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SUMMARY OF PROCEEDINGS

I. Introduction

The Human Rights and Election Standards conference convened representatives of the international human rights and elections communities from Feb. 11-12, 2015, at The Carter Center in Atlanta, Georgia. Former U.S. President Jimmy Carter and U.N. Assistant Secretary-General for Human Rights Ivan Šimonović co-chaired the conference, which was the first major meeting of the two groups. Participants took part in eight sessions over two days, reflecting on the elements of a human rights-based approach to elections and advancing strategies for collaboration at the national, regional, and international levels. This conference took place under the auspices of the Democratic Election Standards project, an initiative of The Carter Center's Democracy Program that has worked since 2005 to build consensus on the use of public international law as the basis for election assessments. The initiative now aims to foster engagement between practitioners and human rights experts and mechanisms. Following presentations, discussion was held under the Chatham House Rule. The Carter Center plans to follow this inaugural conference with additional workshops to explore in greater detail specific areas for collaboration.

II. Opening Remarks

Ambassador *Mary Ann Peters*, CEO of The Carter Center, welcomed participants. She noted the emergence of broad consensus among organizations working on elections, as well as among most states, on the fulfillment of human rights obligations as the foundation for democratic processes. She expressed hope that the conference would build bridges between election practitioners and the human rights community and possibly generate ideas for new international law.

Assistant Secretary-General *Ivan Šimonović* asserted that elections cannot be wholly democratic if human rights are not fulfilled, regardless of the presence or absence of fraud. He defined a human rights-based approach to elections as: (1) using human rights principles, derived from human rights law obligations, to guide elections work; and (2) familiarity of anyone engaged in elections with human rights standards and how they should inform their everyday work. Šimonović emphasized freedom from discrimination and rights of marginalized populations. A human rights-based

approach, he argued, has been proven to equitably and sustainably empower people to claim their rights, mobilize popular support, and build accountability.

III. Session One: Human Rights and Election Standards: An Introduction to the Meeting

Presenter: *Avery Davis-Roberts*, The Carter Center

Avery Davis-Roberts provided background on election observation and recent developments in the field, explained how election observers use international law in their work, and outlined the goals of the meeting. She defined the key terms used in election observation and introduced the *Declaration of Principles for International Election Observation (DoP)* (2005) and *Declaration of Global Principles for Nonpartisan Election Observation and Monitoring by Citizen Organizations (DoGP)* (2010). She concluded with an overview of The Carter Center's Democratic Election Standards (DES) initiative.

Davis-Roberts noted that gaps exist in public international law related to electoral processes. Greater communication and collaboration between election observers and the human rights community can help fill them.

IV. Session Two: Survey of Global Human Rights Mechanisms and Election Standards

Facilitator: *Gilles Saphy*, E.U. Election Observation and Democratic Support (EODS)

Presenters: *Hernan Vales*, Office of the High Commissioner for Human Rights (OHCHR)

Malene Alleyne, Inter-American Commission on Human Rights (IACHR)

Alfred de Zayas, U.N. Independent Expert on the Promotion of a Democratic and Equitable International Order

Nigel Rodley, U.N. Human Rights Committee

Session Two provided a broad introduction to the human rights mechanisms of the U.N. and of regional bodies. Presenters gave an overview of the mandate of their mechanisms, specifically as they have addressed elections and electoral rights.

Hernan Vales gave an overview of OHCHR's human rights work in electoral contexts at field and headquarters levels. OHCHR does not observe elections, but does engage in the following activities:

- (1) Human rights monitoring, especially early warning;
- (2) Technical assistance on legislation, constitution-making, institution-building, and transitional justice;
- (3) Advocacy;
- (4) Reporting;
- (5) Protection of vulnerable groups; and
- (6) Investigation of abuses.

OHCHR supports U.N. human rights treaty bodies and special procedures, acting as secretariat to the Human Rights Council. It also supports the Universal Periodic Review (UPR) process. Vales recounted the types of election-related recommendations most commonly offered to states under review and asserted that member states' acceptance of UPR recommendations provides both solid ground for national ownership of reform and a basis for reminding states of their obligations.

