



Office for Democratic Institutions and Human Rights

# KINGDOM OF BELGIUM

FEDERAL ELECTIONS

9 June 2024

ODIHR NEEDS ASSESSMENT MISSION REPORT

23-26 January 2024



Warsaw  
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**KINGDOM OF BELGIUM  
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**ODIHR Needs Assessment Mission Report**

**I. INTRODUCTION**

Following an invitation from the Government of Belgium to the OSCE Office for Democratic Institutions and Human Rights (ODIHR) to observe the 9 June elections to the Federal Parliament and in accordance with its mandate, ODIHR undertook a Needs Assessment Mission (NAM) to Belgium from 23 to 26 January 2024. The NAM was composed of Keara Castaldo, ODIHR Senior Election Adviser, and Hamadziripi Munyikwa, ODIHR Election Adviser.

The purpose of the NAM was to assess the pre-election environment and preparations for the elections. Based on this assessment, the NAM recommends whether to deploy an 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 bodies, as well as with representatives of political parties, and media. A list of meetings is annexed to this report.

ODIHR would like to thank the Federal Public Service - Foreign Affairs for their assistance and cooperation in organizing the NAM. ODIHR would also like to thank all of its interlocutors for taking the time to meet with the NAM.

**II. EXECUTIVE SUMMARY**

On 9 June, voters will elect members of the Chamber of Representatives of the federal parliament for a five-year term. The 150 members, representing 11 multi-member constituencies, will be elected through a proportional representation system with open party lists, in which voters have the option to select preferred individual candidates from one party, regardless of their ranking on a list.

Elections are primarily regulated by the Constitution and Electoral Code, as well as other laws covering new voting technologies and political party and campaign funding. All ODIHR NAM interlocutors were satisfied with the legal framework as the basis for holding democratic elections. However, a number of prior ODIHR recommendations remain unaddressed in the law, particularly related to the complaints and appeals system, proxy voting, and lack of provisions for citizen observation. The Electoral Code allows for the presence of international observers and political party observers in polling stations and at all other election administration bodies, does not provide for non-partisan citizen observation, despite prior OSCE commitments in this regard.

The organization of federal elections is co-ordinated by the Federal Public Service-Interior (FPS-I) with operational functions distributed at the regional, constituency and municipal level. All ODIHR NAM interlocutors expressed a high degree of confidence in the professionalism and effectiveness of the relevant institutions for election management. Voters in 253 Francophone and 141 Flemish municipalities cast ballots marked by hand, while 159 Flemish, 19 Brussels and all German-speaking municipalities use touch-screen ballot marking devices with a human-readable Voter Verified Paper Audit Trail (VVPAT). Confidence in the use of electronic voting devices continues to vary along these geographic lines. A new computerized counting aid will be used in municipalities with paper-based voting; all interlocutors approved of this change. Some ODIHR NAM interlocutors noted

continued physical and informational barriers to the autonomous participation of persons with disabilities in the election process.

Voter registration is passive and voter lists are compiled at the municipal level based on population data. Voting is compulsory for all citizens over 18 years of age, except for those deprived of their voting rights by an individual court decision, including on the basis of intellectual or psycho-social disabilities, contrary to the objectives of the CRPD. No ODIHR NAM interlocutors questioned the accuracy of voter lists, but some noted that recent legal amendments may make it more likely that justices of the peace automatically disenfranchise some people with intellectual or psycho-social disabilities.

Citizens over the age of 18, who are resident in Belgium and not currently deprived of their civil and political rights, may stand as candidates for the Chamber of Representatives. Political parties can register candidate lists which must be supported by 200 to 500 signatures or by 3 members of parliament (MPs). A voter can sign in support of only one candidate list for federal elections and MPs can sign in support of only one list per constituency. The law provides for gender parity on candidates lists, including among the two top candidates. Still, women remain under-represented in political positions, holding only 64 out of 150 seats in the outgoing Chamber, 24 out of 60 Senate seats, and 10 out of 17 current federal ministerial positions.

Freedoms of association and assembly are protected by the Constitution, and the Law on the Limitation and Control of Electoral Expenses for Federal Elections and Accountability of Political Parties regulates both campaigning and campaign finance. Most political parties met by the ODIHR NAM affirmed that they were free to conduct public campaigns but some raised varying opinions on the practice of exclusion of certain political parties from privately operated billboards, as well as attempts in municipalities to ban certain protests, particularly in the context of precluding racist speech. All parties stated that they would campaign on social media, though some had proposed banning micro-targeting and others introducing expenditure caps on advertising in social media, or the banning of campaigning in social media altogether, citing the vast differences in such spending between different parties. Many ODIHR NAM interlocutors were apprehensive about the potential impact that disinformation, including in the form of Artificial Intelligence tools such as “deepfakes”, might have on the elections.

