegal wiretapping of telephone conversations of politicians and journalists, conducted, it was claimed, by Ministry of the Interior officials. On 15 April, the Principal State Prosecutor said that the investigations carried out had confirmed the fact that unlawful wiretapping had taken place, with the involvement of four officials from the Ministry of the Interior, including Mr Tsvetanov, former Minister of the Interior and the current director of the GERB election campaign.

41. On 26 April, the media published the recording of a conversation between Mr Borisov, the former Prime Minister and the Sofia City Prosecutor on the use of European Union funds, relations with the media and on the process of selecting and appointing the Principal State Prosecutor. Following the publication, the authenticity of this illegal wiretapping was not denied and the Sofia City Prosecutor resigned. The interim Prime Minister ordered investigations to be carried out, in order to put an end to illegal wiretapping. All these scandals considerably lowered public trust in the electoral process.

42. On 11 May, the day before polling day, the Sofia prosecution office seized 350 000 illegal ballot papers in a private printing works in Kostinbrod belonging to a local elected representative from the GERB party. The opposition accused GERB of electoral fraud. The GERB party leaders accused the opposition of breaching electoral legislation by organising press conferences on 11 May, a day of media silence.

43. According to the 2011 census, 8.8% of the population are of Turkish origin and approximately 4.9% are Roma. Current legislation stipulates that the election campaign must be conducted only in Bulgarian. The minorities are seen as being among the most vulnerable to electoral irregularities. Bulgaria has ratified the Council of Europe Framework Convention of National Minorities (ETS No. 157) with reservations.⁴ It is not Party to the European Charter for Regional or Minority Languages (ETS No. 148). Despite explicit calls by the Council of Europe, national minorities are not allowed to campaign in their own language and this is a matter of serious concern. This affects primarily the Turkish minority and most media and printed materials (public meetings may be conducted in several languages).

44. The Assembly delegation, while acknowledging the right of national minorities to conduct election campaigns in their mother tongue, would nevertheless point out that the political parties representing the interests of the national minorities and their leaders also have a heavy responsibility to combat effectively all forms of electoral corruption which, according to various credible sources, is a much more worrying phenomenon in ethnically mixed areas.

4. Declaration contained in the instrument of ratification deposited by Bulgaria on 7 May 1999: "Confirming its adherence to the values of the Council of Europe and the desire for the integration of Bulgaria into the European structures, committed to the policy of protection of human rights and tolerance to persons belonging to minorities, and their full integration into Bulgarian society, the National Assembly of the Republic of Bulgaria declares that the ratification and implementation of the Framework Convention for the Protection of National Minorities do not imply any right to engage in any activity violating the territorial integrity and sovereignty of the unitary Bulgarian State, its internal and international security."

45. Bulgaria has a pluralist media landscape offering freedom of expression and providing the electorate with a broad range of political opinion. Nonetheless, there are some reservations about the independence of the media from undue political and economic influence. Moreover, there are no provisions regarding free airtime. Political parties had to pay large sums – the same for all – for almost all broadcasts relating to their campaign, including debates on public broadcasting channels. There is a clear lack of equality between parties, not least because parties in parliament benefit from State subsidies, which is regarded as an indirect subsidy to media access. Furthermore, media ownership is opaque, mostly in the hands of party-affiliated oligarchs. Paid campaign broadcasts were not always clearly identified as such and certain voters may in this way have been misled about their source.

6. Polling day and election results

46. Polling day was calm. The members of the ad hoc committee saw for themselves that voting took place in an orderly manner. They identified a number of irregularities and minor technical problems in the polling stations they visited:

- failure to comply with opening hours in a number of polling stations;
- unintentional failure to comply with voting procedures, including during the count, especially in rural areas;
- interference of political party observers in the running of the polling station, including during the count;
- some political party observers were unable to name the party they were supposed to be representing;
- election posters for the Movement for Rights and Freedoms (MRF) were visible close to a polling station situated in an area in which Roma lived; food distribution was organised close to the polling station;
- election posters for the Movement for Rights and Freedoms (MRF) were visible close to a polling station in Besdeny; the team of observers had the impression that voting was taking place under the control of the owners of the cafeteria next to the polling station; according to the results obtained after the votes had been counted, the MRF was believed to have received around 60% of the vote;
- in one polling station, once the team had arrived, not a single voter turned up for the hour it was there; this could raise suspicions about controlled voting whereby voters were dissuaded from coming to vote when international observers were present;
- some teams mentioned possible vote-buying in rural areas, but this is very difficult to prove;
- in some polling stations in areas with a significant Roma population there were no Roma representatives among the members of the PSC;
- the count was chaotic in polling station No. 37 in Varna; the PSC chair decided on everything without consulting the other members of the commission; a number of ballot papers were invalidated even though the voters' choice was clear;
- ballot papers were very long and their design and poor quality could make it easy to print counterfeit papers;
- there was only one booth in each polling station and generally speaking these polling stations did not have disabled access; very few men were members of polling station commissions;
- in the polling station in the Ecole Française in Sofia, the commission chair categorically refused to co-operate with the team of observers, insisting that they take up position far away from the table where the counting was taking place, in such a way that they were unable to properly observe the count procedure.