Malene Alleyne presented on the mandate and scope of Inter-American human rights mechanisms; electoral rights in the Inter-American human rights system (IAHRS); and strengths, weaknesses, and opportunities of the IAHRS with respect to protecting electoral rights. Alleyne provided examples of when and how the IACHR's petition and case system, precautionary measures, special reports, and hearings have specifically addressed electoral matters. She also highlighted the influence of regional jurisprudence on the drafting of domestic laws protecting human rights. The IACHR nevertheless faces the challenge of selective adherence to human rights instruments and failure of states to implement recommendations, as well as a procedural backlog and resource constraints. Together, the mechanisms of the Inter-American system, she said, seek to set standards and address the structural issues that may underlie unfair electoral processes.

Alfred de Zayas began with an overview of the history and role of U.N. Special Procedures. Reporting to both the U.N. General Assembly and Human Rights Council, special rapporteurs contribute to the creation of international standards, provide technical assistance, carry out country visits, consider complaints of human rights violations, meet with states on victims' behalf, and issue public reports. De Zayas remarked that a key gap in the system is the lack of an effective follow-up mechanism to special rapporteurs' recommendations.

De Zayas described the work of other special rapporteurs who have addressed elections, including Special Rapporteur on Freedom of Expression Frank LaRue and Special Rapporteur on Freedom of Assembly and Association Maina Kiai. He also identified the advancement of genuine democratic elections as part of his mandate, advocating for better accountability in ostensibly democratic countries as well as in those committing overt abuses. De Zayas also underscored that the special rapporteurs are ready to contribute their expertise to a new General Comment 25 to the ICCPR when the Human Rights Committee undertakes it.

Sir Nigel Rodley pointed out that while today the text of the ICCPR is interpreted as lending strong support to competitive elections, it was not intended this way during the Cold War and was later reinterpreted by a more unified Human Rights Committee. He described the Human Rights Committee's current functions as:

- (1) Review of individual cases in countries adhering to the optional protocol to the ICCPR;
- (2) Review of state reports; and
- (3) Issuance of General Comments.

Rodley agreed with other speakers on the need to update General Comment 25, but noted that the Human Rights Committee must complete its recently-begun General Comment on the right to life first. He encouraged those interested in a new General Comment 25 to advocate for it.

Rodley voiced the Human Rights Committee's interest in prisoners' voting rights and concern about the danger of reprisals against citizen election observers. Finally, he underscored that most of the information with which the committee works is provided by civil society and U.N. bodies. If no one draws the committee's attention to election issues, it is unlikely to take them up. Rodley urged the elections community to report more on states' compliance with their Article 25 obligations.

In discussion, participants raised the issues of campaign hate speech and political participation of underrepresented minorities. This led to consideration of reasonable limits to democratic rights that are necessary to prevent political activities aimed at abrogating the rights of other groups.

Conversation then focused on how the elections community can raise the profile of electoral issues within the U.N. human rights system and with regional human rights bodies. Most representatives of election observer groups said they do not generally present their findings to human rights bodies, but recognized this as an opportunity for cooperation between both international and citizen observers and the human rights system.

Representatives from the human rights community voiced a need for assistance from election experts in Human Rights Committee adjudication of ICCPR Article 25. While no formal mechanism exists for submitting an amicus brief, election experts' contributions could be considered more regularly if they were nominally submitted by the plaintiffs bringing cases dealing with electoral rights before the committee.

Participants also discussed creation of a special rapporteurship on democratic elections. They were of mixed opinion as to whether the mandate of the Independent Expert on the Promotion of a Democratic and Equitable International Order already includes this, and/or whether a dedicated mandate would be complementary or duplicative.

Participants agreed on the utility of a mapping exercise and manual explaining how organizations engaged in elections work can access international and regional human rights mechanisms. Currently, civil society organizations have the opportunity to submit shadow reports to the Human Rights Committee and the UPR process, or to raise issues directly but informally with the High Commissioner for Human Rights or special rapporteurs. Yet participants noted that the UPR is often criticized for generating recommendations that are too numerous and too vague, making it difficult for states to act on them or to measure impact.

Follow-up to recommendations of international bodies and observer groups was identified as a problem area. Many states have little political will to pursue implementation.

V. Session Three: Cooperation and Coordination between Election Observers and Human Rights Mechanisms

Facilitator: *Mark Stevens*, Independent expert

Presenter: *Michael O'Flaherty*, Irish Centre for Human Rights; formerly U.N. Human Rights Committee

In this session, participants from both the human rights and election observation fields discussed if, when, and how they have interacted with each other, and explored ways to coordinate and collaborate going forward.