All parties represented in the federal parliament receive public funding in proportion to the number of seats they hold as well as the number of votes received in the most recent federal elections. Private donations from individuals are limited and donations from legal entities are prohibited. Many ODIHR NAM interlocutors criticized the factoring of incumbency into both the allocation of public funds as well as on the limits to campaign spending by individual candidates, as favouring more established parties. Some interlocutors noted that parties spend large amounts in the period leading up to the official campaign period, particularly in advertising on social media, thereby circumventing the spending limits and certain transparency requirements.

The media environment is diverse and caters to distinct linguistic audiences. Media coverage of the election campaign is largely self-regulated with the respective media authorities of the three Communities responsible for oversight. Defamation and libel remain criminal offenses but are generally unsanctioned. Paid political advertisement is prohibited in broadcast media during the campaign, and public broadcasters are obliged to provide free airtime for contestants. Regulations in the French-speaking Community call for the deliberate exclusion of “undemocratic” political parties from media coverage, including from the public media, on the basis of holding racist or xenophobic views. While most ODIHR NAM interlocutors expressed support of this “*cordon sanitaire médiatique*”, some claimed that the policy amounts to politically-biased suppression of the freedom

of expression, and others expressed concern that the policy curtails public information about the existence of extremist views and opportunities for rebuttal.

Many decisions and actions of election management bodies, with the exception of cases pertaining to voter and candidate registration and production of ballots, cannot be appealed to the courts. Media-related complaints are considered by the respective linguistic community media regulators which may be appealed to the court. Only the parliament can consider complaints against the final election results and election day complaints, with no possibility for judicial review. ODIHR has previously recommended that authorities consider measures to provide for impartial resolution of electoral disputes, including the possibility of an appeal to a court.

All ODIHR NAM interlocutors expressed a high level of confidence in the election administration and the overall integrity of the electoral process, including in the implementation of election-day procedures. While most interlocutors indicated that an ODIHR observation activity would be unnecessary, some indicated certain regulatory areas that could benefit from further attention, including the regulation of political campaigns and their financing. ODIHR considers that issues identified by the stakeholders as potentially benefiting from external scrutiny can be best analyzed through other tools that ODIHR is ready to provide. On this basis, the ODIHR NAM does not recommend the deployment of an observation activity for the upcoming federal elections. ODIHR reaffirms its readiness to support the authorities in future electoral reform processes and encourages the authorities to consider the issues raised during the NAM and in previous ODIHR reports. ODIHR also encourages the authorities to consider other outstanding prior recommendations, including those pertaining to the use of voting technologies and mechanisms for election dispute resolution.

### **III. FINDINGS**

#### **A. BACKGROUND**

Belgium is a federation of three regions (the Flemish, Walloon and Brussels-Capital regions), broadly encompassing, though not strictly overlapping with, three institutional communities corresponding to the languages predominantly spoken in each area (Dutch, French and German).<sup>1</sup> The Federal State, among other functions, is charged with foreign relations, defence, justice, and internal affairs. The Regions and Communities have parliaments and governments led by minister-presidents governing aspects which fall under their respective competencies with the specific overlapping aggregations of the Regions and Communities resulting in varying representative and institutional arrangements.<sup>2</sup> The Flemish and Walloon regions each comprise 5 provinces, and all 3 regions contain a total of 581 municipalities.

The king is the titular Head of State, while executive power is exercised by the prime minister and the government. Federal legislative power rests in a bicameral parliament made up of the Chamber of 150 members representing 11 multi-member constituencies and the 60-member Senate, both of which serve concurrent five-year terms. On 9 June, elections will be held for the Chamber of the federal parliament, the Regional and Community parliaments as well as for the European Parliament.

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<sup>1</sup> The geographical boundaries of the Flemish region broadly correspond to the Dutch speaking areas of the country of which the Brussels-Capital Region is a bilingual enclave, while the Walloon region includes both French and German speaking areas.

<sup>2</sup> The Regions' purviews include regional development, labour policy, agriculture, housing and the environment. The Communities are responsible for language, education and culture and the implementation of social policies.

