

Human Rights and Election Standards A Plan of Action

December 2017



Foreword

Democracy arises from people's desire for dignity, equality, justice, liberty, and participation—their desire for a voice. But obstacles to the right to equal participation have become increasingly formidable for many around the world in recent years. In many countries, civil society is threatened by laws and policies that sharply restrict the ability to associate freely and protest peacefully, and many people's rights to express opinions—including dissenting views—are violently suppressed. In addition, both online and offline, the boundaries between fact and fiction are becoming blurred through sophisticated use of propaganda. In many parts of the world, leaders are garnering support not by fostering engagement and inclusion but instead by enflaming xenophobic and antagonistic sentiment, and there is growing political polarization as individuals increasingly engage only with those with whom they agree. At the same time, socioeconomic inequalities intensify many people's sense of exclusion from political life.

These challenges create a heightened sense of urgency for those who work to advance the right to participate in public affairs. We must come together to find ways to engage as directly and forcefully as possible, strengthen the approaches that work, and chart new paths and forge new partnerships.

In 2015, The Carter Center and the Office of the United Nations High Commissioner for Human Rights (OHCHR) co-chaired the inaugural Human Rights and Election Standards conference, bringing together for the first time a large group of human

rights and elections experts to discuss an approach to election observation and assistance based on human rights. Participants agreed that although democracy involves far more than holding elections, genuine elections are essential to democratic governance and the right to participate in public affairs. Following the 2015 conference, OHCHR and The Carter Center convened a series of expert workshops, gathering over 100 human rights and election practitioners, as well as representatives of U.N. member states, to explore how the human rights and election communities can together advance a human-rights-based approach to elections. The result is this plan of action.

It is our firm hope and conviction that this plan will lead to increased cooperation and more regular interactions between the human rights and elections communities, with new and stronger partnerships. Greater reliance on international human rights norms and standards by the elections community—and increased use by the human rights mechanisms of the practical knowledge and information generated by elections practitioners—offers important new opportunities to advance genuine and inclusive participatory democracy.

Respect for human rights is a legal obligation for all states. It underpins the legitimacy of governments and political leaders. It builds states that are strong and secure because they are respectful of their people. And it is central to our shared belief in the value of human dignity.



Human Rights and Election Standards: A Plan of Action

Through their joint initiative on Human Rights and Election Standards, the Office of the United Nations High Commissioner for Human Rights and The Carter Center have worked to bring the human rights and election communities closer and to foster stronger links and communication between them. This Plan of Action aims to advance human rights related to genuine democratic elections by charting a course of practical steps toward our shared goals.

The draft plan was developed based on the recommendations formulated through consultations that took place between 2015 and 2017. Going forward, organizations and individuals may agree on an ad-hoc basis to disseminating and acting upon the recommendations of this Plan of Action. The OHCHR and The Carter Center acknowledge the many individuals and organizations that contributed to the Human Rights and Election Standards consultations (see Acknowledgements).

Introduction

1. Genuine democratic elections expressing the will of the people are essential to securing the legitimate authority of governments and the promotion and protection of human rights. States around the world regularly hold elections and are obligated, in part through their ratification of key human rights treaties and through customary law, to respect and protect a core set of human rights and fundamental freedoms critical for democratic elections. This legal corpus includes other human rights that, while not themselves explicitly electoral in nature, are relevant when considering elections as broad, participatory, and inclusive cyclical processes rather than single events.

2. A well-established and evolving body of public international law related to elections and electoral and participatory rights serves as commonly accepted international norms and standards for genuine elections. Article 21 of the Universal Declaration of Human Rights highlights the role of elections in ensuring everyone is able to participate in the public affairs of their country. This is elaborated in the International Covenant on

3. The inclusion of elections as a means of ensuring the right to participate in public affairs in international and regional instruments means that elections are subject to human rights norms and standards, and scrutiny by international and regional human rights mechanisms.

4. Sustainable Development Goal target 16.7 aims to ensure responsive, inclusive, participatory, and representative decision making at all levels. Effective participation in public affairs through elections may be key in attainment of this target.