Mark Stevens defined three issue areas for discussion:

- (1) *Institutional* – Observer groups recognized their work as human rights-based, but institutional relationships with human rights organizations are weak;

- (2) *Operational* – Mechanisms for information-sharing and ensuring work is complementary could be improved; and
- (3) *Methodological* – Both communities should explore possible differences in their methodologies that could influence the nature of collaboration.

Michael O’Flaherty observed that the elections community has not always been as open to interventions on the electoral process on the part of the human rights community and praised the emergence of consensus on a human rights-based approach. He outlined five areas ripe for further collaboration or complementarity between the election observation community and the international human rights system:

- (1) *Fact-finding, analysis, and reporting in the field* – Election observers can benefit from human rights mechanisms’ established convening authority and ties with local civil society;
- (2) *Protection and prevention* – The human rights community should engage in interventions understood to be mutually beneficial, but which observers would be uncomfortable undertaking. Special rapporteurs and the High Commissioner can react to abuses (including those cited by election observers) almost immediately;
- (3) *Capacity-building* – Human rights actors are conducting capacity-building exercises on electoral issues, but these are not necessarily designed and implemented in coordination with the elections community;
- (4) *Mapping normative space and applying international standards* – The Human Rights Committee receives few submissions from the elections community. In addition, the elections community should advocate for General Comments with other relevant U.N. treaty bodies. They might also explore a joint General Comment from several committees;
- (5) *Mutual learning* – While information-sharing is desirable, it is sometimes unclear how and with whom the other should engage.

O’Flaherty concluded by suggesting that election observation and human rights organizations could draft a joint declaration of common principles regarding human rights and elections, possibly drawing on the U.N.’s *Statement of Common Understanding* (2002) on the human rights-based approach to development.

Participants raised the issue of distinctions between election observation and human rights work, and possible limitations to collaboration. Some noted that observers should be wary of accepting too much information from other actors and must gather their own evidence. Others stressed that observers must always be perceived as independent, while human rights groups often play an advocacy role. On the human rights side, some have shied away from addressing electoral issues directly because they are viewed as highly technical. Likewise, observer groups sometimes ignore human rights issues that seem peripheral to the electoral process. Some participants challenged the notion that the two communities truly have distinct functions, and urged others to focus on the shared goal of ensuring compliance with international human rights standards.

Participants drew attention to the positive steps that have been taken already at both the international and domestic level. Election observation missions (EOMs) routinely gather information from human rights groups and have increased the number of human rights-based recommendations in their final reports. Intergovernmental organizations, such as the Council of Europe, have built-in links between the organs that observe elections and those that advise on

human rights. At the national level, monitoring electoral violence is a key area for collaboration between citizen observers and human rights groups.

As an additional avenue for cooperation, participants supported the recommendation that election observers should refer more systematically to UPR and Human Rights Committee recommendations made to the states where they are operating.

VI. Session Four: Remarks on the Use of Election Standards by Observers

Facilitator: *David Carroll*, The Carter Center

Presenters: *President Jimmy Carter*, The Carter Center

Beata Martin-Rozumilowicz, OSCE Office for Democratic Institutions and Human Rights (ODIHR)

Craig Jenness, U.N. Electoral Assistance Division (UNEAD)

Lora Borissova, E.U. External Action Service (EEAS)

In this session, speakers provided remarks on the growing consensus among election practitioners regarding the role and importance of public international law and human rights as the basis of election assessments.

Former U.S. President *Jimmy Carter* opened the session with the history of The Carter Center's dual involvement in elections and human rights, highlighting support for the establishment of the OHCHR in the early 1990s and the Declaration of Principles in 2005. President Carter encouraged the elections and human rights communities to collaborate in monitoring the entire democratic process, including technical aspects of elections, respect for human rights, and government accountability. Democratically elected lawmakers, he noted, are more likely to respect human rights of all kinds, including respect for the rights of women and girls, for example. President Carter also underscored the need for the elections and human rights communities together to follow through in monitoring the implementation of international law provisions, citing The Carter Center's efforts to promote enforcement of U.N. Resolution 1325 on women's participation in peace negotiations.

Ivan Šimonović reiterated that human rights norms based on customary international law or treaty obligations provide a useful framework for assessing the situation surrounding elections. Trained OHCHR monitors in the field help the U.N. devise strategies to prevent escalation of electoral violence and complement the work of election observers. The U.N. also collaborates with civil society organizations and, in some cases, trains security forces on human rights standards, including with regard to policing political protests. Describing the OHCHR's focus when working in electoral contexts, Šimonović outlined the key human rights that are especially vulnerable: freedom from discrimination and freedom of opinion and expression, association, and assembly.