The most recent federal elections were held on 26 May 2019, with 12 parties winning seats in the chamber.<sup>3</sup> The negotiations to form a government took 494 days following the elections and resulted in a seven-party coalition which included parties from the Flemish and French *Open Vld, MR, Vooruit, PS, Ecolo, Groen CD&V*. Only 64 out of 150 seats in the outgoing Chamber were held by women, as were 24 out of 60 Senators, and 10 out of 17 current federal ministerial positions.<sup>4</sup>

The previous ODIHR observation missions deployed to Belgium included an Election Assessment Mission to the 2007 federal elections and an expert study of electronic voting systems for the 2006 local elections.<sup>5</sup>

## B. LEGAL FRAMEWORK AND ELECTORAL SYSTEM

The Constitution, the Electoral Code, the Law on Organizing Electronic Voting with Paper Proof, and the Law on the Limitation and Control of Electoral Expenses for Federal Elections and Accountability of Political Parties, form the primary components of the electoral legal framework. Revisions introduced to the Election Code since the last elections were mostly procedural and bore no fundamental impact on the legal framework. Some ODIHR NAM interlocutors, however, were concerned by changes to procedures by which justices of the peace may suspend the exercise of political rights of citizens with disabilities (see *Voter Registration* section). Federal legislation against racism and xenophobia applies to the content of political campaigns, while Communities and Regions regulate the conduct of public campaigning. Federal laws are elaborated by secondary legislation in the form of Royal and Ministerial Decrees.<sup>6</sup> Belgium is a party to major international and regional instruments related to democratic elections.<sup>7</sup> ODIHR NAM interlocutors were generally satisfied that the legislation in place provides a sufficiently comprehensive framework for conducting democratic elections.

The federal parliament consists of the Chamber of 150 directly elected members and the Senate whose 60 members are appointed from among the Regional and Community parliaments.<sup>8</sup> The 150 members of the Chamber represent 11 multi-member constituencies, and are elected through a proportional representation system with open party lists in which voters have the option to select preferred individual candidates from one party, regardless of their ranking on a list. The 11 constituencies correspond to the 10 provinces (5 from each of the Flemish and Walloon Regions) and the Brussels-

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<sup>3</sup> The *Nieuw-Vlaamse Alliantie*, (N-VA) garnered 25 seats; the *Parti Socialiste* 20 seats, *Vlaams Belang* 18 seats, *Mouvement Réformateur* (MR) 14 seats, *Vooruit* 14 seats, *Ecolo* 13 seats, *Christen-Democratisch en Vlaams* (CD&V) 12 seats, the *Parti du Travail de Belgique/Partij van de Arbeid van België* (PdTB/PvdAvB) 12 seats, *Open Vlaamse Liberalen en Democraten* 12 seats, *Groen* 8 seats, *Parti Social Chrétien* (PSC) 5 seats and *Démocrate Fédéraliste Independent* (DéFI) 2 seats.

<sup>4</sup> See also, UN Committee on the Discrimination against Women [Concluding observations on the eighth periodic report of Belgium](#), CEDAW/ C/BEL/CO/8, 14 November 2020.

<sup>5</sup> See all previous [ODIHR reports on Belgium](#).

<sup>6</sup> Royal Decrees are issued with the king's signature but must be countersigned by a minister who bears full legal responsibility. A consolidated list of Royal Decrees related to elections are available [here](#).

<sup>7</sup> Including the 1966 International Covenant on Civil and Political Rights (ICCPR), 1965 International Convention on the Elimination of All Forms of Racial Discrimination, 1979 Convention on the Elimination of All Forms of Discrimination against Women, 2003 UN Convention against Corruption, and 2006 Convention on the Rights of Persons with Disabilities (CRPD), as well as the 1950 European Convention on Human Rights (ECHR). Belgium has signed but not yet ratified the 1995 Council of Europe Framework Convention for the Protection of National Minorities. Belgium is a member of the Council of Europe's European Commission for Democracy through Law (Venice Commission) and Group of States against Corruption (GRECO).

<sup>8</sup> The Flemish parliament appoints 29 senators from its members which include the Dutch-speaking group of Brussels-Capital Region; 20 Senators are appointed from among MPs of by the parliaments of Walloon region, the French-speaking Community and the French-speaking group of Brussels-Capital Region; and 1 Senator by the parliament of the German-speaking Community. Once appointed, the French and Dutch-speaking Senators co-opt 10 more Senators from among citizens eligible to stand for the federal elections.

Capital region.<sup>9</sup> The Constitution requires that each seat should represent a similar population.<sup>10</sup> Seats are allocated to lists that reach a five per cent constituency threshold, according to the *d'Hondt* method of highest average, first by preference then following the order of the list. Some ODIHR NAM interlocutors reiterated long-standing dissatisfaction with the electoral system, indicating a preference for a single federal constituency.

### C. ELECTION ADMINISTRATION

The functions of election administration are distributed between the Federal, Electoral Constituency, Electoral Canton and Municipal institutions. All ODIHR NAM interlocutors expressed confidence in the capacities and professionalism of the election management bodies at all levels.

