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OHCHR – United Nations Office at Geneva  
CH-1211 Geneva 10  
Switzerland

Stockholm, 19 February 2015

**Resolution 27/24 of the Human Rights Council on “Equal Participation in Political and Public Affairs”**

Dear Sir/Madam,

Thank you for your letter of 16 January 2015, requesting for input regarding the forthcoming study on best practices, experiences, challenges and ways to overcome them with regard to the right to participate in public affairs, as referred to in Resolution 27/24 of the Human Rights Council.

Please let me take this opportunity to thank you for providing us with an opportunity to contribute to this important endeavour. As one of the world’s leading democracy-focused institutes, we believe we do have substantive knowledge and experiences to share.

Our contribution is focused on participation in the conduct of public affairs, the right to vote and be elected, and equal access to public services. The attached document was authored by staff members from several teams: Democracy and Development, Political Participation and Representation Processes, Electoral Processes, Democracy and Gender, Democracy and Diversity and Democracy, Conflict and Security.

We look forward to exploring future opportunities, comparing notes and consulting, inter alia through the upcoming stakeholder consultation on the OHCHR website.

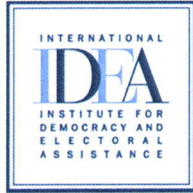
Yours sincerely,

Yves Leterme  
Secretary-General

OHCHR REGISTRY

23 FEB 2015

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## **Executive summary**

This memo summarizes International IDEA's knowledge and experiences pertaining to the challenges and best practices related to the equal participation of women and men in political and public affairs.

It proposes the following elements of principles to guide the protection, promotion, and implementation of the right to participate in political and public affairs:

- participation in the conduct of public affairs – gender responsive internal democracy and financial transparency of political parties and other organizations representing people, continuous engagement between these organizations and citizens, investments in channels for communication to facilitate engagement, exploration of new forms of organizational structures, and levelling access to money in politics among political parties and between women and men and preventing illicit money from entering the political arena;
- the right to vote and be elected—participation and representation; and
- equal access to public services—answerability, responsiveness and enforceability.

A list of knowledge products published by International IDEA is included in Annex 3.

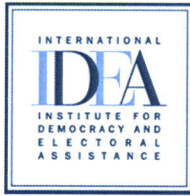
### **1. Participation in the conduct of public affairs**

#### ***Citizen political participation: what is at stake***

Citizen political participation in the conduct of public affairs can take many forms. Beyond traditional procedural means, such as voting, membership in a political party, standing for elected office and becoming an elected representative, citizens can also become engaged in a public cause led by a civil society organization (CSO) or join a street or virtual protest organized by a citizen movement. Political parties are often considered the primary body through which citizens participate in democratic decision-making, primarily via representation. Because of the intricate link between the notions of participation and representation, some claim that modern democracy in mass societies is unworkable without parties (Norris 2004).

A political party is defined as 'any political group identified by an official label that presents at elections, and is capable of placing through elections (free or non-free), candidates for public office' (Sartori 1976). In addition to taking part in elections, however, political parties should perform a number of other representative, procedural and institutional functions that are crucial for the functioning of modern representative democracies. Representative functions include representing constituents' social demands and articulating and aggregating their interests. Procedural and institutional functions include recruiting leaders and organizing parliament and government (Bartolini and Mair 2001). Citizens may choose to take up different roles vis-à-vis





political parties in order to influence political decision-making, including voting for a party, becoming a member in order to influence its policies or even standing for elected office to represent other citizens on its behalf.

### ***Today's global challenges in political participation***

In recent years, political parties around the world have struggled to effectively combine their representative and institutional roles, which has increased citizen dissatisfaction with them. To advance their political interests, citizens therefore shift between political parties, CSOs and citizen movements.

Among the many issues that citizen movements protest against, three stand out: (1) unequal economic distribution, and parties' perceived inability to deliver on their promises to improve this situation; (2) corruption and the lack of integrity of political parties; and (3) a lack of democratic freedoms in general.

### ***Addressing the challenges of political participation***

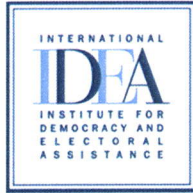
To address these urgent issues, legal frameworks should be modernized to meet citizen demands for democratic participation. Legal measures should be considered, and the behavior and internal structures of the main political actors should be strengthened in order to implement those legal frameworks. Governments, political parties, CSOs and many other bodies of citizen representation should invest in innovative tools to communicate with citizens, particularly in fragile and conflict-affected states, to facilitate people's representation and participation. They should also include traditional tools for citizen outreach, such as radio, television and the print media. In doing so, all actors must engage with citizens on a continuous basis—not merely during election time.

Another dominant citizen complaint regarding political parties is the level of corruption and lack of transparency in government and party decision-making. Democracy is ultimately about popular control over decision-making; citizens and electoral candidates should, at least in theory, participate in politics on fair and equal terms. Yet in many countries, the large amounts of money involved in election campaigns (including non-monetary, in-kind donations) make it impossible for those without access to large private (licit or illicit) funds to compete on the same level. Female candidates suffer disproportionately from a lack of access to campaign finance. Well-designed, enforceable political finance regulations that are anchored in their country's context are vital to any efforts to ensure that money is a positive force in politics.<sup>1</sup>

Lastly, low levels of trust in government, political parties and other representative bodies are in many instances linked either to entrenched patronage networks or to

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<sup>1</sup> International IDEA (2015b) recommends nine ways to improve the role of money in strengthening equal participation in political and public affairs.



high levels of political polarization, which can cripple political decision-making and provoke citizen dissatisfaction with the political establishment. Engaging in interparty dialogue to resolve political disagreement is a strong alternative to power shifts as a result of citizen protest.

The UN Human Rights Council Resolution 27/24 on the equal participation in political and public affairs in clause 4(e) refers to ‘persons in vulnerable situations’. It continues with the recommendation of ‘engaging them in designing, evaluating and reviewing policies on participation in political and public affairs’. The planned OHCHR study will need to define ‘persons in vulnerable situations’ and explain what ‘engaging them’ would mean in practice, referring to the above-mentioned suggestions for citizen participation.

#### ***Relevant International IDEA knowledge resources for reference***

The resolution 27/24, in clause 4 (f) refers to ‘Developing information and educational materials on the political process and relevant international human rights law provisions to facilitate equal participation in political and public affairs’. International IDEA resources that help facilitate equal participation in political and public affairs include:

1. *Atlas of Electoral Gender Quotas*: <http://www.idea.int/publications/atlas-of-electoral-gender-quotas/>;
2. Citizen movements and the crisis of political participation: <http://www.idea.int/publications/political-parties-and-citizen-movements/>;
3. Political party finance/money in politics: <http://www.idea.int/publications/funding-of-political-parties-and-election-campaigns/> and <http://www.idea.int/political-finance/>;
4. Political party organizational strengthening: <http://www.idea.int/publications/strategic-planning-for-political-parties/>;
5. Programmatic parties/policy strengthening: <http://www.idea.int/publications/politics-meets-policies/>; and
6. Political party dialogue: <http://www.idea.int/publications/political-party-dialogue/>.