Beata Martin-Rozumilowicz spoke on how OSCE/ODIHR incorporates human rights norms into its missions and assessments, and on the benefits and challenges of using a human rights framework for election observation. Emphasizing the Copenhagen Document (1990), she listed the treaty and non-treaty sources of international law that shape ODIHR's methodological framework. Strengths of this approach include consensus in the international community, clear links to states' voluntary commitments, and the possibility of follow-up through mechanisms like the UPR and Human Rights Committee. In the OSCE context, challenges include doubts from some parliamentarians as

to the validity of applying international, rather than national, commitments; the absence of international law on certain newer issues; and attempts by some states to dilute obligations by renegotiating their commitments. Going forward, focus should be on more consensus-building around a common international framework, as well as on outreach to states to help them better understand their obligations.

Craig Jenness spoke on the role of international obligations and standards on the assistance provided by the U.N. Electoral Assistance Division. He noted the challenge of reconciling mandated principles like cost-effectiveness and national sovereignty while consistently advocating respect for human rights. Jenness also underscored that Carter Center and International IDEA efforts to catalogue and explain international obligations are of immense help to UNEAD in working with states, which want to better understand their commitments, and in providing a platform for stronger advocacy. Finally, he asked the communities represented at the conference to support UNEAD's work by: (1) offering answers to difficult questions (e.g., limits to special temporary measures); and (2) elucidating the relationship between a regime's human rights scorecard and political legitimacy, and how this influences overall assessments of an electoral process.

Lora Borissova spoke on the use of international obligations and standards by European Union election observers. She gave an overview of the EU's methodological framework and noted the important role of observers in highlighting gaps between national legal frameworks and international instruments, which can help push states to ratify those treaties. Borissova also drew attention to areas where more specific international law is needed to guide observers making human rights-based assessments, including campaign finance and transparency of electoral management bodies. She voiced the EU's eagerness to increase coherence among groups both in terms of election observation and implementation of recommendations.

In the subsequent discussion participants revisited the issue of the relationship between political actors' human rights record and political legitimacy as it relates to observers' overall assessments, particularly in contexts where election results are widely accepted despite human rights abuses.

Participants also questioned the impact of reporting to the UPR process, and debated how to maximize the efficacy of doing so. Statistics were presented showing that only 156 recommendations dealing with elections (0.5% of all UPR recommendations) have been issued through the UPR, in contrast to 6,000 pertaining to women. Similarly, the Independent Expert on the Promotion of a Democratic and Equitable International Order has received only two vague election-related complaints. Election observation groups that have already begun channeling their recommendations to the UPR are in the early phases of doing so and have not received feedback. Participants underscored the importance of delivering recommendations directly to the states that are most active in the UPR, rather than to the OHCHR or general submission mechanism. Organizations also should learn from national CSOs, many of which have experience submitting reports. Many participants felt that engaging with treaty bodies was likely to be more fruitful and lead to more specific recommendations than engaging with the UPR.

Participants also noted the importance of promoting treaty ratification, since it is more difficult to hold states to commitments they have not made.

VII. Session Five: Human Rights, Election Standards, and Recommendation Implementation

Facilitator: *Chad Vickery*, International Foundation for Electoral Systems (IFES)

Presenter: *John Liu*, Forum-Asia

In this session, participants considered the challenges to implementing recommendations made by election observation missions and human rights mechanisms, and how the two can work together to effect real change despite limited capacity or political will.

Chad Vickery explained the factors that contribute to and constitute political will, how it feeds into a credible electoral process, and the means by which international actors can influence it. Vickery argued that actors' lack of capacity to implement change or ability to imagine a different outcome from the troubled one they have known can dampen will and limit the scope of creative solutions. International development actors seeking to generate political will for electoral reform can either isolate and shame institutional actors or, preferably, work within relevant electoral institutions to build capacity and reward change agents. Vickery maintained that the international community should broaden the scope of electoral leadership by sharing best practices, then identifying, offering technical assistance to, and putting pressure on potential agents of creative change in positions of power. He introduced IFES' Electoral Integrity Assessment Framework, a tool for identifying vulnerability to malpractice, fraud, and systemic manipulation, which can in turn help generate offers of appropriate technical assistance.