The Federal Public Service - Interior (FPS-I) is responsible for maintaining the national population register, regulating and overseeing voting technology, co-ordinating the voting process for citizens residing abroad and developing election training material for constituency, canton, municipal and polling station staff. It publishes the calendar of election-related activities, public awareness materials on electoral procedures as well as the final disaggregated election results.<sup>11</sup> Each of the 11 electoral constituencies has a Main Constituency Office (MCO) that is responsible for registering candidate lists, counting postal votes, tabulating the constituency election results, allocating seats and, where necessary, conducting recounts. The next layer of election management is composed of the Main Electoral Canton Offices (MECOs) of the 209 Electoral Cantons, which nominate the presidents and members of polling stations and counting offices, have substantial responsibilities in the running of the electronic voting system, and tabulate the election results at cantonal level. The 581 municipal authorities organize most logistical aspects of the electoral process, including sending invitations to voters and establishing polling stations, while approximately 10,750 Polling Station Boards (PSBs) are responsible for the conduct of voting procedures at polling stations.<sup>12</sup>

Voters in 253 Francophone and 141 Flemish municipalities cast ballots marked by hand, while 159 Flemish, 19 Brussels and all German-speaking municipalities use touch-screen ballot marking devices with a human-readable Voter Verified Paper Audit Trail (VVPAT).<sup>13</sup> Confidence in the use of electronic voting devices varied along these geographic lines, whereas ODIHR NAM interlocutors in the Communities which use ballot marking devices were satisfied with their reliability and integrity. A new computerized counting aid will be used in municipalities with paper-based voting (see also *Voter Registration*); no interlocutors shared any concerns regarding this change.<sup>14</sup>

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<sup>9</sup> There are five constituencies in the Flemish Region, five in the Walloon Region and one in Brussels-Capital.

<sup>10</sup> The most recent census was conducted in 2021. See the [Royal Decree allocating seats](#) in the House of Representatives to Constituencies.

<sup>11</sup> Most FPS-I election related material is available in easy-to-read formats and video with sign language.

<sup>12</sup> MCOs, MECOs and PSBs are temporary bodies established ahead of each election. Presiding officers of the MCOs and MECOs must be judges, while PSBs and counting offices may be headed by judges, attorneys, or civil servants. In addition to their heads, all election administration bodies have four members, four substitutes, and a secretary who has an advisory vote. PSB and counting office members are randomly selected from eligible voters in a constituency. Failure to serve on election administration bodies, when selected, may be penalised.

<sup>13</sup> The independent College of Experts are appointed the House of Representatives and the parliaments of the Communities and Regions before the elections to assess the use and functioning of all automated voting, counting and tabulation systems mostly through analysis of the source codes and the hardware before election day, and through spot checks on election day. They begin their work 40 days before election day and deliver a report to the House of Representatives and to the FPS-I within 15 days after the elections.

<sup>14</sup> The Management Registration and Transmission of Results about Elections (MARTINE) application is used by all Municipalities. The application has modules for maintaining contact data, polling and counting stations and the number of voters, for validating voter signatures during voter identification as well as for the transmission of results.

Voters may appoint a proxy to cast their ballots but must justify their request.<sup>15</sup> Notwithstanding the possible diminished secrecy of proxy voting, ODIHR NAM interlocutors did not express any major concerns with the practice.

Persons with disabilities may request permission to be assisted by a person of their choice from the presiding officer in a polling station. Some ODIHR NAM interlocutors noted that not all polling stations are architecturally suitable for persons with physical disabilities or limited mobility, and that national legislation does not impose accessibility standards on locations such as schools which are often designated as polling stations.<sup>16</sup> The FPS-I informed the ODIHR NAM that a pilot project for voting using Braille ballot papers will be carried out in two Cantons, Namur and Kerk-de Stad, while a previous pilot of integrating audio-guide modules as assistive technologies in the voting process will not be continued in these elections.

Citizens residing abroad may cast their ballots by mail, via proxy or in-person at a Belgian consular representation. Voters residing abroad must indicate their preferred voting option and the municipality in which they would like their vote counted, when registering with the consulate. More than 240,000 citizens had registered to vote abroad before the 29 February deadline. Voting in the 95 consular representations will be conducted on 5 June between 13:00 and 21:00 local time, and ballots will be sent on the same day to counting offices established by the FPS-FA in 38 consular offices.

#### **D. VOTER REGISTRATION**

Voter registration is passive, except for citizens residing abroad who must actively register at an embassy or consulate. All citizens over the age of 18 are included on the voter register for federal elections, unless their voting rights are suspended due to imprisonment or because of legal incapacitation as explicitly judged by an individual court decision, which remains contrary to the objectives of the CRPD. Some ODIHR NAM interlocutors noted that recent revisions to the Election Code affecting Article 492/1 of the Civil Code, which provide the option to deprive political rights as part of a checklist in a guardianship ruling, may make it more likely that justices of the peace automatically disenfranchise some people with intellectual or psycho-social disabilities.<sup>17</sup> Voting is compulsory and penalties are foreseen for failure to do so.<sup>18</sup> Most ODIHR NAM interlocutors were in favour of sustaining requirements for compulsory voting, but acknowledged that the provisions are not enforced. Some interlocutors indicated they would support the lowering of the minimum voting age for federal elections to 16, as was recently introduced for Belgian elections to the European Parliament, which will take place on the same day.