Election Observation and Assistance,
and Human Rights Communities

5. A large range of organizations—intergovernmental and nongovernmental, international, regional, and national—provide support for genuine democratic elections. This election community includes technical assistance practitioners, election observation organizations, and various other groups that provide democracy support at the national, regional, and international levels. In parallel, the human rights community includes many national bodies, regional and international intergovernmental agencies, nongovernmental organizations, academic, and other organizations that work to advance human rights, including in the context of elections. It also includes international human rights mechanisms that monitor states' compliance with their human rights obligations.

6. The human rights and election communities share common foundational principles that guide their work and that are firmly rooted in the framework of public international law and international human rights law. These communities share common goals and methods of engagement on key issues. They focus on the need to proactively advance participatory democratic rights and freedoms and, in the case of election observation organizations, do so through the monitoring and assessment of state performance, albeit generally with few, if any, enforcement powers.

7. Election observation itself is conceptualized as a form of human rights monitoring and relies on data collection about key aspects and issues throughout the electoral process, evidence-based analysis, and the issuance of public statements and reports and recommendations to relevant stakeholders. Implementation of these recommendations forms the basis for follow-up activities, in which other electoral assistance providers are often involved.

8. Electoral assistance includes technical advice and assistance provided to governments or electoral institutions that is carried out in an objective, impartial, neutral and independent manner at the

request of states. The purpose of electoral assistance is generally not to assess or report on state performance.

9.

13. Elections lie at the intersection of three distinct but overlapping processes, involving

27. In the light of new developments and jurisprudence since the drafting of General Comment No. 25 of the Human Rights Committee, organizations and individuals supporting this Plan of Action agree to support to the extent possible the committee's consideration of an update to the general comment.

Explore the need for new human rights mechanisms as appropriate

28. Recognizing that several special-procedure mandates are focused on rights and freedoms critical to genuine elections, but that no one single mandate focuses on the right to participate, the potential of a thematic mandate on the right to participate in public affairs should continue to be explored. This specific mandate could address all aspects of the right to participate in public affairs.

Improve communication and collaboration between human rights mechanisms and the election community

29. Continued collaboration and communication between election observation and assistance communities and human rights mechanisms can only progress through regular and sustainable communication and information sharing. In addition to the actions outlined above, a number of practical steps were suggested to facilitate communication, both formal and informal, including:

- a. inclusion of election practitioners, as appropriate, in regularly scheduled meetings of human rights mechanisms, such as the annual meeting of the special procedures, or briefings to the respective committees or chairs of the treaty bodies
- b. invitation by the appropriate bodies to representatives of regional and international human rights mechanisms to participate in the regularly scheduled meetings of the election community, such as the meeting of endorsers of the Declaration of Principles for International Election Observation or the Global Elections Organization (GEO) conference

- c. information sharing via email or a website on the schedule of upcoming election observation missions, country visits by special rapporteurs, treaty body follow-up missions, and deadlines for the submission of reports to the UPR or treaty bodies

- d. guidance on human-rights-based approaches to elections shared through existing tools and networks, such as the ACE Electoral Knowledge Network and the Building Resources in Democracy, Governance and Elections (BRIDGE) training program

- e. consultation with one another in countries of focus before, during, and after the course of election observation missions or country visits; this regular consultation should, as much as possible, be institutionalized to facilitate regular and consistent coordination

- f. the deployment of human rights experts as part of international election observation missions

- g. promotion of information sharing and common approaches to human rights and election standards issues between U.N. bodies and regional and subregional organizations

30. In addition, further workshops and conferences that regularly convene the election observation and election assistance and human rights communities to discuss specific issues should be held.

31. Both communities could strengthen links among agencies of the U.N., other mandates, and stakeholders for the promotion and implementation of this Plan of Action.

Support the role of civil society and NHRIs in promoting electoral rights

32. Genuine electoral processes are not an end in and of themselves but are a critical means of promoting a more stable political environment in which human rights, including the right to participate in public affairs, can be enjoyed. Civil society

plays an important role in monitoring human rights and elections processes and in advocating for change. The international human rights and elections communities have a responsibility to support this work of civil society within the limit of their mandates and can do this by:

on the implementation of recommendations once given. Representatives of both communities recog-

45. The fourth and final meeting was held in December 2017 at The Carter Center in Atlanta. During this meeting, the draft Human Rights and Election Standards Plan of Action was discussed, reviewed, and finalized. The Plan of Action will be disseminated widely in multiple languages and in an accessible format.

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