John Liu presented suggestions for translating international obligations into action at the national level. International obligations are a key pressure point to spark commitments to reform, he argued. He asserted that the UPR, leveraged together with other mechanisms, not only creates pressure, but also can help identify areas where assistance is needed. It is applicable to all member states, not only treaty signatories. As next steps, Liu suggested: strengthening key international obligations lacking detail; strengthening links between treaty bodies, special procedures, and the UPR; feeding more detailed election-related recommendations to UPR; using UPR recommendations more frequently in electoral assessments; raising public awareness of the UPR process; and building national-level coalitions. He stressed the value of national human rights institutions that are compliant with Paris Principles, especially in regions such as Asia where regional human rights institutions are weak or nonexistent.

Participant discussion examined further the challenges in building political will for reform, the extent to which the presence of political will is a precondition for international engagement, and strategies for improving prospects for the implementation of recommendations.

Participants noted the challenge of working with governments whose implementation of reforms is likely to result in its own defeat. While it is often easier for international actors to support electoral reforms in countries that are seeking aid or other benefits the international community can provide in return, many states also resent the conditionality of democracy aid.

With respect to political will as a precondition for assistance or observation, participants cited examples where political space was so closed as to reduce the utility of deploying an observation

mission. Members of the technical assistance community noted that they can leverage critical statements made in private to the officials they support, even in troubled contexts.

Participants listed a number of key factors in ensuring that recommendations made by international human rights bodies and EOMs are adopted, including the strength and detail of the recommendation, the force of diplomatic pressure, and the presence of follow-up on the part of the organization making the recommendation. Participants also cited efforts to involve domestic CSOs, government actors, and national human rights institutions (NHRIs) in implementation efforts. International organizations can help ensure that CSOs' funding does not evaporate after elections. Participants noted the need to find a solution to the dilemma of timing: while the post-election period is the best time to push for reform, funders and national stakeholders often have election fatigue. In addition, government actors, such as election management bodies (EMBs), may be more receptive to suggestions from peer institutions in other countries than to the same recommendation issued by an international body.

VIII. Session Six: Citizen Observers as Human Rights Defenders: Human Rights and Election Standards at the National Level

Facilitator: *President Jimmy Carter; Avery Davis-Roberts*, The Carter Center

Presenters: *Agnès Picod*, Office of the High Commissioner for Human Rights (OHCHR)

Eric Alvia, National Citizens' Movement for Free Elections, Philippines (NAMFREL)

Rindai Vava, Zimbabwe Electoral Support Network (ZESN)

Michael McNulty, National Democratic Institute (NDI)

In this session, representatives of citizen and international observation organizations, as well as the OHCHR, presented their experiences working at the national level on the protection of electoral rights. They considered:

- (1) Citizen observers as human rights defenders;
- (2) How a rights-based approach can strengthen the work of citizen observers; and
- (3) How citizen observers, international observers, and human rights mechanisms can better coordinate at the national level to increase accountability for the fulfillment of electoral rights.

President Carter opened by praising citizen observers for their courage to work despite threats to their safety. He urged the international community to recognize that the risks they face are more serious than those of international observers – before, during, and long after a troubled election.

Agnès Picod gave an overview of the OHCHR's long-term field presences and the application of its support, advocacy, and protection roles in electoral contexts. OHCHR has rarely engaged in countries specifically to monitor the electoral context, but intensifies its ongoing work bridging civil society and government actors in countries of longstanding activity when they hold elections. She underscored OHCHR's understanding of elections as human rights exercises rather than purely political or technical ones, and its desire to complement the roles of elections-focused organizations. She also related the challenges of perceptions that human rights organizations inherently favor opposition candidates; of deflecting attacks on or infiltration of CSO partners by security services; and of responding to increasingly sophisticated government maneuvers to block space for civil society.

Eric Alvia spoke on human rights and election standards in the Philippines from the experience of the National Citizens' Movement for Free Elections (NAMFREL). Alvia summarized the Philippines' legal framework for elections and the main challenges citizen observers there face, especially related to transparency and corruption. He then explained how the human rights-based framework NAMFREL uses provides objective criteria for both elections and good governance, but would benefit from broader popularization. Alvia described how NAMFREL has coordinated on election reform issues at the international level with the U.N. Convention against Corruption CSO coalition and the Global Network of Domestic Election Monitors (GNDEM); at the regional level with the Asian Network for Free Elections (ANFREL); and at the national level with human rights and budget oversight mechanisms. Finally, Alvia noted the challenge of reshaping elections for stakeholders as a human rights issue and gaining buy-in to human rights mechanisms from election management bodies (EMBs) and political parties. Grants and technical assistance to EMBs and others should be tied to compliance with human rights mechanisms, he said, but invoke national sovereignty.

