



Human Rights Advocates

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**The Right to Vote: The Need for a Special Procedure
Report to the 13th Session of the Human Rights Council
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THE RIGHT TO VOTE

I. Introduction

Human Rights Advocates (“HRA”) urges all countries to guarantee their citizens the right to vote, as mandated by international law. The right to vote is fundamental not only because it gives citizens a voice in their government, but also because of its interrelationship with other important human rights. Free and fair elections lend legitimacy to governments in the eyes of their people as well as the international community. In contrast, violations of the right to vote often lead to civil unrest and violence.

Despite consensus on the fundamental nature of the right to vote, its inclusion in many international human rights instruments, and its significance in protecting other human rights, derogation of this right remains pervasive. HRA contends it is critical that the Council take action to promote protection of the right to vote because the violation of this right often leads to larger patterns of human rights violations of grave concern for the United Nations.

This paper first outlines the legal basis for the right to vote.* Next it discusses recent derogations of the right to vote through fraudulent means and intimidation. Then, it discusses how the right to vote is currently derogated by operation of law and election procedures, and how electronic voting systems, in particular, pose threats to the fair and free exercise of this right. Finally, HRA offers recommendations, including urging the Council to appoint a Special Rapporteur to investigate derogations of the right to vote and to define meaningful parameters for commitments, principles, and best practices for protecting this fundamental right. Attached to this report is a proposed resolution for establishing such a mandate.

* HRA has submitted several reports to the Commission on Human Rights and to the Human Rights Council concerning the right to vote. The HRA reports from 2007, 2008 and 2009 are available at <http://www.humanrightsadvocates.org/UN%20interventions%20list1.htm>.

II. Legal Basis of the Right to Vote.

The right to vote and the right to public participation are affirmed in international law under both the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights (ICCPR). Article 21 of the Universal Declaration of Human Rights (UDHR) provides that:

- (1) Everyone has the right to take part in the government of his country, directly or through freely chosen representatives.
- (2) Everyone has the right of equal access to public service in his country.
- (3) The will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures.¹

Article 25 of the ICCPR codifies these principles by stating that every citizen shall, without unreasonable restrictions, have the right and opportunity:

- (a) To take part in the conduct of public affairs, directly or through freely chosen representatives;
- (b) To vote and be elected at genuine periodic elections which shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electors;
- (c) To have access, on general terms of equality, to public service in his country.”²

In addition to the UDHR and the ICCPR, the Human Rights Committee adopted General Comment 25 to the ICCPR which emphasizes that article 25 of the ICCPR provides that "no distinctions are permitted between citizens in the enjoyment of these rights on the grounds of race . . . or other status."³ The right to vote is additionally protected under various regional human rights instruments, including article 23 of the American Convention on Human Rights (ACHR), article 13 of the African Commission on Human and People's Rights (ACHPR), and article 14 and article 3, Protocol 1 of the European Convention on Human Rights (ECHR).

¹ G.A. Res. 217A(III), U.N. Doc. A/810 (1948) [hereinafter UDHR].

² Dec. 16, 1966, 999 U.N.T.S. 171 [hereinafter ICCPR].

³ HRC General Comment 25, para. 14, U.N. Doc. CCPR/C/21/Rev.1/Add.7 (1996) [hereinafter General Comment].

III. Derogation of the Right to Vote by Fraud and Intimidation

Unfortunately, allegations of elections plagued with fraud were abundant in 2009, and derogation of the right to vote in this manner often leads to violent civil unrest. Accusations of voting fraud in the 2009 presidential election in Iran led to mass protests and the concurrent rise in human rights abuses, including, *inter alia*, arbitrary arrests, detention or disappearances of those exercising their right to peaceful assembly and association, allegations of rape and torture of prisoners, and further restrictions on freedom of expression, prompted international denouncement.⁴ Opposition groups claim the election was fraudulent and cite the fact that, according to official results, two of the opposition candidates belonging to ethnic minorities did poorly in their home regions as evidence of such fraud.⁵ The infringements on essential conditions for the right to vote leading up to the election, including restrictions on debates between candidates and the free exchange of information, as well as the disqualification of most candidates, only served to increase doubt in the results.⁶

