Submission to the United Nations Working Group on Enforced or Involuntary Disappearances' thematic study on the issue of elections and enforced disappearances

Sarah Birch
King's College London

I welcome the opportunity to contribute to the thematic study on the issue of elections and enforced disappearances being carried out by the United Nations Working Group on Enforced or Involuntary Disappearances.

This submission addresses the following two questions on which comments were sought:

- What are the distinctive features of electoral violence when compared to other forms of political violence?
- What are the consequences of electoral violence? More specifically, how does the occurrence of electoral violence - including enforced disappearance – impact peoples ' perception of the electoral process and their willingness to participate in future elections?

What are the distinctive features of electoral violence when compared to other forms of political violence?

Electoral violence can be defined as 'coercive force, directed toward electoral actors and/or objects, that occurs in connection with electoral competition, where 'coercive force' includes threats, unlawful detention, forcible curtailment of movement or displacement, and attacks that cause actual bodily harm' (Birch 2020).

Electoral violence is a phenomenon that sits at the intersection of political violence and electoral misconduct. Due to its link with elections, electoral violence generally occurs in the weeks and months preceding and following elections (though it can in theory occur at any point in the electoral cycle). Before election day, the election campaign period involves several processes that can become the focus of violence: the nomination and registration of candidates and political parties for the purposes of electoral contestation; the registration of voters; campaign rallies; candidate speeches and face-to-face meetings between candidates and voters. Violence is often designed to deter and obstruct such activities (Birch 2020). After election day, discontent over election results can spark violent popular protests. Violence is in most contexts least likely on election day itself.

Elections are an inclusive institution in which virtually the entire adult population is eligible to take place in most countries. For this reason, a larger proportion of the population is at risk of electoral violence than is typically the case for other types of political violence. By the same token, strategies for reducing electoral violence involve a wide variety of actors, including electoral administrators and citizen groups. Both technical and political approaches to electoral violence prevention have been found to be effective under certain circumstances (Birch 2005; Birch and Muchlinski 2018; von Borzyskowski 2019).

Electoral violence takes a wide variety of forms, including the intimidation of voters, candidates, electoral administrators and other electoral actors; vandalism, destruction or theft

of electoral materials (campaign posters, ballots, ballot boxes, etc); violent campaign activities such as rallies that devolve into riots; and lethal or non-lethal physical aggression against candidates, activists and voters of rival parties.

Enforced disappearance associated with the electoral process is a form of electoral violence involving the forcible detention of administrators, observers, candidates, activists and voters; and/or the covert murder of such actors. Due to the welfare impacts of election-related enforced disappearances, they fall at the more severe end of the electoral violence spectrum.

The largest group of electoral participants – voters – tend to be subject to the least severe forms of electoral violence, with the more severe forms mainly affecting candidates, officials and activists.

Globally, electoral violence has declined as more countries have democratised over the past several decades. There has, however, been a slight increase in electoral violence in the most recent period, coinciding with the resent increase in democratic backsliding (see Table 1).