Rindai Vava spoke on human rights and election standards from the perspective of the Zimbabwe Electoral Support Network (ZESN). She outlined the main challenges for citizen observers in Zimbabwe, including heavy surveillance, public slander, arrest, and being perceived as opposed to the government. Vava then detailed ZESN's electoral education, CSO capacity-building, and advocacy efforts, through which it has sought to advance a human rights-based approach despite the repressive environment. She also described the organization's prior reporting to the regional African Commission on Human and Peoples' Rights (ACHPR) and to the UPR, as well as its participation in SADC networks and review processes. Finally, she emphasized engagement in advocacy between elections.

Michael McNulty drew on the National Democratic Institute's (NDI) experience in capacity-building for citizen observer groups through the GNDEM network to discuss citizen observers' role as human rights defenders and how international actors can most effectively support them. He underscored citizen observers' ability to advocate for and provide information to facilitate effective and timely remedies to disputes as an example of defending human rights. In addition to reiterating the advantages of a human rights-based approach, McNulty touched on its potential to attract needless risk and other challenges, and remarked that the human rights approach is not always a human rights defender approach. Finally, he proposed that international groups actively promote citizen observers' right to observe, reference their findings, issue joint recommendations, and facilitate networking. They also can incorporate practical training on engagement with international human rights mechanisms and the application of international obligations into their capacity-building activities aimed at citizen observers.

In discussion, participants touched on the terminology used to describe citizen observers. Some warned against conflating them automatically with human rights defenders, whom the human rights community defines as those under threat for their pursuit of human rights.

Participant discussion focused on how the international community can best support the work of citizen observers. Participants introduced an existing five-principle framework to guide this relationship: empowerment, primacy of the national actor, partnership, protection, and ethics. While international actors should amplify, not dominate, their national counterparts, participants were in

consensus that the international community should be more vigilant and more forceful in defending citizen observers suffering persecution and denouncing regimes that inflict it. The international community must pay attention to their treatment outside the spotlight of the election period.

When asked what concrete types of protection national groups would want from the international community, suggestions were: (1) solidarity; (2) more continuous technical support; and (3) public statements. Physical attacks, often random and spontaneous, are hard to plan for. Participants proposed that the many tools and strategies developed for protection of human rights defenders on the part of both civil society (particularly [Front Line Defenders](#)¹) and the U.N. should be introduced more widely to citizen observers.

Participants also discussed the ethics of engaging in international observation where the human rights of citizen observers (and others) clearly will not be respected. They wondered how the human rights community might help guide difficult decisions. Participants discussed the degree to which observers might be more prescriptive toward political parties or other stakeholders who do not respect fellow citizens' rights, while maintaining their welcome and impartiality. From a human rights perspective, many agreed, the worst option is to stay in a country and remain silent; international observers should either stay and be vocal, or leave.

IX. Session Seven: Human Rights and Election Standards: Next Steps

In this session, participants were divided into break-out groups to consolidate ideas shared thus far into practical strategies for enhanced coordination between election observation and human rights communities. They considered the topic at each of three levels – international, regional, and national. In addition, two groups focused on specific themes of the right to participate in public affairs and access to information.

X. Session Eight: Group Report-Out on Human Rights and Election Standards: Next Steps

Facilitator: *Sara Mia Noguera*, Organization of American States (OAS)

Participants returned to plenary to present the strategies discussed in Session Seven.

Group 1: International Level

This group, tasked with exploring engagement between the human rights and elections communities at the international level, first identified priority issues for the two groups to work on together. These included electoral violence; inclusion of ex-combatants; term limits; and lending support, protection, and credibility to national groups. The group also discussed how garnering support for a new General Comment 25 could provide an impetus to raise awareness of public international law obligations. Because General Comments often are comprised to a significant extent of ideas expressed by the Human Rights Committee in Views and Concluding Observations since its last

¹ Front Line Defenders is another name for the International Foundation for the Protection of Human Rights Defenders. Founded in Dublin in 2001, it provides urgent support to “[protect] human rights defenders at risk, people who work, non-violently, for any or all of the rights enshrined in the Universal Declaration of Human Rights (UDHR).”

General Comment on the subject, it would help to bring more cases dealing with electoral rights before the committee in order to provide it with more material to codify.