Municipalities compile voter lists based on information extracted from the national population register.<sup>19</sup> At the time of the ODIHR NAM over 8.2 million voters had been registered for the elections. Voter lists will be available in municipal offices for voters' scrutiny and requests for changes or inclusions between 1 April and 28 May. Municipalities send invitations to vote with individual reference numbers to each voter before a deadline of 15 days ahead of election day (25 May), which must be presented at polling stations in order to cast a ballot. Eligible voters who do not

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<sup>15</sup> Justifications include illness, work, studies, military service, imprisonment, residence abroad or religious beliefs. An individual may act as a proxy for only one voter.

<sup>16</sup> See also, [2014 Concluding Observations of the CRPD Committee](#), CRPD/C/BEL/CO/1, paragraphs 21 and 22.

<sup>17</sup> See [commentary by UNIA](#) on the potential impact of the checklist on voters with intellectual or psycho-social disabilities.

<sup>18</sup> Penalties range from a reprimand to fines from EUR 5 to 25, as well as possible deprivation of the right to vote after a fourth case of failure to vote within 15 years. However, the ODIHR NAM was informed that these provisions are rarely enforced.

<sup>19</sup> Copies of voter lists are available free of charge for political parties contesting the elections and for a cost price for all standing candidates.



receive an invitation can obtain a duplicate in municipal offices, both before and on election day. All ODIHR NAM interlocutors expressed confidence in the accuracy of voter lists.

## E. CANDIDATE REGISTRATION

Any citizen over the age of 18, who is resident in Belgium and enjoys civil and political rights, is eligible to stand as a candidate for the Chamber or for the Community and Regional Parliaments which appoint Senators.

Political parties, associations, or groups of citizens may nominate candidate lists to the respective Community or Regional authority. While parties have the right to present lists in any constituency, most only present candidate lists in their respective linguistic Communities, with the exception of the Brussels-Capital Region. The Electoral Code requires gender parity on all candidate lists and that at least one woman and one man is among the two top candidates. No other placement criteria are envisaged by law. All political parties met with by the ODIHR NAM assessed the quotas as an effective means for promoting gender equality in the candidate nomination process, and some parties described additional internal practices for improving the inclusiveness and diversity of candidate lists, including efforts to recruit youth. Other interlocutors noted that most presidents of political parties are men.

Parties should submit candidate lists to MCOs on 12 and 13 April. Each candidate list must be supported either by 200 to 500 voters' signatures, depending on the population of their particular constituency, or by three MPs.<sup>20</sup> A voter can sign in support of only one candidate list for federal elections and MPs can sign in support of only one list per constituency, contrary to good practice and the principle of freedom of association. The number of candidates included on a list cannot exceed the number of seats contested in the constituency and should be supplemented by a list of substitute candidates.<sup>21</sup> The FPS-I has newly introduced the possibility for candidate registration documents to be submitted online. All ODIHR NAM interlocutors considered the nomination process as inclusive and transparent.

## F. ELECTION CAMPAIGN

Freedoms of association and assembly are protected by the Constitution and the Law on the Limitation and Control of Electoral Expenses for Federal Elections and Accountability of Political Parties regulates both campaigning and campaign finance. During the four-month official campaign period, campaigns are prohibited from using commercial billboards and posters, all other posters are limited to four square metres and paid advertisement in broadcast media is prohibited. Political parties and candidates may not distribute branded gifts or tokens, even those of very low value, during the campaign period. Most political parties met by the ODIHR NAM affirmed that they were free to conduct public campaigns, during and outside of the election period, but some raised varying opinions on the practice of exclusion of certain political parties from privately operated advertising, as well as attempts in municipalities to ban certain protests, particularly in the context of precluding racist speech.<sup>22</sup>

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<sup>20</sup> Voters can sign in support of a chosen list either manually or with their electronic signature through the online application system on the system for Management, Registration and Transmission of Election related Information and Results (MARTINE), administered by the FPS-I.

<sup>21</sup> If the number of all nominated candidates does not exceed the number of seats contested within a constituency, these candidates are declared elected by the corresponding MCO before election day.

<sup>22</sup> In May 2023, the mayor of Saint-Josse-ten-Noode banned a demonstration by *Vlaams Belang* on the grounds of preventing rhetoric that incites racist hatred. In 2023, the Brussels Mayor attempted to ban a *Vlaams Belang* protest as well as a counter-demonstration, with the ban ultimately being overturned by the Council of State. *Vlaams Belang* has also [highlighted incidents](#) in which its members were allegedly assaulted by a police officer during a demonstration in 2023.