47. On 16 May, the CEC announced the official results of the early parliamentary elections. GERB (Citizens for the European Development of Bulgaria) obtained 30.54% of the vote (97 seats), the Coalition for Bulgaria (CB) obtained 26.61% (84 seats), the Movement for Rights and Freedoms (MRF), supported by Bulgarians of Turkish origin, obtained 11.31% (36 seats), and the extreme right coalition ATAKA obtained 7.30% (23 seats). The other parties, which failed to pass the 4% threshold to qualify for representation in parliament, were the National Front for the Salvation of Bulgaria (3.70%), the Bulgaria for Citizens party (Kuneva) with 3.25% and the Democrats for a Strong Bulgaria with 2.93%.

48. Voter turnout was 51.33%, the lowest in the history of post-Communist Bulgaria. More than 49% of Bulgarian citizens who voted abroad gave their vote to the MRF; this party obtained roughly 60% of the vote in the Kurdjali region. The leaders of the "Order, Law and Justice" party asked the Prime Minister to cancel the results of the elections in the polling stations in Turkey. On 16 May, Mr Borisov, the former Prime Minister, whose GERB party had obtained the largest number of seats in parliament, called for the election results to be cancelled, on the ground that the opposition leaders had violated electoral legislation by organising a press conference on the day before polling day, which was designated an election silence day.

49. On 3 June 2013, the leadership of the political party GERB addressed a letter to the President of the Parliamentary Assembly about the application addressed by 96 members of this party's parliamentary group to the Constitutional Court in which the deputies asked for the early parliamentary election of 12 May 2013 to be declared illegal. The Constitutional Court has started the procedure for the examination of this application. According to the law, the CEC has 30 days to provide all the documents required by the Constitutional Court, the other public institutions concerned have seven days.

50. The NGO "Civic Coalition" identified over 200 irregularities on polling day, including instances of controlled voting (in Varna, Plovdiv, Pleven, Montana and Pliska) and vote-buying (in Sliven, Pleven, Kustendil and Blagoevgrad). Roughly 100 reports of irregularities have been forwarded to the Ministry of the Interior and investigations have been initiated in 47 cases. One person in Pleven has been convicted for vote-buying.

7. Conclusions and recommendations

51. The Parliamentary Assembly ad hoc committee concluded that the early parliamentary elections of 12 May 2013 in Bulgaria were held in a pluralist context, fundamental freedoms were upheld and the administration of the elections was satisfactory. However, the campaign was marred by a number of incidents which weakened trust in the public institutions and there were numerous allegations of vote-buying. The public's lack of trust in the electoral process and the disaffection of an excessively high number of Bulgarians vis-à-vis their public institutions remain a matter of great concern.

52. Overall, the legal framework for elections provided a sound basis for the holding of democratic elections, on condition that it was properly applied. The Parliamentary Assembly delegation wishes to emphasise that the majority of amendments made to the Electoral Code in February 2013 can be considered technical and did not incorporate the main recommendations of the Venice Commission, in particular with regard to the balance between political parties in the appointment of chairs and secretaries of all levels of election commissions in order to strengthen confidence in the electoral process.

53. The Assembly delegation and the other international observers were informed of instances of vote-buying and controlled voting of unacceptable proportions, especially in rural areas with ethnically mixed populations. These allegations of electoral corruption are repeated from one election to another and it is claimed that the main political parties are involved in this form of electoral corruption.

54. The Parliamentary Assembly delegation notes that the competent Bulgarian authorities have registered numerous cases of violations of the electoral legislation, both during the election campaign and on polling day, and investigations are under way. In this connection it calls on the competent Bulgarian authorities to investigate these allegations as thoroughly as possible and, if they are substantiated, to bring those responsible to account, including those who ordered this type of electoral corruption, and to inform both the public and the Parliamentary Assembly as soon as possible.