The government of Iran's response to the election protests led to what some have dubbed "the most severe period of repression since the end of the revolutionary period which culminated in the 'prison massacre' of 1988."⁷ The perception that the election was unfair led to protests, resulting in the violation of other human rights, including government use of violence and intimidation to forcibly disperse Iranian citizens peacefully engaging in their right to freely associate and assemble, to harass and persecute members of the media exercising their right of freedom of opinion and expression, and to arbitrarily arrest citizens and to interfere with their

⁴ U.N. General Assembly, 64th Session. Third Committee. *Promotion and Protection of Human Rights: Human Rights Situations and Reports of Special Rapporteurs and Representatives*. (A/C.3/64/L.37), October 29, 2009.

⁵ Amnesty International, *Iran: Election Contested, Repression Compounded*, December 2009, available at <http://www.amnesty.org/en/library/asset/MDE13/123/2009/en/1e69a8fb-dcf1-4165-a7fc-a94369e364bf/mde131232009en.pdf>.

⁶ *Id.*

⁷ *Id.*

right to a fair trial through the use of forced confessions and through deprivation of adequate counsel.⁸ This is an example of how derogating the right to vote leads to derogation of other civil and political rights.

On a similar note, the right to vote was also derogated by widespread fraud in Afghanistan's presidential elections in August. Allegations of fraud included ballot stuffing, inflated voter turn-out and vote selling.⁹ A call for a run-off election resulted from the investigation by the United Nations-backed Electoral Complaints Commission of Afghanistan, which found clear and convincing evidence of fraud at 135 polling stations, requiring the Independent Election Commission (IEC) to invalidate a large percentage of votes.¹⁰ Hamid Karzai was named president after the main challenger, Abdullah Abdullah, dropped out of the run-off race when the IEC rejected his demands for changes to reduce the risk of fraud in the run-offs.¹¹ Thus, the Afghani people were deprived of their right to a meaningful vote.

Doubts linger about the legitimacy of Honduras' November 29, 2009 elections occurring without United Nations or Organization of American States observation and support just a few months after the June 28 coup and amidst increasing patterns of human rights violations. Many nations state the election was illegitimate, alleging it was backed by military leaders of the coup and did not occur under constitutional conditions.¹² The election occurred while the ousted President, Manuel Zelaya, was still in exile and amidst allegedly increased violations of human

⁸ See U.N. General Assembly, 64th Session. Third Committee. *Promotion and Protection of Human Rights: Human Rights Situations and Reports of Special Rapporteurs and Representatives*. (A/C.3/64/L.37), October 29, 2009.

⁹ Ghaith Abdul-Ahad, *New Evidence of Widespread Fraud in Afghanistan Election Uncovered*, THE GUARDIAN, September 19, 2009, available at <http://www.guardian.co.uk/world/2009/sep/18/afghanistan-election-fraud-evidence>.

¹⁰ Islamic Republic of Afghanistan Electoral Complaints Commission, *Factsheet: ECC Decisions of 18 October Regarding the Certification of Presidential Election Results*, available at <http://www.ecc.org.af/en/images/stories/pdf/ECC%20Factsheet%2018%20Oct%20DecisionsFINALENG.pdf>.

¹¹ Jon Boone & Mark Tran, *Hamid Karzai Declared Winner of Afghanistan's Presidential Election*, THE GUARDIAN, November 2, 2009, available at <http://www.guardian.co.uk/world/2009/nov/02/hamid-karzai-afghanistan-winner-election>.

¹² Shrikesh Laxmidas & Cesar Illiano, *Latin American Leaders Divided over Honduras Vote*, REUTERS, November 30, 2009, available at <http://www.reuters.com/article/idUSTRE5AT3DU20091130>.

rights, such as increased use of government force to repress peaceful protests and increased restrictions on human rights defenders and media members to move freely about the country.¹³

The events in these countries underscore the dire need for safeguards protecting the right to vote and ensuring the legitimacy of elections as well as the necessity of developing international best practices for guidance in protecting this right.

IV. Derogation of the Right to Vote by Operation of Law and Procedure

Article 25 of the ICCPR explicitly extends the right to vote to “every citizen,” and calls for “universal and equal suffrage.” Nonetheless, some countries deny certain citizens voting rights as a matter of law.

