Human Rights and Election Standards:

A Plan of Action

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# 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 the conduct and respect for democratic elections.
2. A coherent 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 citizens are able to participate in the public affairs of their country. This is elaborated in the International Covenant on Civil and Political Rights, and other international and regional treaties and instruments. 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.
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, and should be, subject human rights norms and standards and scrutiny by international and regional human rights mechanisms.

## Electoral Assistance and Human Rights Communities

1. A large range of organizations, intergovernmental and non-governmental, international, regional and national, provide support for genuine democratic elections. This ‘election assistance 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, regional and international organizations, both intergovernmental and non-governmental, that work to advance human rights, including in the context of elections, as well as human rights mechanisms that monitor compliance by States with their human rights obligations.
2. The national and international human rights, and election assistance communities share common foundational principles that guide their work and which 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 do so through the monitoring and assessment of State performance, generally with few, if any, enforcement powers.
3. International 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 reports and recommendations to the host country authorities. International election observation is one form of electoral assistance. Electoral assistance also includes technical advice and assistance provided to governments or electoral institutions that is carried out in an objective, impartial, neutral and independent manner and with due respect for national sovereignty. Distinct from international election observation, the purpose of electoral assistance is generally not to assess or report on State performance.
4. For the human rights community, monitoring and assessment takes many forms, including evaluative activities by civil society organizations; country visits, communications and thematic reports of special procedures mandate holders; the review of States reports by treaty monitoring bodies and the issuance of general comments; and the newer, peer-to-peer, UPR process. The outcome of these processes are recommendations to States under review on how to better advance and promote human rights and fundamental freedoms. These recommendations then become the basis for more concerted follow-up in the months and years that follow.
5. The human rights and election assistance communities, as well as States under review, are increasingly considering ways to support the implementation of recommendations. This includes engaging new audiences and forging new partnerships to advance the realization of credible elections and human rights.
6. Despite these common interests and goals, to date there has been only very limited engagement and communication between the two communities. Electoral rights and electoral processes receive relatively little attention from the universal and regional human rights systems. At the same time, the election assistance community does not engage consistently with human rights mechanisms or the experts and State representatives involved in them.
7. Genuine democratic elections are a technical exercise that is one means of facilitating the fundamental right to participate in public affairs. They are also the mechanisms by which the will of the people, as the basis of the authority of government, is expressed. To be genuine, an election must reflect the freely expressed choice of the people and the citizens must have confidence that the outcome of the election reflects their choice. Factors beyond the technical administration of the election process, including important political considerations, can help create a context conducive to credible elections. While conflict mitigation and other political initiatives may at times be required in support of electoral processes, the resolution of tensions and conflicts should be pursued in manner that is broadly consistent with the international human rights framework.

# Objectives

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

# General Principles for a Human-Rights Based Approach to Elections

1. Through the Human Rights and Election Standards consultative process, the following general principles have emerged as relevant to guide cooperative efforts going forward:
2. The universality of human rights, a cornerstone of international human rights law, means that human rights are inherent to all human beings everywhere. These rights are interrelated, interdependent and indivisible. Further, the rights of equality and non-discrimination require that all individuals, by virtue of the inherent dignity of each human person, should be treated equally and that no one should suffer discrimination on the basis of race, colour, ethnicity, gender, age, language, sexual orientation or gender identity, religion, political or other opinion, national, social or geographical origin, disability, property, birth or other status.
3. States have the obligation under international law to respect, protect, and fulfil human rights. To do so, States should take positive action to facilitate the enjoyment of basic human rights, including by advancing the inclusion and participation of all people, especially minorities, women, young people, indigenous peoples, persons with disabilities, and others who are marginalized. In addition, those working on elections should apply approaches to their work sensitive to the needs of these and other groups.
4. Genuine democratic elections, and the related rights to participate in public affairs, to vote, and to be elected are internationally recognized human rights. As such, it is important to consider genuine democratic elections within an international human rights framework and using a rights-based approach.
5. Genuine democratic elections require an environment conducive to respect for and enjoyment of a wide range of human rights and fundamental freedoms on an ongoing basis, without discrimination and without arbitrary or unreasonable restrictions. Key human rights whether exercised online or offline, include but are not limited to:
   1. Freedom of peaceful assembly and of association;
   2. Freedom of opinion and expression and access to information;
   3. Non-discrimination and equality before the law; and
   4. The right to remedy and access to justice
6. Expanding collaboration and communication across the electoral assistance and human rights communities will improve the promotion and protection of human rights and fundamental freedoms in electoral and political processes. It may also may support the continued evolution of public international law on elections, good governance and the right to participate in public affairs. This in turn will lead to better, more credible elections and will increase the capacity of individuals to claim their rights.
7. The principles and the recommendations included in this Plan of Action, while formulated primarily in the context of United Nations human rights mechanisms, apply equally to regional human rights mechanisms in relation to their efforts on electoral and participatory rights.
8. In addition, the principles and many of the recommendations included in this Plan of Action, could also apply to National Human Rights Institutions, equality bodies, and national civil society organizations working on human rights in relation to their efforts on electoral and participatory rights.