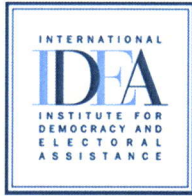
#### ***Gender equality and participation in public affairs***

Since 1960, fatal violence has plagued over 20 per cent of all presidential and parliamentary elections held worldwide; election-related violence is often a deliberate strategy to minimize the participation of women, minorities and other groups.<sup>2</sup> In recent decades, many countries have made progress in enshrining the formal rights of

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<sup>2</sup> Global Commission on Elections, Democracy and Security (2012) provides specific recommendations for national and international stakeholders with regards to promoting and protecting the integrity of elections, including by removing barriers to participation.





women and men to participate equally in the conduct of public affairs. In practice, however, women's low representation in positions of power and decision-making at all levels affects their equal participation in the conduct of public affairs.

It is becoming increasingly important to recognize the central role of political parties in allowing women to effectively exercise their right to participate in the conduct of public affairs and to be elected to public office. Party influence centres on the non-gender-sensitive ways in which they conduct their internal democratic processes such as in identifying, selecting, and nominating candidates for internal leadership and public decision-making positions. Political parties are the true 'gatekeepers' of access to participation in public affairs for both women and men. Thus they must devise strategies for achieving gender equality and women's participation and representation in the conduct of public affairs at all levels. It is important that political parties put measures in place to create the necessary enabling political context/culture for women and men to equally access and effectively participate in public affairs.

Although few countries have done so, one of the most important ways to encourage gender equality in public affairs is to legislate intraparty activities, for example by requiring parties to provide equal access to women and men to internal leadership and decision-making positions.<sup>3</sup>

According to International IDEA's analysis of political parties' constitutions, manifestos, and strategy documents from a gender perspective in Africa and Latin America (2012 & 2013), parties' gender-equality commitments tend to be stated in their election campaign manifestos rather than their party constitutions. There are no effective measures to ensure that women and men have equal opportunities to pursue and take up leadership positions and to achieve substantive equality within party organizations. The key recommendations from studies on how parties can overcome the challenge of unequal participation in the conduct of public affairs are:<sup>4</sup>

- *Review and revise all founding and policy documents.* Parties' constitutions, manifestos, party rules and procedures, and strategy documents should be revised to incorporate national and international norms and obligations on gender equality.

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<sup>3</sup> In Angola, the Law on Political Parties stipulates that political parties' charters must include 'rules which encourage the promotion of equal opportunities and equity between men and women, as well as a gender representation of not less than 30 per cent in their governing bodies at all levels' (Article 20 (2-m) of Law 22/10 on Political Parties). Brazil's electoral law requires political parties to use at least 10 per cent of their free broadcast time and 5 per cent of their public campaign funds to promote the participation of women in politics. In Burundi, Article 33 of the law on political parties stipulates that no more than three out of every four members of a party's leadership structure shall be of the same gender. In Costa Rica, the Electoral Law provides that party statutes must include provisions to promote gender equality within the party as a whole (Article 52). Nicaragua's new electoral law stipulates that political parties and CSOs should seek the equal participation of women and men in decision-making positions and procedures by ensuring that their statutes guarantee effective democratic participation in the election procedures of their authorities and candidates.

<sup>4</sup> International IDEA (2014c) is a useful resource on the changes required in intraparty democracy.





- Clearly articulating norms and standards on gender equality in party governing documents helps foster intraparty gender equality.
- *Implement sustained and systematic gender-awareness training and capacity development that targets both men and women at all levels and structures of the party.* Political parties must go beyond a simple gender awareness to institutionalize gender-responsive interventions, policies and procedures. Gendered policies and procedures to govern parties' daily work must reinforce training and capacity development in order to make gender a strategic issue and truly change parties' practice and culture.
- *Institutionalize gender policies to help translate awareness of (and commitments on) gender into concrete practice in parties' day-to-day functioning.* How the party's gender policy is implemented internally will influence the extent to which gender is integrated into the mainstream political agenda. The head of the political party's secretariat (usually the secretary-general) should direct the institutionalization of the party's gender policy; he or she will be accountable for the policy's implementation and report to the National Executive Committee and National Convention (where the women's wing should also be represented). Alternatively, an official can be designated responsible for gender at all political party levels and structures, and can create internal links on gender mainstreaming.
- *Consider adopting and implementing positive action measures such as quotas to put commitments on gender equality into practice.* The quotas must be reinforced by clear, gender-responsive rules and procedures for internal democracy and processes for identifying, nominating, and selecting candidates for internal leadership and public decision-making positions at all levels. Parties should use internal quotas for primary elections and achieve at least 30 per cent female representation in internal decision-making bodies. They can also reduce or waive candidate fees for women, or not hold primary elections in constituencies held by women in order to retain and increase women's participation and representation in leadership and decision-making positions.
- *Strengthen and redefine the position and role of women's wings within political parties in influencing strategic political decisions, including the allocation of financial resources.* Using women's wings to mobilize women might lead to the articulation of women's practical needs and strategic interests, and strengthen women's 'voice' through heightened demands for accountability on gender equality. Developing female party members' transformative leadership skills will help prepare them to present themselves as candidates for leadership positions. The women-specific strategies should be reinforced by initiatives that systematically engage men and boys to make them equally responsible for women's empowerment, and by encouraging the media to provide balanced coverage of women and men and equality issues. Women's wings should also form alliances with civil society actors and women across party lines in order to





collaborate on matters of strategic and mutual interest. Such alliances exist in Liberia (e.g., the Coalition of Political Parties' Women) and Sierra Leone (e.g., the All Political Parties' Women Association).

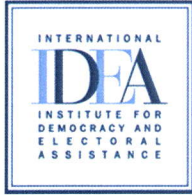
- *Designate both women and men as spokespersons for communicating political parties' positions in the media.* The media play a significant role in promoting gender equality in general, and women's leadership in particular, by highlighting women's contributions and positively reporting on the work of female political leaders. The media can also serve as a 'watchdog' to oversee government implementation of gender-equality measures.
- *Gather and compile gender-disaggregated data on party membership, participation, representation, and influence in party decision-making and programmes.* Since political parties depend on the membership of both women and men, it is essential to track the levels of engagement, voice, and influence of both genders in parties' core programmes and structures at all levels. This gender-disaggregated data can help formulate parties' policy and strategy in response to the needs and strategic interests of their supporters—both women and men.

International IDEA identifies the following principles regarding support for the right to participate in the conduct of public affairs as warranting consideration:

- Political parties, CSOs and other bodies representing citizens in democratic decision-making should make their internal democratic procedures and financial transparency more gender responsive.
- Political parties should engage with citizens and citizen movements on a continuous basis—not only during elections.
- Given the floating nature of citizen participation in politics and public affairs, CSOs, citizen movements and political parties should invest in more diverse tools for communicating with citizens, including both traditional and social media.
- Political parties and CSOs must understand their new role in relation to citizens and citizen participation in public affairs: they must explore new organizational structures that are more open to the changing nature of citizen engagement and serve as more than traditional citizen membership organizations.
- Access to money in politics should be levelled between male and female candidates and between political parties, and illicit money should be prevented from entering the political arena.