55. The election campaign was tainted by scandals surrounding the illegal wiretapping of telephone conversations of politicians and journalists, conducted, it was claimed, by Ministry of the Interior officials with the involvement of politicians. The Parliamentary Assembly delegation roundly condemns such illegal practices which have no place in a country governed by the rule of law. They weaken the trust of Bulgarian citizens in their public institutions and in politics. The delegation calls on the competent authorities to bring those responsible to account as soon as possible.

56. According to the 2011 census, roughly 14% of the Bulgarian population belong to national minorities of different origins. Bulgaria has ratified the Council of Europe Framework Convention for the Protection of National Minorities with reservations. The legislation in force stipulates that election campaigns must be conducted only in Bulgarian. The Parliamentary Assembly delegation, while acknowledging the right of national minorities to be able to conduct election campaigns in their mother tongue, would nevertheless point out that

the political parties representing the interests of the national minorities, seen as being among the most vulnerable to electoral irregularities, have a heavy responsibility to combat effectively all forms of electoral corruption, particularly as these unacceptable practices frequently take place in ethnically mixed areas.

57. Media coverage of the election campaign provided the electorate with a broad range of political opinions. Nonetheless, the Parliamentary Assembly delegation expresses its concern about the independence of the media from undue political and economic influence and the opacity of media ownership, mostly in the hands of party-affiliated oligarchs. The Assembly delegation considers that it is unacceptable for political parties to pay large sums – the same for all – for almost all broadcasts relating to their campaign, including debates on public broadcasting channels. Such a situation offers no guarantee of the principle of equality between parties, not least because parties in parliament benefit from State subsidies, which may be seen as an indirect subsidy to media access.

58. In order to restore and strengthen citizens' trust in the democratic process, the Parliamentary Assembly ad hoc committee calls on the Bulgarian authorities, in close co-operation with the Venice Commission and as part of the Assembly's post-monitoring dialogue, to take the following measures:

- assess and improve the electoral legal framework in the light of the problems identified during the early parliamentary elections of 12 May 2013, taking into consideration the recommendations made by the Council of Europe's Venice Commission in 2011; reinforce the legal mechanism to exclude possible misuse of voter lists due to a considerable number of voters residing abroad who remain in the voter lists;
- carry out investigations into all allegations of vote-buying, controlled voting and other forms of electoral corruption in order to bring those responsible to account and publish the results of those investigations in order to strengthen citizens' trust in the electoral process;
- improve legislation in order to ensure the principle of equal access to the media for political parties;
- organise training for members of the polling station commissions, especially in rural areas, in order to ensure that they have greater familiarity with procedures on polling day.

59. The ad hoc committee believes that it would be appropriate to consider preparing and implementing projects for Bulgaria under the Council of Europe's electoral assistance programmes. The main aim of these projects should be to raise the awareness of vulnerable population groups regarding efforts to combat all forms of electoral corruption.

Appendix 1 – Composition of the ad hoc committee

Based on proposals by the political groups of the Assembly, the ad hoc committee was composed as follows:

- Andreas GROSS⁵ (Switzerland, SOC), Head of the Delegation
- **Group of the European People's Party (EPP/CD)**
 - Viorel BADEA, Romania
 - Şaban DIŞLI, Turkey
 - Aleksandar NIKOLOSKI, "the former Yugoslav Republic of Macedonia"
 - Marietta DE POURBAIX-LUNDIN,⁵ Sweden
- **Socialist Group (SOC)**
 - Lennart AXELSSON, Sweden
 - Paolo CORSINI, Italy
 - René ROUQUET, France
 - Kostas TRIANTAFYLLOS, Greece
 - Dana VÁHALOVÁ, Czech Republic
- **European Democrat Group (EDG)**
 - Giacomo STUCCHI, Italy
 - Øyvind VAKSDAL, Norway
- **Alliance of Liberals and Democrats for Europe (ALDE)**
 - Alfred HEER, Switzerland
 - Tinatin KHIDASHELI,⁵ Georgia
 - Andrea RIGONI, Italy
 - Ionut STROE, Romania
- **Group of the Unified European Left (UEL)**
 - Nikolaj VILLUMSEN,⁵ Denmark
- **Rapporteur of the Monitoring Committee (ex officio)**
 - Luca Volontè,⁵ Italy
- **Venice Commission**
 - Manuel GONZÁLEZ OROPEZA, Member of the Venice Commission
- **Secretariat:**
 - Chemavon CHAHBAZIAN, Deputy to the Head of Secretariat, Interparliamentary Co-operation and Election Observation Division, Secretariat of the Parliamentary Assembly
 - Amaya ÚBEDA DE TORRES, Administrator, Venice Commission
 - Danièle GASTL, Assistant, Interparliamentary Co-operation and Election Observation Division, Secretariat of the Parliamentary Assembly
 - Anne GODFREY, Assistant, Interparliamentary Co-operation and Election Observation Division, Secretariat of the Parliamentary Assembly