The group revisited suggestions for coordination raised early in the conference, including the importance of developing strong templates for the submission of useful, timely shadow reports; ensuring that human rights are a clear part of election observation missions' mandate, perhaps by involving high-ranking human rights representatives; and devoting more resources to follow-up at the national and international level. Members also reiterated the usefulness of Human Rights Committee recommendations as a baseline for election assessments. In addition, they argued that a stronger elections community presence in Geneva would increase the visibility of these issues.

The group observed that the Human Rights Committee does not have an advisory function, and suggested that both communities might benefit from having an NGO conduct expert reviews of specific issues and performing an advisory role on public international law related to elections. However, it was also noted that U.N. agencies would be expected to seek advice from one another first.

Participants also discussed how to shape the mandate of special rapporteurs to cover electoral topics. Some felt that the mandate of the Independent Expert on the Promotion of a Democratic and Equitable International Order could and should include elections, while others supported advocating for a new mandate focused specifically on elections. Interested parties could push first for a thematic report by the Human Rights Council and/or a panel discussion on human rights and elections convened around sessions with member states in attendance.

Group 2: Regional Level

This group, tasked with exploring engagement between the human rights and elections communities at the regional level, outlined some of the challenges faced by election observation missions in implementing a human rights-based approach. Citing inter-American and African regional examples, the group observed that engagement between the two communities is generally adequate but that there is much potential for better implementation to maximize regional mechanisms' significant contact with national political stakeholders.

The group underscored that the regional human rights community could map the human rights situation on the ground and share knowledge of access points to human rights mechanisms. The elections community would then be better able to contribute its reports to regional jurisprudence, helping to establish facts about an election in case law.

Participants discussed advocating for more widespread ratification of regional human rights treaties like the African Charter and greater participation in existing forums, such as the African Governance Platform.

Many participants also advocated strongly for more cross-regional exercises to compare human rights tools and mechanisms, and for more U.N. engagement with regional human rights mechanisms. Suggestions included that electoral matters could be taken up at the next meeting of regional mechanisms with the U.N. human rights system in Geneva – meetings which have been infrequent but for which there is an appetite. Participants also suggested advocating for coverage of electoral issues in a future joint report by U.N. and regional special rapporteurs, similar to one

published by the special rapporteurs on freedom of expression in 2010. Finally, participants proposed the discussion of democratic elections as a cross-cutting issue to be addressed at a future joint meeting of all U.N. treaty body chairs, which typically occur in the regions.

Group 3: National Level

This group presented on the gaps in and opportunities for international groups and mechanisms to both support citizen election observers and better capitalize on their knowledge. They noted that the international community can do more to protect citizen observers, raise public awareness of rights violations in the electoral process, and build technical capacity. But they must manage expectations in doing so.

Prospects for future activity included more engagement of country-specific U.N. special rapporteurs on election issues; more information-sharing with national human rights institutions (NHRIs); more engagement with authorities on the part of both the human rights and observation communities; and pressure on governments to ratify international treaties. Public outreach and media training on targeting audiences for recommendations was suggested. Participants also noted that human rights defender alert and protect systems, like that of The Carter Center in DRC, could be extended to citizen observers during elections.

Technology was highlighted as an area for collaboration, including for the secure collection and transmission of data and for mapping electoral irregularities or violence.

Topics broached for further discussion included electoral dispute resolution, the role of NHRIs in elections, and the use of regional human rights instruments in electoral assessments.

Group 4: Right to Participate in Public Affairs

This group addressed the opportunities to improve coordination at all levels on the specific issue of the right to participate in public affairs. They mapped the current level of coordination at field and headquarters levels, noting that field coordination should include actors outside capitals. The group also discussed how to incorporate poverty and other potential sociopolitical barriers to participation into the discourse.

Several themes recurred in relation to the right to participate, including the need to update General Comment 25; enhance outreach to states to ensure that governments understand their commitments; and make available resources on accessing U.N. mechanisms.

The group also discussed resources that could be put to better use, including: the [Database of UPR Recommendations](#); the [Universal Human Rights Index](#); and [Google's global advocacy map](#).

Finally, the group noted several gaps in public international law that would benefit from clarification, including: the rights of non-citizens, including at the municipal level; reasonable versus unreasonable restrictions on the right to participate; and minimum age for participation.