A. Disenfranchisement Based on Criminal Conviction

Although Article 25 of the ICCPR requires that “every citizen” be given the right to vote, General Comment 25 to the ICCPR further clarifies that “[i]f 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.”¹⁴ In the United States, many citizens with criminal convictions are denied their voting rights. Some states of the United States bar ex-offenders from voting even after they have fully served their sentences. This restriction is disproportionate to the offense and sentence and undermines the right to vote as mandated by the ICCPR.¹⁵ Other bodies have affirmed this finding. For example, the European Court of Human Rights found that the restriction of voting rights of all convicted prisoners violates Article 3 of Protocol No. 1 of the ECHR.¹⁶

¹³ Amnesty International, *Honduras: Human Rights Crisis Threatens as Repression Increases*, August 2009, at 6, available at <http://www.amnesty.org/en/library/asset/AMR37/004/2009/en/0bef3d1b-ed50-46bc-8bb3-3f8ca416016c/amr370042009eng.pdf>.

¹⁴ General Comment, *supra* note 3, at para.14.

¹⁵ Paragraph 14 of the Human Rights Committee’s General Comment 25 provides that restrictions on the right should be proportionate to the offense and sentence. *See* General Comment, *supra* note 3, at para.14.

¹⁶ *Hirst v. United Kingdom*, no. 74025/01, ECHR (2005), available at <http://www.echr.coe.int>

On this subject, the High Court of Australia's recent ruling in *Roach v. Electoral Commissioner and Commonwealth of Australia*, invalidating legislation that would have disqualified all prisoners from voting is commendable.¹⁷ Previous legislation had restricted the right to vote for prisoners serving three years or more for serious offenses, and the amended legislation would have disqualified all prisoners from voting, regardless of their culpability.¹⁸ The court correctly noted that voting in elections lies at the heart of a system of representative government and disenfranchisement of a group of adult citizens without substantial justification is inconsistent with such a system.¹⁹

Article 5 of the International Convention on the Elimination of All Forms of Racial Discrimination ("CERD") requires States "to guarantee the right of everyone, without distinction as to race, colour, or national or ethnic origin, . . . [p]olitical rights, in particular the right to participate in elections-to vote and stand for election-on the basis of universal and equal suffrage."²⁰ Paragraph 3 of the General Comment to the ICCPR similarly stresses that Article 25 of the ICCPR guarantees "every citizen the right to vote and that "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."²¹

Criminal disenfranchisement in the United States is disproportionate to the sentence and disproportionately impacts racial minorities in violation of CERD. African Americans are criminally disenfranchised at a rate three times the national average and also less likely to have

¹⁷ *Roach v. Electoral Commissioner and Commonwealth of Australia*, 30 August 2007, Order of High Court of Australia, [http://www.hcourt.gov.au/media/Roach%20v%20Electoral%20Commissioner%20/orders\).pdf](http://www.hcourt.gov.au/media/Roach%20v%20Electoral%20Commissioner%20/orders).pdf).

¹⁸ *Id.*

¹⁹ *See Roach v. Electoral Commissioner and Commonwealth of Australia*, 26 September 2007, Statement of High Court of Australia, [http://www.hcourt.gov.au/media/Roach%20v%20Electoral%20Commissioner%20\(reasons\).pdf](http://www.hcourt.gov.au/media/Roach%20v%20Electoral%20Commissioner%20(reasons).pdf).

²⁰ Dec. 21, 1965, 660 U.N.T.S. 195, Art.5 [hereinafter CERD].

²¹ General Comment, *supra* note 3, at para. 3.

their voting rights restored.²² A United States Ninth Circuit Court of Appeals recently held the state of Washington's felon disenfranchisement law violated the Voting Rights Act of 1965's prohibition against a voting rule having a discriminatory purpose or effect.²³ The court noted that Washington's criminal justice system was biased against African Americans and other racial minorities and the voting law was illegal because it diluted the electoral clout of minorities.