5. Pre-electoral mission (4-5 April 2013).

Appendix 2 – Statement by the pre-electoral mission

Bulgaria needs free and fair elections in order to overcome crisis, says PACE pre-electoral delegation

Strasbourg, 05.04.2013 – “Bulgaria needs free and fair elections as only this can give the next parliament the legitimacy it needs in order to overcome the political and social crisis,” a six-member pre-electoral delegation of the Parliamentary Assembly of the Council of Europe (PACE) has concluded. “Therefore, in the next few weeks, trust in the democratic process must be restored so that the street protests can transform into participation,” said the delegation, led by Andreas Gross (Switzerland, SOC), in a statement issued at the end of a two-day visit to Sofia (4-5 April 2013).

“Many Bulgarians live in a desperate financial situation and unemployment has doubled in the past few years. A climate of suspicion has led many citizens to lose confidence in political parties and in the democratic process in general. The total lack of trust between the parties themselves, both majority and opposition, exacerbates an already tense situation,” the parliamentarians said.

The pre-electoral delegation said it was pleased that the President and the caretaker government see achieving free and fair elections as their first priority. “While the electoral law cannot now be changed, the caretaker government and the newly-created election board may help to increase the transparency and the fairness of its implementation,” the delegation said.

The delegation expressed its concern about the role of the media: “It is a shame that political parties and candidates have to pay to make their message heard, and that paid broadcasts on television are not presented as such to the viewer.”

Furthermore, the delegation regretted that national minorities cannot engage in campaigning in their own language. It also expressed its concern about allegations of vote-buying and called on all political players to refrain from exercising administrative or economic pressure on citizens. In addition, the parliamentarians said, every effort must be made to ensure the accuracy of the voter lists.

Finally, the delegation called on the citizens of Bulgaria to use the forthcoming weeks to communicate their concerns to the parties, to listen and to discuss the proposals put forward by the parties and to use this information to make up their minds and to express their opinion by using the ballot-box.

During its visit the delegation met with the President of the Republic, members of the caretaker government including the Prime Minister, representatives of the Central Electoral Commission, the Bulgarian delegation to PACE, representatives of the parties and coalitions standing for election, and civil society representatives.

A full 21-member delegation from the Assembly will return to the country to observe the voting before making a final assessment.

Appendix 3 – Programme of the election observation mission

Friday 10 May 2013

- 10.00-11.00 PACE Ad hoc Committee meeting
- Briefing on the pre-electoral mission by Mr Andreas Gross, Head of the Delegation, and members of the pre-electoral mission
 - Recent developments in the field of election legislation in Bulgaria by Mr Manuel González Oropeza, Member of the Venice Commission (Mexico)
 - Practical and logistical arrangements, Secretariat
- 14.00-18.00 **Joint meeting of international election observation delegations**
- 14.00-14.15 Opening remarks:
- Mr Eoghan Murphy, Special co-ordinator, Leader of the short-term OSCE observer mission
 - Mr Roberto Battelli, Head of the OSCE PA delegation
 - Mr Andreas Gross, Head of the PACE delegation
- 14.15-15.15 Meeting with Mr Miklos Haraszti, Head of the OSCE/ODIHR mission and members of his team
- 15.15-18.00 Meeting with the leaders and representatives of main political parties and coalitions:
- Citizens for the European Development of Bulgaria (GERB): Ms Gemma Grozdanova and Mr Dimitar Lazarov
 - Coalition for Bulgaria (CB): Mr Sergey Stanishev, Mr Kristian Vigenin and Ms Katia Nikolova
 - Movement for Rights and Freedoms (MRF): Mr Stanislav Anastasov
 - Bulgaria for Citizens party (Kuneva): Mr Yonko Grozev and Ms Dessislava Dimitrova

Saturday 11 May 2013

- 10.30-11.30 Meeting with representatives of the Consultative Election Board (CEB):
- Professor Emilia Drumeva, former Judge of the Constitutional Court
 - Ms Antoaneta Tsoneva, President
 - Ms Tania Tzaneva, Secretary General
 - Ms Galina Asenova, Executive Director
 - Mr Daniel Stoianov, Association for Reintegration of Sentenced Prisoners
- 11.30-12.15 Meeting with representatives of the Central Election Commission: Ms Krassimira Medarova, Chairperson, and members of the CEC
- 12.15-13.15 Meeting with representatives of civil society:
- Mr Kalin Slavov, Executive Director of Transparency International,
 - Mr Nikolai Karamihov, Project Manager, Center for Modernisation of Politics
 - Ms Galina Asenova, Executive Director, Institute for Social Integration
- 13.15-14.15 Meeting with media representatives:
- Bulgarian National TV, Mr Boyko Vassilev
 - Bulgarian National Radio, Mr Valerii Todorov, Director General, Ms Irina Velichkova, Director of the Legal Department