## **2. Right to vote and to be elected**

Elections are the cornerstone of representative democracy. They give governments their democratic mandate and hold them accountable for their performance in office. Flawed elections deprive people of their voice in governance and undermine



sustainable democratic development. The rights and opportunities to vote and to be elected are therefore crucial aspects of participation in public affairs.

### ***Right and opportunity to vote***

Every citizen must have the right and the opportunity to vote in equal conditions with other citizens. This right can only be restricted based on objective and reasonable criteria established by law. As General Comment (GC) 25 of the International Covenant on Civil and Political Rights (ICCPR) indicates, the right to vote (in elections and referendums) must be ‘established by law and may be subject only to reasonable restrictions, such as setting a minimum age limit for the right to vote. It is unreasonable to restrict the right to vote on the ground of physical disability or to impose literacy, educational or property requirements. Party membership should not be a condition of eligibility to vote, or a ground of disqualification’. GC 25 also holds that any grounds that might deprive citizens of the right to vote must be ‘objective’ and set out in relevant legislative provisions.

GC 25 further explains that the principle of the equal opportunity to vote also obligates the state to ‘take effective measures to ensure that all persons entitled to vote are able to exercise that right’. This right requires states to take steps to guarantee that the conditions for voting (e.g., voter registration processes) are identical, and that electors are able to express their will freely. GC 25 states that any ‘abusive interference with registration or voting as well as intimidation or coercion of voters should be prohibited by penal laws and those laws should be strictly enforced’.

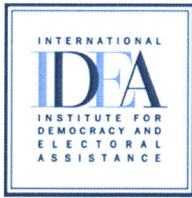
GC 25 also links a third component of the right and opportunity to vote to the right of electors to cast their vote in an informed manner. It explains that exercising the right to vote ‘effectively’ entails that ‘[p]ositive measures should be taken to overcome specific difficulties, such as illiteracy, language barriers, poverty or impediments to freedom of movement which prevent persons entitled to vote from exercising their rights effectively. Specific methods, such as photographs and symbols, should be adopted to ensure that illiterate voters have adequate information on which to base their choice’.

Lastly, GC 25 stipulates that persons entitled to vote ‘must be free to vote for any candidate for election and for or against any proposal submitted to referendum or plebiscite, and free to support or to oppose government, without undue influence or coercion of any kind which may distort or inhibit the free expression of the elector’s will. Voters should be able to form opinions independently, free of violence or threat of violence, compulsion, inducement or manipulative interference of any kind’.

### ***Right and opportunity to be elected***

Whereas the Universal Declaration of Human Rights does not directly refer to the right to stand for election, the ICCPR states that every citizen must have the right and



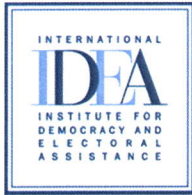


the opportunity to be elected in direct or representative elections, in equal conditions with other citizens. This right can only be restricted based on objective and reasonable criteria established by law.

The ICCPR guarantees electors the right to exercise their free will to choose from a selection of candidates. GC 25 states that ‘effective implementation of the right and the opportunity to stand for elective office ensures that persons entitled to vote have a free choice of candidates’. It also stipulates that the right to stand for election ‘should not be limited unreasonably by requiring candidates to be members of parties or of specific parties’, which protects a citizen’s right to stand independently of party affiliation. The ICCPR further states that ‘[n]o person should suffer discrimination or disadvantage of any kind because of that person’s candidacy’. Requiring that all citizens have an equal opportunity to be elected prohibits legal or de facto discrimination or unreasonable restrictions that could create inequalities. Yet the right to be elected is not absolute; certain restrictions can be imposed. The ICCPR notes that any restrictions, such as minimum age, ‘must be justifiable on objective and reasonable criteria. Persons who are otherwise eligible to stand for election should not be excluded by unreasonable or discriminatory requirements such as education, residence or descent, or by reason of political affiliation’. Nonetheless, GC 25 does allow for certain incompatibilities to avoid conflicts of interest ‘if there are reasonable grounds’ (International IDEA 2014b: 40–1).

As for experiences and challenges, International IDEA would like to note laws and practices that affect the rights to vote and be elected. While the international obligations for these rights are clear, they need to be operationalized; countries will interpret them differently in this process. Differences will include various interpretations of issues such as: Who is everybody? How far should the rights be extended and guaranteed? Is a right the same as a duty? A few examples of these interpretations are listed in Annex 1, and pertain to voters (voting age, period of residence, citizens in prison, voting from abroad, voting locations for voters within the country and compulsory voting) and candidates (inter alia legal qualifications to become a candidate, criteria for independent candidates).

International IDEA is a global leader in collecting and consolidating knowledge and experiences on the adoption and implementation of electoral gender quotas. Gender quotas, when strategically designed and implemented, are effective at increasing the number of women in elected legislatures: of the 37 countries that at the end of 2013 had 30 per cent or more women in the lower houses of parliament, 81 per cent used some type of gender quota. Around 60 countries and territories/special areas around the world use legislated candidate quotas, 36 countries and territories/special areas use the system of reserved seats, and in 37 countries and territories at least one political party represented in parliament uses a voluntary party quota.



The growing trend in the past decade has been to adopt electoral laws that enshrine the principle of gender parity in electoral lists, i.e., zipper or zebra lists, which require political parties to field an equal number of women and men on their candidate lists.<sup>5</sup>

Funding for elections and political campaigning is an essential determinant of candidates' success in electoral contests. A vast number of female aspirants or political candidates consider the lack of access to political funding to be one of the key sources of women's under-representation. While gender-disaggregated statistics on political finance are scarce, more and more countries are considering the adoption of gender-sensitive political finance regulations (i.e., incentives for parties to nominate more women as election candidates or sanctions for failing to meet legislated rules for gender quotas). Currently, 27 countries have laws linking the allocation of public funding for elections with gender-based requirements.<sup>6</sup>

While a balance always needs to be struck between principle and practice; aspiration; and the stark realities of limited funds, time restrictions, and a shortage of human and other resources, it is important that:

1. Legal limitations of voting and candidacy rights are kept to a minimum, and that the impact of each limitation or exception to the rule of universal rights is carefully considered, explained and understood before it is implemented. As outlined in GC 25, 'Any conditions which apply to the exercise of the rights protected by article 25 should be based on objective and reasonable criteria.'<sup>7</sup>
2. Explicit and far-reaching provisions and positive measures are made for voters and candidates to be able to *exercise* the rights as they are stated in law. When designing such provisions, special care should be given to address the needs of marginalized and/or under-represented groups such as women, internally displaced persons, refugees, people with physical or mental disabilities, and young people.

In the context of promoting, protecting and implementing the right to participate in public affairs through existing human rights law, pending gaps in UN treaty body jurisprudence that might merit further consideration include:

- defining the 'periodicity' of elections, which decrease the UN Security Council's discretion to intervene—or not—when incumbents indefinitely postpone elections

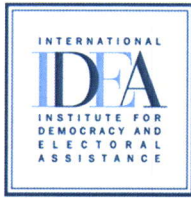
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<sup>5</sup> Countries that have codified gender parity in electoral lists include Bolivia, Costa Rica, Ecuador, France, Kenya, the Republic of Korea, Lesotho, Libya, Nicaragua, Senegal, Tunisia and Zimbabwe (Dahlerup et al. 2013).