# Action steps

1. Acknowledging the aforementioned principles and the shared objectives of advancing the respect for, and protection and fulfilment of, fundamental rights and freedoms regarding genuine democratic elections and participation in public affairs, organizations and individuals supporting this Plan of Action commit to disseminating and acting upon the following recommendations.

## Increase use of international human rights law and human rights mechanisms in the context of elections

1. Recognizing the value of the work of human rights mechanisms to understanding the overall human rights environment in which elections occur, election practitioners should review and refer to the recommendations of treaty monitoring bodies and special procedures and those emanating from the Universal Periodic Review process as part of their regular practice.
2. In addition, election practitioners should consider submitting data-driven findings from their work to human rights mechanisms, including through: formal submissions to the treaty monitoring bodies and the UPR; use of the communications procedure of the special procedures; and sharing reports with special procedures mandate holders. The cyclical nature of the reporting schedule of the human rights mechanisms, as well as election processes themselves, can be beneficial to collaboration and concerted follow up by the two communities, providing new and ongoing opportunities for engagement.
3. Conversely, international human rights mechanisms should continue to consider the reports of election assistance organizations when drafting reports, comments and recommendations.
4. 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 consideration of an update to the General Comment by the Committee.
5. Representatives of election assistance and observation organizations and human rights mechanisms should continue to advocate for the ratification of the International Covenant on Civil and Political Rights, the Convention on the Elimination of all forms of Discrimination Against Women, the Convention on the Rights of Persons with Disabilities and other treaties that advance participatory rights, as well as regional instruments on democracy and elections.

## Contribute to the continued development of international law on elections

1. Recognizing that the election assistance and human rights communities both contribute to international understandings of genuine, democratic participatory elections, election practitioners and human rights mechanisms should cooperate, within the limits of their mandates, to further the development of international law on elections and address gaps in the law. This could be accomplished in many ways. Suggestions raised during the consultative process included:
2. The drafting of a common declaration of principles on elections and human rights;
3. The formation of an ad-hoc advisory group composed of international election and human rights experts to address how international human rights law can be applied to specific electoral issues;
4. The requesting to appropriate bodies for a thematic report on genuine elections and human rights to be submitted to the Human Rights Council.
5. Human rights NGOs bringing more individual complaints to treaty bodies to increase their jurisprudence on election-related questions.

## Explore the need for new human rights mechanisms as appropriate

1. 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 election assistance communities.

1. Continued collaboration and communication between election assistance communities and human rights mechanisms can only progress through regular communication and information sharing. In addition to the actions outlined above, a number of practical steps were suggested to facilitate communication, including:
2. 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;
3. Invitation by the appropriate bodies to representatives of regional and international human rights mechanisms in the regularly scheduled meetings of the election assistance community, such as the meeting of endorsers of the Declaration of Principles for International Election Observation or the Global Elections Organization (GEO) conference;
4. 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;
5. Consulting 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.
6. In addition, further workshops and conferences that regularly convene the elections and human rights communities to discuss specific issues should be held.

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

1. 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 public participation, can be enjoyed. Civil society plays an important role in monitoring human rights and elections processes and in advocating for change. International human rights mechanisms and election assistance organizations have a responsibility to support this work of civil society and can do this by:
2. Engaging with and hearing from organizations that work on a range of issues and topics, including those beyond election issues;
3. Lending support to the voice of national civil society organizations by referencing their findings;
4. Supporting the creation of national-level coalitions of human rights and election organizations that can raise awareness of, and follow up on, elections related issues and recommendations;
5. Building the capacity of civil society to engage effectively with international human rights mechanisms through the submission of data-driven reports, that reference international obligations for genuine democratic elections.
6. International election assistance organizations may consider collaborating, as appropriate, with national civil society organizations on the submission of reports to international human rights mechanisms.
7. Additional consideration should be given to the potential role of National Human Rights Institutions (NHRIs) in the promotion of environments conducive to human rights and credible elections, including ways in which election assistance practitioners can work more closely with NHRIs on follow up to recommendations.