- Association of Bulgarian Broadcasters (ABBRO), Mr Mehti Melikov, Executive Director
- BTV Media Group, Ms Lyuba Rizova
- Council of electronic media (CEM): Mr Georgi Lozanov, Director
- Nova TV, Mr Konstantin Kissimov

14.30 Meeting with drivers and interpreters: deployment

Sunday 12 May 2013

07.00-20.00 Observation of the elections

After 20.00 Observation of the closing and vote-counting operations

Monday 13 May 2013

08.45-9.30 Meeting of the PACE ad hoc committee – debriefing

9.30-11.30 Meeting of the heads of delegations

13.30 Press conference

Appendix 4 – Statement by the election observation mission

Bulgaria's elections competitive and well run, but trust in process is lacking, international observers say

Strasbourg, 13.05.2013 – Bulgaria's early parliamentary elections on 12 May were held in a competitive environment, fundamental freedoms were respected, and the administration of elections was well managed, although the campaign was overshadowed by a number of incidents that diminished trust in State institutions and the process was negatively affected by pervasive allegations of vote-buying, international observers said in a statement today.

The campaign was competitive and generally free of violence, and the caretaker government undertook several measures to hold genuine elections. Cases of pre-election wiretapping and concerns over last-minute incidents related to ballot security, however, weakened public confidence in the process. The campaign was at times negative, with some parties using inflammatory and xenophobic rhetoric. Allegations of vote-buying continued, negatively affecting the campaign environment, the international observers noted.

"Voters had a genuine choice in a competitive campaign, and the authorities made real steps to uphold the integrity of the election, but scandals and the recent discovery of additional ballot papers without proper explanation undermined people's faith in the political system and, more worryingly, made them question the process itself," said Eoghan Murphy, the Special Co-ordinator who led the short-term OSCE observer mission. "When you look at the mistrust that exists between political parties, and at the current economic difficulties, this is a negative development."

"The lack of public confidence in the electoral process and the alienation of too many Bulgarians from their public institutions remains a matter of concern," said Andreas Gross, the head of the delegation from the Parliamentary Assembly of the Council of Europe (PACE). "All those who have been elected have to address this in order to overcome the social and political crisis with which the Bulgarian people are confronted."

The process was well-administered by the Central Election Commission (CEC), which generally worked in an open manner, although providing more information on the times of all of its sessions and the basis for its decisions would have improved transparency, the statement said. There were some concerns expressed about the independence of lower election commissions, but the posting of CEC sessions on the Internet was a welcome transparency measure.

"It is only through democratic institutions that social, economic and political changes can be addressed effectively. In many countries we see systematic attacks on the credibility of the democratic institution of elections. It is not acceptable that, in order to win elections – the basis of democracy – elections are damaged," said Roberto Battelli, the Head of the OSCE Parliamentary Assembly delegation. "Genuine efforts at holding democratic elections that we have seen here are not enough, and addressing this must be a top priority for both national and international actors."

The legal framework for the elections generally provides a sound basis for the conduct of democratic elections when implemented properly. While some recommendations made by the OSCE Office for Democratic Institutions (ODIHR) and the Council of Europe were adopted in recent amendments to the Electoral Code, others remained unaddressed. Legal provisions on campaign financing could ensure a more transparent system, the statement said.

Although the media landscape during the campaign was pluralistic, media ownership lacks transparency. Public broadcasters and some private media granted contestants free airtime on popular election-related programmes, but a significant share of the campaign information had to be paid for, creating a playing field for candidates that was not level and limiting the public media's role in providing voters with a broad range of information. Paid campaign information was not always clearly labelled as such, potentially misleading voters about the sources of election-related messages.

Election day took place in a calm and orderly manner, with polling station openings and voting mostly assessed positively, although the counting of ballots was more problematic in a number of cases. Tabulation, overall, was positive. The large number of proxies and observers present enhanced transparency.

“There were serious violations during this campaign. These have to be thoroughly investigated and those responsible prosecuted,” said Miklós Haraszti, the Head of the OSCE/ODIHR long-term election observation mission. “In order to restore the trust of Bulgarian citizens in their democratic process, the cycle of impunity must be broken.”