Table 1: Trends in electoral violence and intimidation
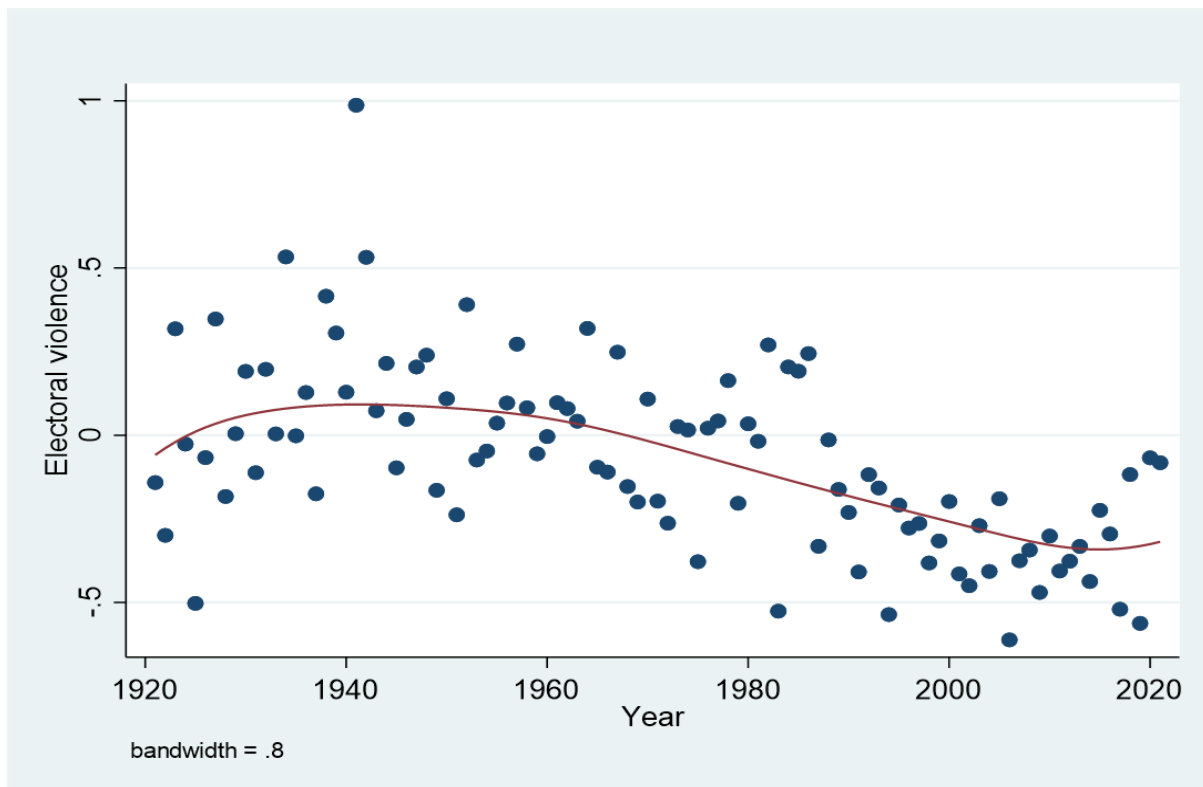
Source: adapted from Varieties of Democracy data, vdem.net

Factors that have been identified in research as causes of electoral violence include: lack of democracy; corruption and lack of rule of law; politicised electoral institutions; high stakes in elections; ethnic divisions in a country; inequality (especially land inequality); and perceptions of the acceptability of violence (Birch 2020; Boone 2011; Hafner-Burton, Hyde and Jablonski 2014; Höglund 2009; Klaus and Mitchell 2015; Rosenzweig 2023). Of these, corruption and lack of rule of law are arguably the most pernicious, as they exacerbate the impacts of the other factors by fostering a culture of impunity for violent acts.

What are the consequences of electoral violence? More specifically, how does the occurrence of electoral violence - including enforced disappearance – impact peoples ' perception of the electoral process and their willingness to participate in future elections?

Electoral violence has been found to have a number of negative consequences for political and social processes connected with elections, and those in wider society.

Electoral violence often leads to lower turnout, due to the fact that preventing certain groups of voters from casting their ballots is a common aim of electoral violence (Bekoe and Burchard 2017; Burchard 2015; 2018; Guttiérez-Romero and LeBas 2020). In this sense can be used as a a form of voter suppression, and intimidation is the form of violence most commonly used to this end.

Electoral violence can also lower citizen confidence in the electoral process and in politics in general (Rosenzweig 2023). Citizens generally abhor electoral violence, and when it is present, it can lead to voter disaffection with electoral institutions and those elected to public office via those institutions.

Despite the fact that most voters very much dislike it, electoral violence has been found to alter electoral outcomes to the advantage of the violence perpetrators in many cases (Hafner-Burton, Hyde and Jablonski 2018). Once this is generally recognised, the result can be an escalation of violence at election time.

Finally, violence connected with elections increases in the chances of post-electoral conflict and other forms of political violence (Birch 2020). Violence that is present in the pre-electoral phase of an election is often associated with violent aftermaths of elections, as voters and supporters of the losing party/candidate take to the streets and protest at what they see as having been illegitimate elections. Such protests frequently become violent, and the security services not uncommonly employ violent means to suppress them. This can generate a cycle of violence that can only be halted by a formal or informal pacting process (Matanock 2017a; 2017b).

In sum, electoral violence involves a range of activities in which force is used to undermine the democratic nature of electoral institutions. Election-related enforced disappearances constitute a type of electoral violence, albeit a type that has not received extensive scholarly attention. The Working Group's attention to this topic is thus very welcome.

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