<sup>6</sup> These countries are Albania, Bosnia and Herzegovina, Brazil, Burkina Faso, Cape Verde, Colombia, Costa Rica, Croatia, Ethiopia, Finland, France, Georgia, Haiti, Honduras, Ireland, Italy, Kenya, Republic of Korea, Mali, Mexico, Morocco, Niger, Panama, Papua New Guinea, Portugal, Romania and Togo. For more information, please see Ballington (2014).

<sup>7</sup> <http://www1.umn.edu/humanrts/gencomm/hrcom25.htm>.





- in order to extend their terms without permitting the expression of the free will of the electorate;
- deciding how to sequence elections during the constitution-building or reform process in a fragile or post-conflict context, as this can exacerbate conflict;
- defining the ‘independence’ of EMBs, particularly clear criteria for institutional and individual independence, as has been done extensively for institutions and members of the judiciary;
- party transparency—particularly political party and candidate financing, which to date has been almost exclusively ensured by the United Nations Convention against Corruption;
- ballot validity<sup>8</sup> and counting processes;
- defining international and citizen’s electoral observation (i.e., legal right vs. administrative right);
- the right of candidate/party agents and observers to monitor all steps of the results process and obtain certified copies of the results and aggregation tables; and
- clarifying the results announcement (e.g., timeliness) and display/publication processes—including the obligation to disaggregate final results by polling station.

Voter education activities should also be further considered, due to their crucial contribution toward ensuring the effective exercise of the right to participate in public affairs by an informed community.

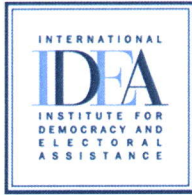
### **3. Equal access to public services**

People support democracy not only because it is a desirable end in itself, but also because they expect it to protect their human rights and provide a better quality of socio-economic and political life. Citizens expect their governments to efficiently deliver the public services they need, and to be able to raise their concerns, to be listened to and to receive a response to these concerns – to participate in public affairs through democratic accountability.

Holding public officials to account lies at the heart of democracy. Democratic accountability gives people and their representatives the mechanisms to voice concerns and demand explanations of—and, if need be, impose consequences for—the performance of elected and unelected officials. However, more equitable opportunities to hold public officials accountable remain elusive for women due to persistent gender inequalities. In addition, when governments reserve themselves against certain provisions of international or regional conventions, this undermines efforts to hold them accountable.

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<sup>8</sup> See International IDEA (2014b).



International IDEA makes the case for the importance of democratic accountability by incorporating the political dimension of service delivery into a debate that has primarily focused on social dynamics and social structures.<sup>9</sup> According to research commissioned by International IDEA (2013c), the notion of effective accountability appears to be associated with the adequate provision of government services. This research suggests that government officials have greater incentives to respond to people's demands when: organized voters mobilize, they appeal to existing legal provisions and there are credible sanctions for government inaction. By contrast, almost all countries with low service delivery scores have no provision for effective sanctions; nor do they have credible incentives for politicians to be responsive to people.

More attention needs to be paid to government officials' resources, willingness and incentives to manage popular demands for equal access to public services. In terms of resources, there is a difference between government officials 'being unwilling to' and 'being unable to' provide equal access to public services. The former could be related to a lack of incentives, but is often associated with disproportionate representation between dominant and minority groups in civil/public services (Baldwin, Chapman and Gray 2007), while the latter is a matter of capacity. As for incentives, there seems to be much to gain from focusing on the potential electoral benefits—and, ultimately, the conflict prevention and sustainable peace outcomes—of delivering effective public services (Baldwin, Chapman and Gray 2007).

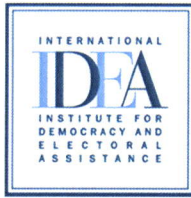
There are numerous challenges that could derail the aim to promote, protect and implement equal access to public services. As noted above, International IDEA's case studies show that countries with low levels of service delivery tend to have one thing in common: they have no provisions, or only very weak ones, for effective sanctions or rewards (International IDEA 2013c). Thus governments that are accountable to voters or to representative and oversight bodies (e.g., national assembly, political parties or a supreme audit institution) that can impose consequences on them are more likely to respond to people's demands for equal access to public services than those that are not. National planning and budgeting processes should also take gender equality into account in order to ensure more equitable access to public resources and services.

Yet regardless of the accountability mechanisms that are in place, it is necessary to assess whether they are applied equally or whether some groups in society are marginalized or discriminated against. For instance, do women have as much capacity and space as men to demand and receive answers from duty bearers? Are government officials and other service providers as responsive to people living in poverty as they are to the wealthy?

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<sup>9</sup> Unless otherwise noted, this section builds on International IDEA (2014a).





These challenges could, to some extent, be overcome by facilitating collective action and forming strategic alliances between drivers of democratic change. Reforms do not just happen by themselves. The capacity to work *collectively* in partnerships to resolve accountability problems is crucial, which is why strategic alliances between the various groups engaged in resolving problems are so important, be they parliamentarians, ombudsperson offices, human rights activists, civil society organizations and service users. Ideally, they can generate the space and capacity to devise joint action plans to resolve the problems, including effective implementation and follow-up on the plans to ensure that changes are implemented.

In many instances, action-oriented and evidence-based political dialogues that promote listening to (and understanding) other stakeholders' interests can nurture strategic alliances, which can in turn improve accountability relationships and (indirectly) result in more effective and better-quality public services (International IDEA 2013a, 2013b).

International IDEA identifies three elements that support equal access to service delivery through democratic accountability: answerability, responsiveness and enforceability.

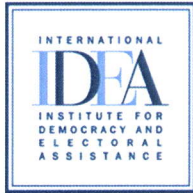
### ***Answerability***

Answerability gauges the extent to which a government carries out its duty to explain and justify its decisions to the public. It is linked to how claim holders articulate their demands, and to officials' space, capacity and willingness to answer for their actions.

Answerability can be defined by the combination of multiple states' obligations, such as the obligation to guarantee that all people have the right to partake in public affairs and to ensure transparency in the conduct of public affairs. This also entails the state's obligation to ensure the right to access information, especially related to public administration, and to promote integrity, honesty and responsibility among its public officials. It also requires states to establish and promote complaint and appeal processes—such as those available via ombudspersons' offices—to enable people to report discriminatory practices and unaccountable service delivery. The media also play a role in holding governments accountable and fostering democratic societies by spreading information and highlighting poor public service performance.

### ***Responsiveness***

Responsiveness is about whether public officials take the opportunity to consult citizens or their representatives before a policy or law is approved to ensure that the content of such decisions reflects their views, demands or human rights principles. Responsiveness can be defined through the combined reading of multiple states' duties, such as: the obligation to guarantee that all people have the right to partake in public affairs and to freely associate and assemble. Responsiveness is also related to



the state's obligation to promote the participation of all groups within society and to respect the principles of the rule of law, proper management of public affairs and public property, integrity, transparency and accountability.