Parties informed the ODIHR NAM they would participate in debates in the media, conduct door-to-door canvassing, and place paid advertisements in print media. All parties stated that they would campaign on social media, though some had proposed banning micro-targeting and others introducing expenditure caps on advertising in social media, or the banning of campaigning in social media altogether, citing the vast differences in such spending between different parties.<sup>23</sup> Yet others, opposed the calls to limit or ban online campaigning, which they saw as attempts to suppress the speech of parties which are not covered by public broadcasters (see *Media* section). Many ODIHR NAM interlocutors were apprehensive about the potential impact that disinformation, including in the form of Artificial Intelligence tools such as “deepfakes”, might have on the elections.<sup>24</sup>

Parties which the ODIHR NAM met with indicated that the main campaign themes would include immigration, climate change, and social policies. Some political parties distribute easy-to-read leaflets for voters, and some broadcasters provide sub-titles and sign language interpretation in their political programmes. Nevertheless, many ODIHR NAM interlocutors noted a general lack of campaign information specifically designed for voters with disabilities or sensory impairments, including on the websites of political parties.

## G. CAMPAIGN FINANCE

The financing of political parties and election campaigns is regulated by the 1989 Law on the Limitation and Control of Electoral Expenses for Federal Elections and Financing and Accounts of Political Parties. All parties represented in the federal parliament receive public funding calculated according to proportion to the number of seats they hold as well as the number of votes received.<sup>25</sup> While most ODIHR NAM interlocutors approved of the system of public financing of political parties in order to avoid reliance on private interests, many indicated that the overall amount of this financing could be reduced, and some expressed discontentment with the allocation of funds according to parliamentary representation, as disadvantaging smaller or new parties. Parties may generate funds through membership fees and donations from individuals which may include cash or non-monetary contributions, as well as by taking out bank loans. Foreign nationals are permitted to donate to parties and candidates, and several interlocutors criticized the lack of explicit prohibition of foreign sources of income in election campaigns. Parties cannot accept funds from companies and other collective entities, but these may sponsor events or research and may offer in-kind contributions at a maximum value of EUR 5,000 per party. Parties and candidates may accept a maximum of EUR 500 per year from an individual donor, including sponsorship, and donors can contribute up to a total of EUR 2,000 per year. All donations over EUR 125 must be reported and the source publicly disclosed.

Political party campaign expenses during the formal campaign period are capped at EUR 1 million. The campaign spending limits which apply to candidates take into account the size of the constituency as well as the candidate’s incumbency and their position on the list. ODIHR has previously recommended that spending limits should apply equally to all candidates. Some ODIHR NAM interlocutors noted that parties spend large amounts in the period leading up to the official campaign period, particularly in advertising on social media, thereby circumventing the spending limits and certain transparency requirements.

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<sup>23</sup> Belgian parties spent more than EUR 6 million on ads on meta platforms in in 2023. *Vlaams Belang* and N-VA both spent more than EUR 1.6 Million, the PdTB/PvdAvB spent over EUR 800,000 and all other parties spent significantly less. See [here](#) for an analysis of expenditures.

<sup>24</sup> See a 2003 EU DisinfoLab [case study](#) on disinformation targeted at Belgian audiences.

<sup>25</sup> All parties with at least one MP in the Chamber receive a fixed annual stipend of EUR 125,000, with an additional EUR 50,000 if they are also represented in the Senate. Parliamentary parties are also entitled a variable sum of EUR 2.5 for each vote received in the last federal elections, or EUR 3.5 per vote if they have seats in the Senate. Both the fixed and variable amount are subject to adjustment in relation to public salaries. Additional funding for political parties is provided by the regional parliaments.

There are no requirements for interim campaign finance reporting ahead of the election. All parties and candidates are required to submit their campaign finance reports to the relevant MCOs within 45 days after the elections.<sup>26</sup> The MCOs in turn submit the aggregated report on campaign incomes and expenditures, including data on donors and the financial reports of relevant parties and candidates, to the federal parliament's Audit Commission, which is mandated to check the reports for financial violations.<sup>27</sup> The Commission refers all documentation to the Court of Auditors, which should verify the reports for their accuracy within one month. Based on the results of the verification by the Court of Auditors, the Commission, within six months after the elections, approves aggregated data on campaign finances for the elections, the results of the audits, and takes decisions on sanctions to be applied against parties and candidates, if needed.<sup>28</sup> The Audit Commission publishes all campaign finance reports by the end of the year on the website of the Chamber.

## H. MEDIA

The media environment is pluralistic with a wide variety of media outlets serving distinct linguistic audiences. All three Communities have a public broadcasting service, financed and supervised by the Community's institutions, which provide free airtime for contestants, including in the form of debates.<sup>29</sup> ODIHR NAM interlocutors also noted that public broadcasters facilitate access to political information by means of subtitles and sign language interpretation.