The court's findings demonstrate that the criminal disenfranchisement laws of most United States states result in restrictions of the exercise of voting rights based on race. Disenfranchisement laws vary from state to state in the United States, but currently thirty-five states prohibit voting by individuals who are no longer incarcerated but are still on parole, and ten states restrict the right to vote of some individuals who have served their sentences entirely.²⁴ Although the court's decision is an important development, the impact is limited because it is only the finding of one state, thus more action is still needed on the national level.

B. Election Administration

Although Article 21 of the UDHR and Article 25 of the ICCPR guarantee citizens the right to "freely chosen representatives," some election administration procedures infringe on this right. Independent and impartial election administration is critical to ensure that elections are fair and free, and one way to ensure this impartiality is by holding elections with many candidates of varied political parties.

Recently Haiti's Provisional Electoral Council's (PEC) 2009 exclusion of fifteen political parties, including the most popular party, Fanmi Lavalas, from parliamentary elections originally

²² Submission by the Lawyers' Committee for Civil Rights Under Law and the Sentencing Project to the United Nations Forum on Minority Issues, Human Rights Council, 2nd Session, Geneva, November 12-13, 2009, *The Discriminatory Effects of Felony Disenfranchisement Laws, Policies and Practices on Minority Civic Participation in the United States*, at 2.

²³ *Farrakhan v. Gregoire*, 590 F.3d 989, (9th Cir. 2010).

²⁴ Submission by the Lawyers' Committee for Civil Rights Under Law, *supra* note 22, at 3.

scheduled for February and March, would deprive Haitians of their right to “freely chosen representatives.”²⁵ The PEC previously excluded Fanmi Lavalas and other political parties from senate elections held last June and April, and the ensuing elections were met with low participation.²⁶ In the shift from emergency response to the recent tragedy to longer-term relief and recovery, it is imperative to improve Haiti’s ability to self-govern, and a key step is enhancing election credibility.

Similarly, the recent ban handed down by the Accountability and Justice Commission, preventing nearly 500 Sunni politicians from March 2010 parliamentary elections, jeopardizes the perceived legitimacy of Iraq’s upcoming elections and threatens to increase sectarian tensions in the country.²⁷ Although an Iraqi appeals court had overturned this ban,²⁸ election officials from Iraq’s Independent Electoral Commission later reconfirmed it.²⁹ A similar ban in the January 2005 elections led to a Sunni boycott of those elections and a subsequent sharp increase in sectarian fighting in 2006 and 2007.³⁰ Some may threaten to boycott the election, imperiling the already fragile reconciliation process between Sunni and Shi’ite communities, and pre-election violence has already increased amidst vows by insurgents to disrupt the voting.³¹

The right to vote can also be derogated by non-majority rule. In the Mexican Presidential election of 2006, eight political parties participated and there were three main candidates. Felipe

²⁵ Evens Sanon & Jonathan M. Katz, *U.S. Lawmaker Criticizes Haiti Election Exclusions*, SAN JOSE MERCURY NEWS, December 23, 2009, available at http://www.mercurynews.com/news/ci_14058968?nclick_check=1.

²⁶ Brian Concannon Jr. & Ira Kurzban, Opinion, *Don’t Honor Tainted Election*, MIAMI HERALD, December 11, 2009, available at <http://www.miamiherald.com/2009/12/11/1376563/dont-honor-tainted-election.html>.

²⁷ See Anthony Shadid, *Political Turmoil Follows Barring of Hundreds from Iraq Ballot*, N.Y. TIMES, January 15, 2010; Andrew Lee Butters, *Could a Sunni Candidates Ban Imperil Iraq’s Election?*, TIME, January 19, 2010, <http://www.time.com/time/world/article/0,8599,1954606,00.html?xid=rss-topstories>.

²⁸ Margaret Coker, *Iraqi Court Lifts Election Ban*, WALL ST. J., February 3, 2010, available at <http://www.washingtonpost.com/wp-dyn/content/article/2010/02/13/AR2010021301005.html>.

²⁹ Muhanad Mohammed, *Iraq Election Officials Confirm Sunni Candidate Ban*, WASH. TIMES, February 13, 2010.