### ***Enforceability***

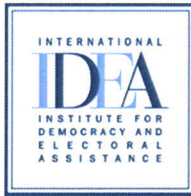
Enforceability relates to the formal or informal consequences that duty bearers may face (and that they should respond to). It can be defined through the combined reading of multiple states' obligations, for example to hold periodic elections (elected representatives' accountability) and to guarantee that all people have the right to participate in public affairs. Enforceability equally entails a state's obligation to promote honesty and responsibility among public officials, and to enforce sanctions and disciplinary measures for violations of codes of conduct. The state's obligation to ensure an available and effective remedy for gaps in service delivery is also closely related to the principle of enforceability.

### **The role of participation and transparency**

Participation and transparency can potentially facilitate answerability, responsiveness and enforceability. Participation entails the right of all to associate, assemble, express opinions and influence the policy process. Transparency is the availability to all of open, accurate and accessible information about actions, planning, management, and commitments between the state and its people or between one state agency and another.

The recently published guide *Democratic Accountability in Service Delivery* (International IDEA 2014) could provide further insights. A recent unpublished feasibility study, *International and Regional Obligations on Democratic Accountability in Service Delivery* (International IDEA 2015a), includes an extensive interpretation of international and regional treaties and jurisprudence pertaining to these three principles.





## Annex 1: List of interpretations

### Voters

#### *Voting age and other restrictions*

The vast majority of countries allow voting from the age of 18. In some countries 16 year olds are allowed to vote (Argentina, Austria, Cuba, Ecuador, Guernsey, Isle of Man, Jersey and Nicaragua), and in others the required age is 21 (Central African Republic, Cyprus, Kuwait, Lebanon, Malaysia, Oman, Singapore, Tonga, Samoa).<sup>10</sup>

Beyond age and citizenship (Ernest 2003), some countries apply additional qualifications for voters in national elections.<sup>11</sup> **Period of residence** requirements are the most common; however, the Falkland Islands (Malvinas), Namibia, Oman, San Marino, South Sudan, Turks and Caicos Islands, and Samoa also have rules that relate to the **citizenship of the voter's parents**.

A number of countries also restrict the right to vote for citizens in **prison** (during or prior to elections) or due to **mental incapacity**. In Bulgaria, every citizen over the age of 18 is allowed to vote in elections for president, vice president, the National Assembly and Grand National Assembly, with the exception of those placed under judicial interdiction or serving a prison sentence. In Bahrain, eligible voters should be of 'complete mental health' and must not have been sentenced for a felony; an electoral offence; or a crime breaching honour, integrity or public morals unless they have been rehabilitated. In Canada, those who have been confined to a correctional institution for more than two years are not eligible to vote. In Eritrea, a person may not vote while serving a sentence handed down by a court of law, and in Iran, Sudan and South Sudan a person must be of sound mind to be able to vote.

Some countries severely restrict eligibility to vote. For example in the Vatican, only cardinals are allowed to vote.

#### *Voting from abroad*

About half of all countries legally allow voting from abroad to some extent. Some countries allow all citizens to do so, including those on vacation at the time of the election, while others limit the right to citizens residing outside the country or diplomatic staff. However, in about a quarter of the world's countries, the law does not permit any voting from abroad.<sup>12</sup>

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<sup>10</sup> <https://aceproject.org/epic-en/CDMap?question=VR001>.

<sup>11</sup> <http://aceproject.org/epic-en/CDTable?question=VR002>.

<sup>12</sup> <https://aceproject.org/epic-en/CDMap?question=VO004>.



In practice, not all who have the right to vote are able to do so, depending on the establishment and availability of voting locations.<sup>13</sup> Embassies and consulates are common voting places for voters from abroad, while special polling stations and voting by proxy or by mail are less common.

Provisions relating to **voting locations for voters within the country**<sup>14</sup> can also de facto limit or facilitate people's ability to exercise their right to vote. Most countries allow voting at specified polling stations in the locality where the voter is registered, while some (Australia, Bahrain, Cook Islands, China, Germany, Fiji, Jordan, Marshall Islands, Maldives, Namibia, Netherlands, New Zealand, Niger, Niue, Norway, Singapore, Saint Helena, Tonga, United States and Zimbabwe) also allow voters to vote at any polling station in the same district or in the same country (Central African Republic, Falkland Islands (Malvinas), Kazakhstan, Moldova, Monaco, Namibia, Netherlands, Republic of Korea, Romania, Rwanda, Sierra Leone, Chad, Tonga, Samoa, Yemen). Some countries have gone further in facilitating access by allowing citizens to **vote by mail** (Angola, Australia, Austria, Belgium, Bosnia and Herzegovina, Canada, Cook Islands, El Salvador, Estonia, Falkland Islands (Malvinas), Federated States of Micronesia, Fiji, France, Germany, Guam, India, Ireland, Italy, Japan, Latvia, Lesotho, Liechtenstein, Lithuania, Marshall Islands, Montenegro, Netherlands, Norway, New Zealand, Pakistan, Papua New Guinea, Portugal, Puerto Rico, Republic of Korea, Sao Tome and Principe, Slovenia, Slovakia, Spain, Sri Lanka, Sweden, Switzerland, United Kingdom, Zimbabwe) or **by proxy** (Algeria, Belgium, Belize, Benin, Bermuda, Burundi, Congo (Brazzaville), Chad, China, Comoros, Falkland Islands (Malvinas), Federated States of Micronesia, France, French Guiana, Gabon, Ghana, Guadeloupe, Guinea, Guyana, Latvia, Mali, Martinique, Monaco, Mongolia, Montenegro, Morocco, Netherlands, Niger, Reunion, Russia, Saint Helena, Spain, Sweden, Suriname, Switzerland, Togo, United Kingdom, Vanuatu).

#### *Compulsory voting*

Angola, Argentina, Australia, Bolivia, Brazil, Cyprus, Ecuador, Egypt, Greece, Honduras, Luxembourg, Nauru, Panama, Paraguay, Peru, Philippines, Rwanda, Singapore and Turkey all apply some form of compulsory voting, with varying degrees of enforcement and compliance.<sup>15</sup>

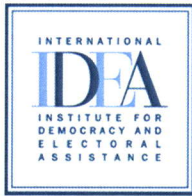
It is **compulsory to be on the voters' register** in the following countries: Albania, Algeria, Andorra, Angola, Argentina, Aruba, Australia, Azerbaijan, Bahrain, Belarus, Belgium, Benin, Bolivia, Bosnia and Herzegovina, Brazil, Bulgaria, Burkina Faso, Cape Verde, Central African Republic, Chad, Chile, China, Colombia, Comoros, Cook Islands, Costa Rica, Cuba, Cyprus, Czech Republic, Democratic Republic of the

<sup>13</sup> <http://aceproject.org/epic-en/CDMap?question=VO005&f>.

<sup>14</sup> <http://aceproject.org/epic-en/CDMap?question=VO003&f>.

