

Coherent Report on Electoral Violence and Enforced Disappearances

Introduction:

This report, in response to the Working Group on Enforced or Involuntary Disappearances (WGED)'s call for input, provides a comprehensive analysis of electoral violence, with a specific focus on enforced disappearances. It examines the distinctive features of electoral violence compared to other forms of political violence, explores the patterns and characteristics of enforced disappearances in this context, and proposes recommendations for prevention and accountability.

Distinctive Features of Electoral Violence:

- **Target:** Aims to influence the electoral process outcome through intimidation, suppression, and disenfranchisement.
- **Timing:** Often occurs around key stages of the electoral cycle, including registration, campaigning, voting, and post-election periods.
- **Actors:** Perpetrators can be state actors, security forces, non-state actors, political parties, or individuals motivated by various factors.
- **Impact:** Can undermine the legitimacy of elections, erode public trust in institutions, and create a climate of fear and insecurity.

Enforced Disappearances in Elections:

- **Patterns:** These disappearances can target candidates, activists, journalists, voters, or anyone perceived as a threat to specific electoral outcomes.
- **Motivations:** Often used to silence dissent, deter participation, influence voters, or manipulate results.

- Consequences: Have a chilling effect on political participation, freedom of expression, and the overall integrity of the electoral process.

Specific Questions and Responses:

1. Rationale for Enforced Disappearances:

These disappearances aim to achieve various goals, including:

- Suppressing opposition: Eliminating individuals or groups challenging the dominant power structure.
- Intimidating voters: Creating fear and discouraging participation in the electoral process.
- Influencing outcomes: Manipulating results by silencing critical voices or swaying voter opinion.
- Maintaining power: Securing victory or preventing democratic transitions.

2. Impact of Electoral Violence:

Electoral violence, including enforced disappearances, can have severe consequences:

- Reduced participation: Fear and intimidation can deter citizens from registering, campaigning, or voting.
- Legitimacy crisis: Undermines public trust in elections and democratic institutions.
- Social unrest: Can fuel tensions, instability, and even conflict.
- Psychological trauma: Victims and their families suffer lasting psychological and emotional harm.

3. Disappearances of Actors Supporting Elections:

- Vulnerability: Observers, administrators, and other actors supporting the electoral process can be targeted through disappearances.
- Impact on process: This undermines the credibility and independence of elections, hindering fair and transparent conduct.

4. Timing of Enforced Disappearances:

Disappearances can occur throughout the electoral cycle:

- Pre-election: To eliminate potential challengers or disrupt opposition activities.
- During elections: To intimidate voters, manipulate results, or disrupt voting.
- Post-election: To silence dissent, punish opponents, or consolidate power.

5. Intersection with Gender, Ethnicity, etc.:

Enforced disappearances often disproportionately affect marginalized groups:

- Women: May be targeted due to their political activism or perceived association with specific candidates.
- Ethnic minorities: Can be victims of violence due to their ethnicity or political affiliations.
- Indigenous peoples: Often face heightened vulnerability due to historical marginalization and land disputes.
- Armed conflict: Enforced disappearances are more common in contexts of armed conflict, further exacerbating human rights violations.
- Land and environment: Disputes over land and resources can be linked to electoral violence and disappearances.

6. Non-State Actors and Enforced Disappearances:

Non-state actors with de facto control over territory can also perpetrate disappearances during elections.

7. Legislation Hindering Justice and Redress:

- Laws granting immunity to security forces or restricting access to information can impede investigations and accountability.
- Legislation criminalizing legitimate dissent or opposition activities can further silence victims and obstruct justice.

8. Obstacles to Accountability:

- Lack of political will to investigate and prosecute perpetrators.
- Weak judiciary and impunity for security forces.

- Fear of reprisals among victims and witnesses.
- Limited resources and capacity for investigations.

9. Role of the Judiciary and Attacks on Judicial Actors:

- Lack of judicial independence can hinder impartial investigations and prosecution.
- Attacks on judges, prosecutors, and lawyers can further weaken the justice system and deter accountability efforts.

10. Addressing Impunity and Preventing Disappearances:

- Strengthen rule of law and independent judiciary.
- Investigate and prosecute perpetrators, including high-level officials.
- Provide reparations and support to victims and their families.