³⁰ Qassim Abdul-Zahra, *Sunni Leader Decides to Take Part in Iraq Election*, WASH. POST, February 25, 2010, available at <http://www.washingtonpost.com/wp-dyn/content/article/2010/02/25/AR2010022501151.html>.

³¹ Steven Lee Myers, *Iraq Suicide Bomber Strikes in Anbar*, N.Y. TIMES, February 18, 2010, available at <http://www.nytimes.com/2010/02/19/world/middleeast/19iraq.html>.

Calderon Hinojosa won by a 35.89% of the popular vote but there was widespread dispute about the accuracy of the count.³² In order to avoid such occurrences in the future, President Felipe Calderon has recently proposed run-off election amendment that would require an automatic run-off if no presidential candidate receives at least fifty percent of the vote.³³ President Calderon's recent proposal, if adopted as a practice, could avert such claims of fraud in close elections, avoiding resultant civil unrest. This two-round system requiring automatic run-off elections in cases of non-majority is currently used by a number of countries.³⁴ It would be especially helpful to have a Special Rapporteur consider automatic run-off elections in cases of non-majority results as an assessment of an election-related best practice.

C. Electronic Voting

As more and more nations consider ways to modernize their voting systems to increase accessibility, vote count accuracy, and increased speed in the return of election results, more nations are turning to various forms of electronic voting machines. However, electronic voting, without proper safeguards, can pose a number of significant dangers to the reliability, security, and transparency of vote results. A main concern is that electronic voting machines that do not provide a paper record of the votes cannot be trusted. Without a paper record, “[t]here is no way to be sure that a glitch or intentional vote theft—by malicious software or computer hacking—did not change the outcome. If there is a close election, there is also no way of conducting a meaningful recount.”³⁵

³² *Mexico: Election Results Disputes*, Wordpress.org, July 6, 2006, available at <http://www.worldpress.org/Americas/2406.cfm>.

³³ Olga R. Rodriguez, *Mexico's President Proposes Run-off Amendment*, SAN FRANCISCO CHRONICLE, December 16, 2009, available at http://articles.sfgate.com/2009-12-16/news/17224317_1_election-runoff-protests.

³⁴ ACE Electoral Knowledge Network, *Electoral System—How Is the Head of State Selected?*, <http://aceproject.org/ace-en/comparative-data/CDMap?question=ES>, (last visited February 25, 2010). Some of the countries using this system include: Algeria, Egypt, Finland, France, Poland, Portugal, Russia, and Uzbekistan.

³⁵ Editorial, *How to Trust Electronic Voting*, NEW YORK TIMES, June 21, 2009, available at <http://www.nytimes.com/2009/06/22/opinion/22mon2.html>.

This concern was recently voiced by India's Janata Party president, Dr. Subramanian Swamy, when he told the acting Chief Justice of the Delhi High Court that electronic voting machines should not be used without paper receipts.³⁶ Dr. Swamy cited the findings of a recent international conference on electronic voting machines convened by the Centre for National Renaissance of New Delhi, where experts from India, Germany, the Netherlands, and the United States questioned the reliability of paperless electronic voting machines and stated that most "advanced" nations were reverting back to paper ballots as a result.³⁷ Similarly, in March of 2009, Germany's highest court ruled the use of voting computers in the 2005 Bundestag election was unconstitutional, holding the country's use of electronic voting machines was out of keeping with the principle of fair and open elections.³⁸ The court held it was necessary to be able to check election procedures and results "reliably and without any particular specialist knowledge."³⁹

Another concern with electronic voting machines is their vulnerability to manipulation and hacking without any trace of such attack. In August of 2009, a team of computer scientists from various United States universities demonstrated that criminals could easily hack a Sequoia AVC Advantage electronic voting machine and steal votes by using a malicious programming approach that has been invented since the design of the machine.⁴⁰ What is perhaps most frightening, is the scientists had no access to the machine's source code or proprietary information, and just by using the information that would be available to anyone who bought or

³⁶ Gopal Ethiraj, *EVMs are Not TamperFree; Dr. Swamy Files PIL for Dual Voting System*, ASIAN TRIB., 18 February, 2010, available at <http://www.asiantribune.com/news/2010/02/18/evms-are-not-tamper-free-dr-swamy-files-pil-dual-voting-system>.