## Develop better tools and training resources to facilitate effective collaboration

1. The regional and international systems of human rights mechanisms can seem complex, and difficult to navigate. In order to facilitate increased cooperation between the international and domestic election assistance community and the regional and international human rights mechanisms a series of practical training tools should be developed. These tools could include clear guidance on how to access and engage with the different mechanisms and how to work constructively with Geneva-based stakeholders (such as State missions). They could also include templates for the submission of election focused reports and information to the special procedures, treaty bodies, and UPR processes.
2. The election observation and assistance community recognizes the contribution of organizations who coordinate civil society engagement with the United Nations human rights mechanisms. In engaging with the mechanisms directly or with civil society partners, the election observation and assistance providers should consider continued engagement with these organizations, including through participation in pre-session consultations when possible and appropriate.

## Raise awareness about elections as human rights exercises

1. In order to increase the impact of election related recommendations of the election assistance and human rights communities, both groups should consider means of raising public awareness of elections being not only a technical exercise and a political contest, but also a human rights exercise. It would also be useful to sensitize the media on this issue. In addition, it would be beneficial for both communities to raise awareness among States of the impact of elections on human rights through side events, including at the Human Rights Council sessions.

## Write and follow up on targeted recommendations

1. Common to the work of both the human rights mechanisms and the election assistance community is the need for well-written, targeted recommendations, and more consistent follow-up on the implementation of recommendations once given. Representatives of both communities recognize that greater cooperation between them has the potential to increase opportunities for recommendation implementation and follow-up.
2. In order to make recommendations useful, the election assistance and human rights communities should consider drafting recommendations that are specific, measurable, attainable, relevant and time-bound (or S.M.A.R.T.) In addition, all recommendations about elections and participatory rights should be crafted using simple and precise language, clearly identifying the audience for the recommendation, and should be sensitive to the country-context. Consideration should be given to how recommendations might be implemented and, in order to facilitate better implementation, recommendations can be clustered around thematic areas.
3. The elections and human rights communities can work together throughout the election cycle to offer joint analysis of the electoral and human right environment and monitor and follow up on the implementation of election related recommendations. Examples of such cooperation could include:
4. Information sharing by election assistance practitioners with special procedures mandates who can follow up on election observation recommendations during country visits, or as part of their reporting responsibilities. Conversely, special procedures mandates could share key recommendations with election assistance practitioners who could follow up on them in the course of their work;
5. The regular deployment of human rights experts as part of international election observation missions;
6. Coordination between election observation and assistance organizations and other human rights mechanisms with treaty monitoring bodies in the course of their follow-up activities to help promote implementation of recommendations, or could suggest special reports on key issues of focus by the treaty body; and
7. As appropriate, providing support to civil society and States on national recommendation implementation and follow-up exercises.

# Background on the Human Rights and Election Standards Initiative

1. The Human Rights and Election Standards initiative was launched in a conference held in Atlanta in February 2015. Envisioned as the first in a series of meetings and workshops, the launch conference was attended by leading election practitioners and experts and representatives of the human rights mechanisms at the United Nations, the African Union, and other inter-governmental organizations.
2. Following the 2015 launch, the first of three focused workshops was held in January 2016 in Atlanta. The workshop was attended by a small number of thematic and geographic mandate Special Rapporteurs as well as election assistance practitioners and experts. Workshop participants considered the opportunities and challenges of increasing collaboration between special rapporteurs and the election assistance community, and practical suggestions for continued collaboration.
3. The second workshop was held in June 2016 in Geneva and brought together members of key treaty monitoring bodies and members of the election assistance community. Workshop participants examined the opportunities and challenges of increasing collaboration between treaty monitoring bodies and election assistance community, and practical suggestions for continued collaboration.
4. The third workshop was held in February 2017 in Geneva and brought together election practitioners and representatives of States that have participated in the Universal Periodic Review (UPR) process and have given or received recommendations on elections. During the workshop, participants discussed the use of the UPR to encourage democratic processes, and how election practitioners can more effectively engage with the UPR process.
5. The fourth and final meeting was held at The Carter Center, in Atlanta Georgia in December 2017. During this meeting, the draft Human Rights and Election Standards Plan of Action was discussed, reviewed and finalized.
6. The draft plan of action was developed based on the recommendations formulated throughout the series of consultations that took place between 2015 and 2017. The OHCHR and The Carter Center would like to acknowledge the many individuals and organizations that contributed to the Human Rights and Election Standards consultations (appendix A).
7. Going forward, organizations and individuals may agree on an ad-hoc basis to disseminating and acting upon the recommendations in this Plan of Action.

