



# ***European Commission United Nations Development Programme International IDEA***

## **International Commitments for Democratic Elections**

**Domenico Tuccinardi, International IDEA**

---

***Joint Training on Effective Electoral Assistance  
Brussels, 1-5 December 2008***

Organized within



In collaboration with





# *International Commitments*

- ❑ International commitments for democratic elections stem from political rights and fundamental freedoms established by universal and regional treaties and political pledges.
- ❑ They provide the legal basis for the provision of electoral assistance in a spirit of partnership and cooperation. The overall aim of electoral assistance is to support the partner countries requesting assistance to meet the international commitments and obligations they have adhered to.
- ❑ These commitments also represent the principles upon which independent assessments of electoral processes by both international and domestic election observers are made.



# ***International Legal Instruments***

## **Universal Declaration of Human Rights (UDHR) of 1948**

- The will of the people shall be the basis of the government (Art 21.3)
- Much of it has acquired force of int. customary law

## **International Covenant on Civil and Political Rights (ICCPR) of 1966**

- Right to participate in public affairs and equal access to public service (Art 25)
- Legally binding on over 160 states that ratified it



# *International Legal Instruments II*

International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) of 1966

Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) of 1979

Convention on the rights of Persons with Disabilities (CRPWD) of 2006



# Regional Legal Instruments

- ❑ African Charter on Democracy, Elections and Governance (2007) and African Charter on Human and Peoples' Rights (1981)
- ❑ ECOWAS Protocol on Democracy and Good Governance Supplementary to the Protocol Relating to the Mechanisms for Conflict Prevention, Management, Resolution, Peace and Security (2001) - SADC Principles and Guidelines Governing Democratic Elections (2004)
- ❑ OAS Charter and American Declaration of the Rights and Duties of Man (1948)
- ❑ American Convention on Human Rights (1969)
- ❑ CoE Convention for the Protection of Human Rights and Fundamental Freedoms (1950)



# Other Regional Instruments

- ❑ Organization for Security and Co-operation in Europe (OSCE - e.g. the Document of the Copenhagen Meeting of the Conference on the Human Dimension of the OSCE of 1990)
- ❑ Commonwealth of Independent States (CIS - the Convention of the Commonwealth of Independent States on Human Rights and Fundamental Freedoms of 1995)
- ❑ League of Arab States (LAS - the Arab Charter on Human Rights of 1994)
- ❑ Organization of the Islamic Conference (OIC - the Cairo Declaration on Human Rights in Islam of 1990) and
- ❑ Commonwealth (the Harare Commonwealth Declaration of 1991).



# Commitments

1. The right and opportunity, without any distinction or unreasonable restrictions, for citizens to participate in government and public affairs through:

- Periodic elections
- Genuine elections
- Universal suffrage
- Equal suffrage
- The right to stand for election
- The right to vote
- The right to a secret ballot
- The free expression of the will of voters



# Commitments

2. The freedom of expression
3. The freedom of association
4. The freedom of assembly
5. The freedom of movement
6. The freedom from discrimination
7. The right to an effective legal remedy



# The EC Compendium

## INTERNATIONAL HUMAN RIGHTS NORMS AND THE RIGHT TO PARTICIPATION

	UN	AU	ECOWAS	OSCE	OECD	OS	IAS	OC	Commonwealth	OCEI	EU	SAC
China	+						+	+				
Pakistan	+							+	+			
The Palestinian Authority of the West Bank and Gaza Strip	+				+	+						
Philippines	+											
Qatar	+						+	+				
Republic of Korea	+											
Saudi Arabia	+						+	+				
Singapore	+											
Sri Lanka	+								+			
Syrian Arab Republic	+						+	+				
Tajikistan	+					+				+		
Thailand	+							+				
Timor-Leste	+											
Turkmenistan	+					+		+		+		
United Arab Emirates	+						+	+				
Uzbekistan	+					+		+				
Viet Nam	+											
Yemen	+						+	+				

29. The Palestinian Authority of the West Bank and Gaza Strip is not a member state of the United Nations, but it has observer status.  
 30. Thailand has observer status.



# Commitments vs Standards

The definitions:

**Standard** - a required or agreed level of quality or attainment. A criterion for measuring acceptability, quality and accuracy. More used to justify election observation activities

**Commitment** - the state or quality of being committed to a cause, or to a policy. A pledge or undertaking to which a sovereign country has adhered to. More used to justify electoral assistance activities

Beyond the mere interpretation of these definitions, the legal references underpinning both instruments are the same, and the ultimate goal is the same – promotion of sustainable and continued democratic development in the partner countries



# The New Approach

## Electoral Support



CIDA

IOM

OAS



# The EC-UN cooperation with partner countries

**Electoral assistance projects provide a requested and agreed support to partner countries**

**The aim is to assist the requesting country to organise electoral events that are aligned or as close as possible to the commitment and obligations signed by the specific partner country.**

Organized within



In collaboration with





# The ultimate goal of election observation

The assessment of an electoral process should not be limited to the reporting of what international obligations are breached

The independent evaluation and analysis of the reasons why certain obligations cannot be met provides the basis for the future programming of electoral and democracy assistance



# Linking the Commitments to Democratic Elections to Public International Law

- ▶ The Carter Center is leading an effort to identify and articulate obligations and commitments for democratic elections arising out of existing public international law sources.

The primary aims of this work are:

- ❑ to establish consistent and objective criteria for the assessment of elections as well as for the provision of long-term electoral assistance
- ❑ to provide guidance to national election administrators in their work with living up to international commitments and obligations their respective states have adhered to.



# Commitments and Good Practices

- ▶ In the provision of assistance, EC-UNDP electoral assistance projects take also into account the good practices for democratic elections coming from all different areas of the world.

## International Commitments



Establish the principles by which elections should be conducted (e.g. periodically, in a free and fair manner etc.)

## Good Practices



Identify best methods for implementing the principles established by international commitments.

# The ACE Electoral Knowledge Network

[www.aceproject.org](http://www.aceproject.org)



provides **comprehensive** and **authoritative** information on nearly any aspects of **electoral processes** and **systems**

places special **emphasis** on issues of **costs, sustainability, professionalism** and **trust** in the **management of elections**

promotes **effective** and **sustained** **networking** among reputable **election professionals** from across the world

offers **professional capacity development** services and specialised **electoral advice** and **support**

**ace**  
PROJECT | PROJÉT | PROYECTO

**ace**  
The Electoral Knowledge Network

# **AbolishACE**  
The ACE Electoral Knowledge Network encourages professionals to generate, share and apply knowledge, solve problems, help build consensus, methods, and improve the professionalism of those engaged in activities related to credible, sustainable, peaceful and cost-effective elections.

**ACE Electoral Knowledge Network**

<b>Elections Today</b>	<b>The ACE Encyclopedia</b>	<b>Comparative Data</b>	<b>Electoral Materials</b>	<b>Electoral Advice</b>	<b>Regions &amp; Countries</b>
Obtain news, analysis and upcoming elections dates from the world of elections	Access comprehensive information on all the aspects of electoral administration	Analyse country-by-country data and information on election systems, legislation and management	Browse an electronic library of election materials, such as laws, ballot papers, training manuals, posters and more	Access a forum that generates and shares specialist electoral knowledge, resources and expertise	Research regional and country-by-country information, data and resources collected through a network of Regional Electoral Resource Centres

**dynamic online facility**