<sup>15</sup> <https://aceproject.org/epic-en/CDMap?question=LF004>.





Congo (Kinshasa), Denmark, Djibouti, Dominican Republic, El Salvador, Ecuador, Egypt, Estonia, Finland, Former Yugoslav Republic of Macedonia, France, French Guiana, French Polynesia, Gambia, Georgia, Germany, Greece, Greenland, Guadeloupe, Guatemala, Guinea, Guinea-Bissau, Haiti, Honduras, Hungary, India, Indonesia, Iraq, Israel, Italy, Japan, Jordan, Kosovo, Kyrgyzstan, Latvia, Lebanon, Lesotho, Libya, Liechtenstein, Lithuania, Madagascar, Marshall Islands, Martinique, Mauritius, Mexico, Moldova, Monaco, , Montenegro, Mozambique, Myanmar/Burma, New Caledonia, Nepal, Niger, Netherlands, New Zealand, Nicaragua, Niue, Norway, Panama, Papua New Guinea, Paraguay, Philippines, Peru, Poland, Portugal, Puerto Rico, Republic of Korea, Reunion, Romania, Russia, Sao Tome and Principe, Samoa, San Marino, Serbia, Slovakia, Slovenia, Spain, Sudan, South Sudan, Sri Lanka, Sweden, Switzerland, Tajikistan, Thailand, Timor-Leste, Togo, Tonga, Turkmenistan, Ukraine, United Kingdom, Uruguay, Uzbekistan, Vietnam and Yemen.<sup>16</sup>

### **Candidates**

**Legal qualifications to become a candidate**<sup>17</sup> in legislative elections vary greatly between countries. While age and citizenship are requirements in most places, many countries have additional restrictions that limit the right to run for election.

For example, the following countries have provisions related to the **country of birth** to be eligible: Andorra, Anguilla, Argentina, Burundi, Cambodia, Côte d'Ivoire, Dominican Republic, Ethiopia, Guinea, Guyana, Haiti, Honduras, Kuwait, Mali, Mexico, Mozambique, Nicaragua, Paraguay, Peru, Philippines, Saint Kitts and Nevis, Saint Lucia, Togo and Thailand.

The following countries require prospective candidates to be a **resident** of the country: American Samoa, Anguilla, Antigua and Barbuda, Argentina, Armenia, Bahamas, Barbados, Belarus, Belgium, Belize, Benin, Bolivia, Botswana, Brazil, Burkina Faso, Burundi, Cambodia, Canada, Cayman Islands, Central African Republic, Chad, Chile, Comoros, Congo (Brazzaville), Costa Rica, Côte d'Ivoire, Dominica, Dominican Republic, Ecuador, Equatorial Guinea, Eritrea, Ethiopia, Fiji, Falkland Islands (Malvinas), Federated States of Micronesia, Gambia, Georgia, Ghana, Grenada, Guam, Guinea, Guyana, Haiti, Honduras, Hong Kong, Hungary, Iceland, India, Indonesia, Jamaica, Kazakhstan, Laos, Lesotho, Liberia, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malaysia, Mali, Mauritius, Mexico, Moldova, Montenegro, Myanmar/Burma, Nauru, New Zealand, Nicaragua, Niue, Norway, Palau, Palestine, Panama, Papua New Guinea, Philippines, Puerto Rico, Romania, Saint Helena, Saint Lucia, Saint Vincent and the Grenadines, Samoa, San Marino, Sao Tome and Principe, Serbia, Sierra Leone, Singapore, Slovakia, Sri Lanka, Suriname, Tajikistan, Thailand, Trinidad and Tobago, Turkmenistan, Turks and Caicos Islands, Ukraine, United States, Uzbekistan, Venezuela, United Arab Emirates and Zimbabwe.

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<sup>16</sup> <http://aceproject.org/epic-en/CDTable?question=VR008>.

<sup>17</sup> <https://aceproject.org/epic-en/CDMap?question=PC003&f>.



The laws of El Salvador, Marshall Islands, Myanmar/Burma, Oman, and Saint Kitts and Nevis refer to the **citizenship of the candidate's parents**. Several countries require candidates to have a **minimum level of education**: Bhutan, Central African Republic, Chile, Comoros, Democratic Republic of the Congo (Kinshasa), Egypt, Gambia, Indonesia, Iraq, Iran, Kenya, Libya, Nigeria, Oman, Pakistan, Somalia, Tajikistan, Thailand, Turkey and Uganda.

Prospective candidates are required to have a **minimum level of literacy** to be allowed to run in: Bahrain, Botswana, Brazil, Cameroon, Central African Republic, Chad, Comoros, Djibouti, Equatorial Guinea, Indonesia, Kuwait, Lesotho, Libya, Malawi, Philippines, Qatar, Saint Lucia, Sierra Leone, Singapore, South Sudan, Sudan, Syria, Tanzania, Togo, Tonga, United Arab Emirates, Yemen, Zambia and Zanzibar.

**Independent candidates**<sup>18</sup> are allowed to run in elections for president and the legislature in almost half of all countries, while others allow independent candidates to run only in presidential elections or in only one chamber of parliament. Several countries have a complete ban on independent candidates in national elections: Angola, Argentina, Aruba, Brazil, Cambodia, Costa Rica, Guatemala, Guinea, Guyana, Israel, Monaco, Nicaragua, Nigeria, South Africa, Suriname, Sweden, Tanzania, Uruguay, Uzbekistan and Zanzibar.

The constitution of Bosnia and Herzegovina takes the restrictions further; it **does not allow representatives of ethnic minorities to run for the presidency** (Jukic 2014). While the Dayton Agreement was effective in ending the country's war, citizens of Bosnia and Herzegovina are still struggling with its democratic deficiencies, the biggest of which is the constitutional obstacle for ethnic minorities to run for the Bosnian presidency and the House of Peoples. Despite the European Court of Human Rights 2009 ruling, Bosnian political elites, representing three constituent peoples, are still unable to find modalities for implementing the ruling. This effectively violates the rights of many Bosnians to stand as candidates for elections in their country.

In the United Arab Emirates, a member of the Federal National Council must: (1) be a citizen of one of the union emirates, and a permanent resident of the emirate represented in the council, (2) be at least 25 years old at the time of his/her selection, (3) enjoy his/her civil rights, have good conduct and a sound reputation, and must not have been previously convicted for a dishonourable offence unless he/she has been acquitted in accordance with the law, and (4) have adequate knowledge of reading and writing.

Further requirements are sometimes imposed that limit the number of candidates in legislative or presidential elections, for either administrative reasons (to avoid an unreasonable burden on the time or financial resources of the electoral administration)

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<sup>18</sup> <https://aceproject.org/epic-en/CDMap?question=PC008&f>.