Group 5: Right of Access to Information

The final group addressed the opportunities to improve coordination at all levels on the specific issue of the right of access to information. The group established a need for wider recognition of access to information as a human right. Members also defined the right, in this context, as belonging

not only to citizens but also to observers. Access to information demonstrates and tests the credibility and accountability of institutions.

The group developed a list of types of information to which access during electoral processes is critical, including:

- Precinct-level results;
- Information regarding complaint mechanisms and resolution of complaints;
- Boundary delimitation exercises;
- Campaign finance information;
- Party lists;
- Voter registration information; and
- Electoral procedures.

They proposed a standard list of election-related information, a project NDI is currently working on, that should be disclosed in the public domain surrounding every election. They also noted that the right to access certain types of information is not absolute, and must be balanced with the right to privacy.

The group drew attention to General Comment 34 to the ICCPR, which establishes an international normative basis for the right of access to information. It is bolstered by strong rulings from regional courts. Still, areas needing elaboration include the extent to which political parties are subject to the same level of disclosure as the state, legitimate limits on freedom of information, and the duty of the state to retain or destroy certain information responsibly.

Underscoring that the burden of proof should not be on those requesting information, participants recommended giving further thought to supporting states' development of meaningful mechanisms, capacity, and resources for the proactive and timely disclosure of information. Such long-term capacity-building, while not necessarily focused on elections, will benefit those seeking electoral information.

The group noted that because freedom of information has been clarified only recently as an integral element of freedom of expression, it requires better integration into human rights training programs. Also, where human rights field operations exist, they can monitor electoral dispute resolution just as they monitor trials.

Finally, both the elections and human rights communities would benefit from a mapping exercise identifying the extent of disclosure of electoral information around the world.

XI. Summary and Closing Remarks

Herman Vales of OHCHR emphasized that the human rights community can benefit from election observers' specific, technical information during election periods, while the elections community can count on the human rights community to voice positions that would be ill-advised for observers. He also stressed the role of the human rights community in conducting long-term follow-up activities after election observers leave a country. A human rights-based approach to elections, he argued, does not require that observers become synonymous with human rights activists.

David Carroll of The Carter Center affirmed the two communities' convergence on a human rights-based approach as the way forward, and expressed encouragement at the appetite conference participants demonstrated for more collaboration. In conclusion, he outlined ten concrete ideas for how the groups can engage with one another further:

- Educating election groups on the international human rights system;
- Conducting mapping exercises to understand different mechanisms and their access points;
- More outreach to states on the part of the elections community with respect to election obligations;
- Mapping treaty ratifications and advocating for more states to ratify ICCPR and regional treaties;
- Drafting a common declaration of principles on elections and human rights;
- Forming an advisory group to discuss how public international law can be applied to specific electoral issues;
- Exploring creation of a new special rapporteurship and/or shaping the mandate of the Special Rapporteur on the Promotion of a Democratic and Equitable International Order;
- Requesting a thematic report and/or special panel on democratic elections from the Human Rights Council;
- Increasing field-level engagement with long-term human rights monitors and national human rights institutions (NHRIs); and
- Identifying gaps in the public international law framework for elections and working to address those gaps.

Carroll stated that The Carter Center intends to hold a series of workshops and other activities to take these ideas forward.

List of Acronyms Used

ACHPR	African Commission on Human and Peoples' Rights
ANFREL	Asian Network for Free Elections
CSO	civil society organization
DES	Democratic Election Standards
DoP	Declaration of Principles for International Election Observation
DoGP	Declaration of Global Principles for Nonpartisan Election Observation and Monitoring by Citizen Organizations
EEAS	European External Action Service
EODS	EU Election Observation and Democratic Support
EMB	election management body
EOM	election observation mission
GNDEM	Global Network of Domestic Election Monitors
IACHR	Inter-American Commission on Human Rights
IAHRS	Inter-American Human Rights System
ICCPR	International Covenant on Civil and Political Rights
IFES	International Foundation for Electoral Systems
NAMFREL	National Citizens' Movement for Free Elections
NDI	National Democratic Institute
NHRI	national human rights institution
OAS	Organization of American States
OHCHR	Office of the High Commissioner for Human Rights
OSCE/ODIHR	Organization for Security and Cooperation in Europe, Office of Democratic Institutions and Human Rights
UNEAD	United Nations Electoral Assistance Division
UPR	Universal Periodic Review
ZESN	Zimbabwe Electoral Support Network

**Note: "U.N. Human Rights Council" and "U.N. Human Rights Committee" have been written in full to avoid confusion.*