The media is largely self-regulated, with specific election-related rules resting with the respective media authorities of the three Communities. The regulators are mostly responsible for issuing licenses, supervising compliance with media regulations, and considering complaints related to media, including with regards to online audio-visual services. The media monitoring of these regulatory bodies does not include a dedicated, systematic monitoring of the election-related coverage in broadcast media during the campaign period, but some individual broadcasters conduct internal monitoring to track the apportionment of coverage to different political actors, as well as the diversity of individuals featured in their political content.

Freedoms of expression, press and information are guaranteed by the Constitution but federal law prohibits incitement to discrimination, promotion of racism and xenophobia, as well as denial of the genocide committed by the German national-socialist regime. Defamation, libel, insult and slander, including against public officials, are criminalized, contrary to international standards, and punishable with fines or imprisonment, but ODIHR NAM interlocutors pointed out that these sanctions are rarely applied. Community-level legislation impose obligations of non-discrimination and impartiality on public broadcasters. The above notwithstanding, media regulations in the French-speaking Community, including those on the public broadcaster, call for the deliberate exclusion of parties deemed to be "undemocratic" by holding racist and xenophobic views, in line with regulations of the *Conseil supérieur de L'Audiovisuel* (CSA). Some interlocutors emphasized that the parties targeted by this '*cordon sanitaire médiatique*' receive disproportionately less coverage by media, particularly outside the campaign period. While most interlocutors supported this approach in order to prevent intolerant or hateful rhetoric in the election campaign, others described the policy as amounting to

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<sup>26</sup> Donations not exceeding EUR 125, including cash contributions, are not reported by contestants.

<sup>27</sup> Audit Commission consists of 21 members, including 17 current MPs and 4 independent experts. The membership of the Audit Commission is renewed within 60 days after every federal election.

<sup>28</sup> The law provides for range of sanctions for financial infringements, including warning, monetary fines, withdrawal of public funds from parties, and suspension and termination of mandates.

<sup>29</sup> *RTBF (Radio-Television Belge de la Communauté Française)*, with five television channels and seven radio stations, serves the French-speaking Community. *VRT (Vlaamse Radio- en Televisieomroep)* with its four television and five radio channels serves the Dutch-speaking Community. The German-speaking Community has one public radio station *BRF (Belgischer Rundfunk)*. The distribution of airtime is defined by the broadcasters based on the number of seats the parties hold at the Federal, Region and Community parliaments.

suppression of the freedom of expression. Several others raised concerns that the practice could result in the proliferation of polarized and extremist discourse in other types of media which are unregulated, and that the inclusion of such parties in broadcasters could allow for more effective opportunities for public information and explicit rebuttal.

## **I. ELECTION DISPUTE RESOLUTION**

Complaints against inaccuracies in the voter lists can be lodged no later than 12 days before the election (28 May) with the respective municipal administration and should be considered within four days. The decision may then be appealed to the Court of Appeals, which should take a final decision no later than two days before the elections.

A contestant may file a complaint to the MCO citing irregularities in another contestant's nomination documents within the same constituency. A rejection of registration of candidate lists and individual candidates may be appealed on the same day to the Court of Appeals, which should make a final decision within 10 days. The decisions and actions of MCOs regarding producing the ballots, including on the use of party logos, can also be appealed to the Court of Appeals.

Media-related complaints are heard by the media regulators for each linguistic Community. Their decisions as well as campaign finance decisions of the Audit Commission stipulating financial sanctions can be appealed to Administrative Court in final instance. The Constitutional Court adjudicates cases against the Audit Commission's decisions on suspending or removing an MP's mandate due to campaign finance violations.

Other decisions of election bodies cannot be appealed to the courts, including those related to the election results, distribution of seats, and election-day complaints. The newly elected Chamber of Parliament has the final authority in adjudicating election disputes when validating the election results. The jurisdiction of the Chamber to validate the elections of their own members, with no possibility of judicial review, raised concerns among several ODIHR NAM interlocutors. ODIHR has previously recommended that authorities consider measures to provide for impartial resolution of electoral disputes, including the possibility of an appeal to a court, in line with international good practice. In 2020, the European Court of Human Rights issued a judgment against Belgium declaring the lack of impartiality and safeguards of a legislature as an appellate body on election results, but no change has been introduced prior to the upcoming elections, as such a change would require constitutional amendments and the approval of a new convocation of parliament.<sup>30</sup>

## **J. ELECTION OBSERVATION**

The Electoral Code allows for the presence of international observers and political party observers in polling stations and at all other election administration bodies. The Electoral Code, however, does not provide for non-partisan citizen observation, despite prior OSCE commitments in this regard. Some political parties informed the ODIHR NAM of their intention to deploy observers across the constituencies that they will contest, with the aim to enhance the transparency of the electoral process.