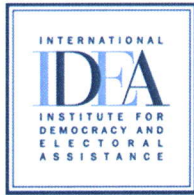
and/or political reasons (requiring candidates to seek and receive support from broad segments of society instead of appealing to ethnic/religious/geographic allegiances). Of course, these requirements may also be used to limit the number or type of candidates in a way that skews competition and unduly restricts eligibility rights (see GC 25, paragraphs 16–17). In Kenya, a presidential candidate needs to be nominated by at least 2,000 voters from each of a majority of the counties, while in Namibia independent candidates can run with the support of only 300 registered voters. In Timor-Leste, candidacies for president must be presented by at least 5,000 voting citizens from all districts. In the United Arab Emirates, candidates must be nominated by qualified electors and pay a non-reimbursable deposit of AED 1,000 (EUR 219).

For presidential elections, candidates were required to pay GHS 5,000 in Ghana in 2012 (ca USD 2,600), SLL 1,000,000 in Sierra Leone in 2012 (ca USD 225) and as much as GNF 400,000 in Guinea in 2010 (ca USD 55,000).<sup>19</sup> In legislative elections, candidates in South Africa were required to pay ZAR 180,000 in 2009 (ca USD 20,000) and ZAR 200,000 (ca USD 20,000) in 2014. In Senegal, political parties and candidates participating in legislative elections must pay a deposit of 20 million CFA francs (ca USD 35,000), which is refundable if the candidate or list receives 5 per cent of votes in the first round. In Kenya, the fees are differentiated by sex, age and physical ability.<sup>20</sup>

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<sup>19</sup> <http://aceproject.org/electoral-advice/archive/questions/replies/862570690>.

<sup>20</sup> Women, youth and persons with disabilities pay less. See <http://aceproject.org/electoral-advice/archive/questions/replies/862570690>.



## **Annex 2: Relevant international obligations**

### **Human Rights Committee, General Comment 25 (57), General Comments under article 40, paragraph 4, of the International Covenant on Civil and Political Rights, Adopted by the Committee at its 1510th meeting, U.N. Doc. CCPR/C/21/Rev.1/Add.7 (1996)**

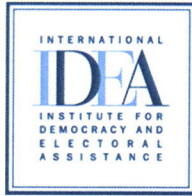
Article 25 of the ICCPR lies at the core of democratic government based on the consent of the people and in conformity with the principles of the covenant. It recognizes and protects the right of every citizen to take part in the conduct of public affairs, the right to vote and to be elected, and the right to have access to public service. Regardless of the form of constitution or government in force, the ICCPR requires states to adopt the necessary legislative and other measures to ensure that citizens have an effective opportunity to enjoy the rights it protects.

Article 25 rights are related to, but distinct from, peoples' right to self-determination. Article 1(1) stipulates that people have the right to freely determine their political status and to choose the form of their constitution or government. Article 25 deals with the right of individuals to participate in the conduct of public affairs. Since these are individual rights, they can give rise to claims under the first Optional Protocol.

In contrast with other rights and freedoms recognized by the covenant (which are ensured to all individuals within the territory and subject to the jurisdiction of the state), article 25 protects the rights of 'every citizen'. State reports should thus outline the legal provisions that define citizenship in the context of article 25 rights. No distinctions are permitted between citizens in the enjoyment of these rights on the grounds of race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. Distinctions between those who are entitled to citizenship by birth and those who acquire it by naturalization may raise questions of compatibility with article 25. State reports should also indicate whether any groups, such as permanent residents, enjoy these rights on a limited basis, for example by having the right to vote in local elections or to hold particular public service positions.

Any conditions on the exercise of article 25 rights should be based on objective and reasonable criteria. For example, it may be reasonable to require a higher age for election or appointment to particular offices than for exercising the right to vote, which should be available to every adult citizen. Citizens' exercise of these rights may not be suspended or excluded except on objective and reasonable grounds that are established by law. For example, established mental incapacity may be grounds for denying a person the right to vote or to hold office.





### ***Participation in the conduct of public affairs***

The conduct of public affairs, referred to in paragraph (a) of article 25, is a broad concept that relates to the exercise of legislative, executive and administrative powers. It covers all aspects of public administration and the formulation and implementation of policy at the international, national, regional and local levels. The allocation of powers—and the means by which individual citizens exercise the right to participate in the conduct of public affairs protected by article 25—should be established by the constitution and other laws.

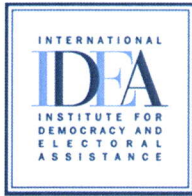
Paragraph (b) of article 25 sets out specific provisions dealing with citizens' right to take part in the conduct of public affairs as voters or as candidates for election. Genuine periodic elections in accordance with this paragraph are essential to ensure representatives' accountability for the exercise of the legislative or executive powers vested in them. Such elections must be held at intervals that are not unduly long, and which ensure that government authority continues to be based on the free expression of the will of electors. The law should guarantee the rights and obligations provided for in paragraph (b).

Citizens participate directly in the conduct of public affairs when they exercise power as members of legislative bodies or by holding executive office. This right of direct participation is supported by paragraph (b). They also participate directly when they choose or change their constitution or decide public issues through a referendum or other electoral process conducted in accordance with paragraph (b). Citizens may participate directly by taking part in popular assemblies that have the power to make decisions about local issues or the affairs of a particular community, or in bodies established to represent citizens in consultation with government. When participating directly, no distinction should be made between citizens on the grounds mentioned in article 2, paragraph 1, and no unreasonable restrictions should be imposed.

### ***The right to stand for election***

The effective implementation of the right and the opportunity to stand for elective office ensures that persons entitled to vote have a free choice of candidates. Any restrictions on the right to stand for election, such as minimum age, must be justifiable based on objective and reasonable criteria. Persons who are otherwise eligible to stand for election should not be excluded by unreasonable or discriminatory requirements such as education, residence, descent or political affiliation. No person should suffer discrimination or disadvantage of any kind because of their candidacy. State Parties should indicate and explain any legislative provisions that exclude any group or category of persons from elective office.

Conditions relating to nomination dates, fees or deposits should be reasonable and not discriminatory. If there are reasonable grounds for regarding certain elective offices as



incompatible with the tenure of specific positions (e.g., the judiciary, high-ranking military office, public service), measures to avoid any conflicts of interest should not unduly limit the rights protected by paragraph (b). Grounds for the removal of elected office holders should be established by laws based on objective and reasonable criteria, and should incorporate fair procedures.

The right to stand for election should not be limited unreasonably by requiring candidates to be members of parties or of specific parties. If a candidate is required to have a minimum number of supporters for nomination, this requirement should be reasonable and not act as a barrier to candidacy. Without prejudice to paragraph (1) of article 5 of the covenant, political opinion may not be used as a ground to deprive any person of the right to stand for election.

State reports should describe the legal provisions that establish the conditions for holding elective public office, and any limitations and qualifications that apply to particular offices. Reports should describe conditions for nomination, e.g., age limits, and any other qualifications or restrictions. State reports should indicate whether there are restrictions that preclude persons in public service positions (including in the police or armed services) from being elected to particular public offices. The legal grounds and procedures for removing elected office holders should also be described.

### ***The right to vote***

Where citizens participate in the conduct of public affairs through freely chosen representatives (i.e., voting), it is implicit in article 25 that those representatives exercise governmental power, and that they are accountable through the electoral process for their exercise of that power. It is also implicit that the representatives exercise only powers that are allocated to them in accordance with constitutional provisions. Voting processes must also be established by law in accordance with paragraph (b).