11. Examples of Legislation Facilitating Enforced Disappearances:**

- Broadly defined national security laws: Laws granting vague and expansive powers to security forces can be used to justify detentions and disappearances without due process.
- Anti-terrorism legislation: While necessary to address genuine threats, overly broad definitions of terrorism can be misused to target political opponents and silence dissent.
- Amnesty laws: Laws granting amnesty to perpetrators of human rights abuses can shield them from accountability and impede justice for victims.
- Restrictions on freedom of expression and assembly: Laws restricting these fundamental rights can hinder investigations, silence victims and witnesses, and create a climate of fear.

- **12. Obstacles to Accountability:**

- Political interference: Governments may obstruct investigations or protect perpetrators for political reasons.
- Lack of resources: Insufficient funding and capacity for investigations and prosecutions can hinder accountability efforts.

- Fear of reprisals: Victims and witnesses may be afraid to come forward due to fear of retaliation.
- Corruption and impunity: Widespread corruption within law enforcement and judicial systems can impede investigations and ensure impunity for perpetrators.
- Limited international cooperation: Lack of cooperation between states can make it difficult to investigate cross-border disappearances and prosecute perpetrators abroad.

- **13. Role of the Judiciary and Attacks on Judicial Actors:**

- Lack of independence: Judges may be subject to political pressure or threats, hindering their ability to rule impartially in cases of enforced disappearances.
- Limited resources: Inadequate resources and infrastructure can hamper judges' ability to conduct thorough investigations and deliver timely justice.
- Attacks on judges and lawyers: Threats, intimidation, and violence against judicial actors can deter them from taking on sensitive cases and undermine public trust in the justice system.

- **14. Addressing Impunity:**

- Strengthening rule of law and judicial independence: Measures like judicial reforms, independent oversight mechanisms, and protection for judicial actors are crucial.
- Supporting independent investigations: Establishing independent commissions or international investigative bodies can help ensure impartial investigations and overcome political interference.
- Accountability mechanisms: Holding perpetrators accountable through domestic and international tribunals, including targeted sanctions, can deter future abuses.
- Victim support and reparations: Providing comprehensive support to victims and their families, including access to justice, truth, and reparation, is essential for healing and accountability.

15. Preventing Enforced Disappearances:

- Early warning systems: Implement mechanisms to monitor political tensions, human rights violations, and hate speech to identify potential risks and trigger preventive measures (e.g., UN Electoral Assistance Division's Electoral Early Warning System (EEWS)).

- Strengthen human rights institutions: Empower national human rights commissions and ombudsmen with adequate resources and independence to enhance monitoring and protection efforts.
- Community engagement: Build trust and cooperation between communities, security forces, and civil society to prevent violence and facilitate early intervention (e.g., local early warning networks and community watch groups).
- Electoral reforms: Implement transparent and inclusive electoral processes, including independent oversight mechanisms, to reduce tensions and opportunities for manipulation.
- Public awareness campaigns: Raise awareness about enforced disappearances, their consequences, and available reporting mechanisms to empower communities to hold perpetrators accountable.

16. Good Practices and Tools:

- Early warning systems: Utilize existing systems like the UN Electoral Assistance Division's (UNDEF) Electoral Early Warning System (EEWS) and the International Crisis Group's (ICG) conflict prevention reports.
- Independent monitoring missions: Leverage established missions like those deployed by the Organization for Security and Co-operation in Europe (OSCE) and the African Union (AU) for election observation.
- Community-based protection mechanisms: Support and empower local early warning networks and community watch groups to identify and report potential threats.
- Legal frameworks: Utilize the International Convention for the Protection of All Persons from Enforced Disappearance as a legal framework for preventing and addressing disappearances.
- Victim support organizations: Partner with organizations like the International Committee of the Red Cross (ICRC) and the Human Rights Watch (HRW) to provide crucial support to victims and their families.

17. Additional Information:

- Social media and disinformation: Analyze the role of social media and disinformation in fueling electoral violence and inciting disappearances.
- Specific group challenges: Investigate the specific challenges faced by different groups, such as women, minorities, and human rights defenders, in the context of electoral violence and disappearances.

- Transitional justice mechanisms: Explore the importance of transitional justice mechanisms in addressing past abuses and preventing future disappearances.

Conclusion:

Electoral violence and enforced disappearances pose significant threats to democratic processes and human rights. By understanding the distinctive features, motivations, and consequences of these practices, we can develop effective prevention and accountability mechanisms. This report provides a starting point for further analysis and action, urging international and national actors to prioritize addressing these issues and ensuring free, fair, and peaceful elections for all.

Respectfully yours,

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Canada