## **K. CONCLUSIONS AND RECOMMENDATION**

All ODIHR NAM interlocutors expressed a high level of confidence in the election administration and the overall integrity of the electoral process, including in the implementation of election-day

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<sup>30</sup> In its judgment in [Mugemangango v Belgium \(Application no. 310/15\)](#), the Court found the system of appealing election results violated Article 3 of Protocol No. 1 and Article 13 of the ECHR. The relevant articles of the constitution were included in a list of articles under consideration for revision which will be published on May 27.

procedures. While most interlocutors indicated that an ODIHR observation activity would be unnecessary, some indicated certain regulatory areas that could benefit from further attention, including the regulation of political campaigns and their financing. ODIHR considers that issues identified by the stakeholders as potentially benefiting from external scrutiny can be best analyzed through other tools that ODIHR is ready to provide. On this basis, the ODIHR NAM does not recommend the deployment of an observation activity for the upcoming federal elections. ODIHR reaffirms its readiness to support the authorities in future electoral reform processes and encourages the authorities to consider the issues raised during the NAM and in previous ODIHR reports. ODIHR also encourages the authorities to consider other outstanding prior recommendations, including those pertaining to the use of voting technologies and mechanisms for election dispute resolution.

## **ANNEX: LIST OF MEETINGS**

### **Federal Public Service - Foreign Affairs, Foreign Trade and Development Cooperation**

William Roelants de Stappers, Director Security Policy  
Joris Beckers, Desk Officer OSCE  
Evy De Middelaer, Head of Population and Electoral Affairs Unit

### **Federal Public Service - Interior**

Régis Trannoy, Advisor General, General Directorate of Population  
Marlies Jaspers, Attaché, General Directorate of Population  
David Van Kerckhoven, Project Manager for Electronic Voting Systems  
Koen Schuyten, Communication Unit

### **Federal Parliament**

Luc Baert, Advisor, Commission on Control of Campaign Expenses

### **Federal College of Experts**

Emmanuel Willems, Member

### **Main Electoral Committee of Brussels-Capital**

Simon Cardon de Lichtbuer, President of the Dutch-speaking Tribunal of First Instance in Brussels  
Jean-François Funck, Vice-President of the French-Speaking Tribunal of First Instance in Brussels  
Frédérique Simons, Secretary to Head Office  
Vera Aerts, Member of Head Office

### **UNIA, National Equality Body**

Marie-Ange Vandecandelaere, Policy and Monitoring Department  
Marie Horlin, Policy and Monitoring Department

### **Media**

Dirk Peereman, Griffier, Registrar of the General Chamber, (Flemish)  
Koen Desmaretz, Counselor, High Audiovisual Council (Flemish)  
Karim Ibourki, President, High Audiovisual Council  
Geneviève Thiry, Advisor, High Audiovisual Council  
Simon-Pierre De Coster, Head, Legal Service, Belgian Radio-Television of the French-speaking Community  
Ivan De Vadder, Journalist, Flemish Radio and Television  
Simon-Pierre Decoster, General Counsel, Belgian Radio-Television of the French-speaking Community  
Thomas Gadisseux, Editor Federal and Regional Elections, Belgian Radio-Television of the French-speaking Community  
Annick Capelle, Editorial Team Member, Belgian Radio-Television of the French-speaking Community  
Axele Pollet, Corporate Communication and Public Affairs.

### **Political Parties**

Frederik Vermeulen, Political Director, CD&V  
François De Smet, Chairman, DÉFI  
Nicolas Blanchart, Party Employee,  
Georges Dallemagne, Member of Parliament, Les Engagés  
Isabelle Karl, Party Employee, Les Engagés  
Cedric Lemaire, Party Employee, Les Engagés

Liesbeth Coninx, party employee, Groen  
Aljosja Van der Straeten, Party Employee, Groen  
Axel Miller, Party Employee, Mouvement Réformateur  
Jolan Vereecke, Party Employee, Mouvement Réformateur  
Peter De Roover, Leader of the Parliamentary Group, N-VA  
Laurens Verrelst, Staff, N-VA  
Mark Van Leeuw, Party Employee, Open VLD  
Maxime Nautus, Employee, Open VLD  
Ivo Flachet, Political Adviser of the Head, PVDA/PTB  
Loonis Looghe, Adviser, PVDA/PTB  
Gilles Doutrelepont, Head, Study Service, PS  
Rim Ben Achour, Electoral Law Advisor, PS  
Ellen Samyn, President, *Vlaams Belang*  
Kevin Brackx, Secretary of the Parliamentary Group, VOORUIT