The right to vote in elections and referenda must be established by law, and may be subject only to reasonable restrictions, such as a minimum age limit. It is unreasonable to restrict the right to vote on the grounds of physical disability or to impose literacy, educational or property requirements. Party membership should not be a condition of eligibility to vote, nor grounds for disqualification.

States must take effective measures to ensure that all persons who are entitled to vote are able to exercise that right. Where the registration of voters is required, it should be facilitated by the appropriate authorities, and obstacles to such registration should not be imposed. If residence requirements apply, they must be reasonable, and should not exclude the homeless. Any abusive interference with registration or voting, or the intimidation or coercion of voters, should be prohibited by penal laws that are strictly enforced. Voter education and registration campaigns are necessary to ensure the effective exercise of article 25 rights by an informed community.





State reports should describe the rules governing the right to vote as well as their application. They should also explain any factors that impede citizens from exercising the right to vote (the grounds for which should be objective and reasonable) and the positive measures that have been adopted to overcome specific obstacles to voting—such as illiteracy, language barriers, poverty or impediments to freedom of movement. For example, photographs and symbols should be used to ensure that illiterate voters have adequate information on which to base their choice, and information and materials about voting should be available in minority languages. And if conviction for an offence is a basis for suspending the right to vote, the period of such suspension should be proportionate to the offence and the sentence. Persons who are deprived of liberty but who have not been convicted should not be prevented from voting.

### ***Conduct of elections***

In conformity with paragraph (b), elections must be conducted fairly and freely on a periodic basis within a framework of laws guaranteeing the effective exercise of voting rights. Persons entitled to vote must be free to vote for any candidate for election, and for or against any proposal submitted to referendum or plebiscite, and free to support or oppose the government, without undue influence or coercion of any kind that may distort or inhibit the free expression of the elector's will. Voters should be able to form opinions independently and free of violence (or the threat of violence), compulsion, inducement or manipulative interference of any kind. Reasonable limitations on campaign expenditure may be justified where this is necessary to ensure that the free choice of voters is not undermined or the democratic process distorted by disproportionate expenditure on behalf of any candidate or party. The results of genuine elections should be respected and implemented.

An independent electoral authority should be established to supervise the electoral process and to ensure that it is conducted fairly, impartially and in accordance with established laws that are compatible with the covenant. States should take measures to guarantee the required secrecy of the vote during elections, including absentee voting, where applicable. This implies that voters should be protected from any form of coercion or compulsion to disclose how they intend to vote or how they voted, and from any unlawful or arbitrary interference with the voting process. Waiving these rights is incompatible with article 25 of the covenant. The security of ballot boxes must be guaranteed, and votes should be counted in the presence of the candidates or their agents. There should be independent scrutiny of the voting and counting processes, and access to judicial review or an equivalent process to give electors confidence in the ballot security and vote counting. Assistance provided to the disabled, blind or illiterate should be independent. Electors should be fully informed of these guarantees.

Although the covenant does not impose a particular electoral system, all systems must be compatible with article 15 rights and must guarantee and give effect to the free



expression of the will of the electors. The principle of one person, one vote must apply, and within the framework of each state's electoral system, the vote of all electors should be equal to each another. The drawing of electoral boundaries and the method of allocating votes should not distort the distribution of voters or discriminate against any group, and should not exclude or unreasonably restrict citizens' right to choose their representatives freely.

State reports should indicate what measures they have adopted to guarantee genuine, free and periodic elections and how their electoral system(s) guarantee and give effect to the free expression of the will of the electors. Reports should describe the electoral system and explain how the different political views in the community are represented in elected bodies. They should also describe the laws and procedures that ensure that the right to vote can be freely exercised by all citizens, and explain how the law guarantees the secrecy, security and validity of the voting process. The practical implementation of these guarantees in the period covered by the report should be explained.

#### ***Access to public services***

Subparagraph (c) of article 25 deals with citizens' right and opportunity to have access to public service positions on general terms of equality, which requires objective and reasonable criteria and processes for appointment, promotion, suspension and dismissal. Affirmative measures may be taken in some cases to ensure that all citizens have equal access to public services. Basing access to public services on equal opportunity and general principles of merit, and providing secured tenure, ensures that persons holding public service positions are free from political interference or pressures. It is particularly important to ensure that persons do not suffer discrimination in the exercise of their rights under article 25, subparagraph (c) on any of the grounds set out in article 2, paragraph 1.

State reports should describe the conditions for access to public service positions, any restrictions that apply, and the processes for appointment, promotion, suspension, and dismissal or removal from office—and the judicial or other review mechanisms that apply to these processes. Reports should also indicate how the requirement of equal access is met, and whether affirmative measures have been introduced (and, if so, to what extent).

#### ***Related rights***

In order to ensure the full enjoyment of article 25 rights, citizens, candidates and elected representatives must be able to freely communicate information and ideas about public and political issues. This implies a free press and other media that are able to inform public opinion and comment on public issues without censorship or restraint. It also requires the full enjoyment of (and respect for) the rights guaranteed in articles 19, 21 and 22 of the covenant, including the freedoms to: engage in





political activity individually or through political parties and other organizations, debate public affairs, hold peaceful demonstrations and meetings, criticize and oppose, publish political material, campaign for election and advertise political ideas.

The right to freedom of association, including the right to form and join organizations and associations concerned with political and public affairs, is an essential adjunct to the rights protected by article 25. Political parties and party membership play a significant role in the conduct of public affairs and the election process. States should ensure that political parties respect the applicable provisions of article 25 in their internal management.

Regarding the provision of article 5, paragraph 1 of the covenant, any rights recognized and protected by article 25 may not be interpreted as implying a *right* to act or as validating any act aimed to destroy or limit the rights and freedoms protected by the covenant to a greater extent than what is provided for in the present covenant.

**UN Convention on the Elimination of All Forms of Discrimination against Women, article 7(b)**

‘States Parties shall take all appropriate measures to eliminate discrimination against women in the political and public life of the country and, in particular, shall ensure to women, on equal terms with men, the right: (b) To participate in the formulation of government policy and the implementation thereof and to hold public office and perform all public functions at all levels of government.’

**UN, International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, article 41(1)**

‘Migrant workers and members of their families shall have the right to participate in public affairs of their State of origin and to vote and to be elected at elections of that State, in accordance with its legislation.’

**UN, International Convention on the Elimination of All Forms of Racial Discrimination, article 5(c)**

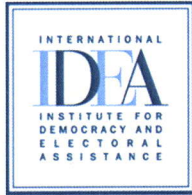
‘In compliance with the fundamental obligations laid down in article 2 of this Convention, States Parties undertake to prohibit and to eliminate racial discrimination in all its forms and to guarantee the right of everyone, without distinction as to race, colour, or national or ethnic origin, to equality before the law, notably in the enjoyment of the following rights: (c) Political rights, in particular the right to participate in elections-to vote and to stand for election-on the basis of universal and equal suffrage, to take part in the Government as well as in the conduct of public affairs at any level and to have equal access to public service.’



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