Appendix A

The Carter Center and the Office of the United Nations High Commissioner for Human Rights are grateful for the contributions made to this Plan of Action by the following individuals and organizations:

* **African Commission on Human and Peoples Rights**
  + Pansy Tlakula
* **African Union Commission**
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* **Asian Network for Free Elections (ANFREL)**
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* **Brookings Institution** 
  + Ashley Miller
* **The Carter Center**
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  + David Carroll
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  + Obehi Okojie
  + Elizabeth Plachta
  + Jordan Ryan
  + Karin Ryan
  + Tye Tavaras
* **Centre for Civil and Political Rights** 
  + Patrick Mutzenberg
* **Commonwealth Secretariat**
  + Martin Kasirye
* **Democracy Reporting International**
  + Hassan Mirbahar
* **Electoral Institute for Sustainable Democracy in Africa (EISA**)
  + Cecile Bassamo
  + Denis Kadima
  + Ilona Tip
* **EU Election Observation and Democratic Support (EODS)**
  + Gilles Saphy
* **European Platform for Democratic Elections (EPDE); Donetsk Voters’ Committee**
  + Sergiy Tkachenko
* **European Union, External Action Service, Democracy and Election Observation (EEAS)**
  + Lora Borissova
  + Emanuele Giaufret
  + Isabel Martinho
* **Forum Asia**
  + John Liu
* **Inter-American Commission on Human Rights (IACHR)**
  + Malene Alleyne
* **International Foundation for Electoral Systems (IFES)**
  + Michael Svetlik
  + Chad Vickery
* **International IDEA**
  + Therese Laanela
  + Frank McLoughlin
* **National Citizens’ Movement for Free Elections (NAMFREL)** 
  + Eric Alvia
* **National Democratic Institute (NDI)**
  + Julia Brothers
  + Sarah Cooper
  + Michael McNulty
* **Open Society Foundations (OSF)**
  + Molly Hofsommer
* **Organization of American States (OAS)**
  + Gerardo de Icaza
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* **Organization for Security and Cooperation in Europe – Office for Democratic Institutions and Human Rights (OSCE/ODIHR)**
  + Beata Martin-Rozumilowicz
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* **United Nations Development Programme (UNDP)**
  + Dan Malinovich
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* **United Nations Electoral Assistance Division (UNEAD)**
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  + Ivan Šimonović
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  + Hernan Vales
  + Simon Walker
* **Universal Rights Group**
  + Marc Limon
* **UPR Info**
  + Jean Claude Vignoli
* **United States Agency for International Development (USAID)**
  + Assia Ivantcheva
* **Venice Commission Secretariat**
  + Serguei Kouznetsov
* **Venice Commission Montenegro**
  + Srdjan Darmanovic
* **Zimbabwe Election Support Network (ZESN)**
  + Rindai Vava

**Human Rights Treaty Bodies Members** (present and former as of the date of their engagement with the project)

* Ilze Brands Kehris, Member, U.N. Human Rights Committee
* Maria Soledad Cisternas Reyes, former Chair, U.N. Committee on the Rights of Persons with Disabilities
* Jasminka Dzumhur, Member, U.N. Committee on Migrant Workers
* Felice Gaer, Member, U.N. Committee Against Torture
* Hilary Gbedemah, Member, U.N. Committee on the Elimination of Discrimination Against Women
* Michael O’FlahertyFormer Member U.N. Human Rights Committee
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* Nigel Rodley, Member, U.N. Human Rights Committee
* Victor Rodriguez-Rescia, Member, U.N. Human Rights Committee

**Special Procedures** (present and former as of the date of their engagement with the project)

* Gustavo Gallon, U.N. Independent Expert on the situation of human rights in Haiti
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* Maina Kiai, U.N. Special Rapporteur Freedom of Association and Assembly
* Gay McDougall, Former U.N. Special Rapporteur on Minority Rights
* Monica Pinto, U.N. Special Rapporteur on the independence of judges and lawyers
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