³⁷ *Id.*

³⁸ Federal Constitutional Court, Judgment of March 3, 2009, 2 BvC 3/07, 2 BvC 4/07, available at http://www.bundesverfassungsgericht.de/entscheidungen/rs20090303_2bvc000307en.html.

³⁹ *Id.*

⁴⁰ University of California San Diego, *Computer Scientists Take Over Electronic Voting Machine With New Programming Technique*, SCIENCE DAILY 11 August 2009, available at <http://www.sciencedaily.com/releases/2009/08/090810161902.htm>.

stole a voting machine, they were able to hack the machine to make it turn against itself and steal votes.⁴¹

In the United States, more than one-third of the states currently do not require all votes to be recorded on paper.⁴² To address the concerns posed by paperless electronic voting machines, Representative Rush Holt introduced the “Voter Confidence and Increased Accessibility Act of 2009” into Congress, and the bill would require a voter-marked and voter-verified permanent paper ballot for all federal elections.⁴³ The bill would also require random hand-recounts of paper ballots as an important check on the accuracy of the computer count. The bill was referred to the House Subcommittee on Technology and Innovation in June and is pending further action.

Not only is it important for Congress to give attention to this matter to ensure action on a national level for the United States, but attention is greatly needed at the international level, in particular, effective standards for verifiable paper records and for manual auditing are needed. A Special Rapporteur could investigate and provide recommendations for countries grappling with this issue as technology continues to advance.

A final concern is the increasing consolidation of voting system manufacturers into the hands of fewer private companies. In September 2009, Election Systems and Software, Inc. announced it had purchased Premier Election Solutions, Inc., formerly known as Diebold Election Systems, Inc., which consolidated over 70% of the United States voting system market into one private company.⁴⁴ Considering the abovementioned dangers posed by electronic voting machines, and considering the proprietary, confidential and highly technical nature of this

⁴¹ *Id.*

⁴² Editorial, *How to Trust Electronic Voting*, NEW YORK TIMES, June 21, 2009.

⁴³ H.R. 2894, 111th Cong. (2009).

⁴⁴ Verified Voting Foundation, *Groups and Election Officials Warn Department of Justice that Voting Machine Vendor Merger will Inflate Costs to Taxpayers, Threaten Election Accuracy and National Security*, February 17, 2010, available at <http://www.verifiedvotingfoundation.org/article.php?id=6752>.

equipment, such concentration of control over a nation's voting administration, this trend is alarming. Some experts warn that letting a single vendor control the programming and maintenance of election equipment of such a large percentage of election jurisdictions also poses grave national security threats because such centralization of power increases the possibility of widespread election failure, which could potentially de-stabilize the nation.⁴⁵ Again, this issue requires international attention and the establishment of guidelines regulating voting administration and maintenance.

V. Recommendations and Conclusion

The right to vote is a fundamental right that must be accorded the highest defense by the international community to maintain stability worldwide. HRA urges all nations to give full effect to the right to vote and to take all necessary legislative measures to comply with all relevant international instruments mandating the protection of the right to vote, including the UDHR, ICCPR, CERD, CEDAW, ACHR, ACHPR, and ECHR.

HRA urges the Council to appoint a Special Rapporteur on the right to vote to investigate derogations of the right to vote before they lead to massive violations. HRA also urges the Council to include in the mandate a study of election-related norms, in order to define meaningful parameters for commitments, principles, and best practices. One suggestion could include looking at the enacted models of organizations, such as the OSCE, that are used for sending delegations to monitor voting. Although the United Nations has provided resources to address voting rights issues in the past, such as in Afghanistan and in Iran, this has largely been on an ad hoc basis. Well established guidelines would be helpful for United Nations efforts to address these violations and for countries in setting up their own laws to comply with

⁴⁵ *Id.*

international standards.*

* Following and attached to this report is HRA's proposed resolution on the Right to Vote.

PROPOSED DRAFT RESOLUTION ON THE RIGHT TO VOTE

Reaffirming article 21, as well as other relevant provisions of the Universal Declaration of Human Rights,

Recalling article 25 of the International Covenant on Civil and Political Rights, as well as General Comment 25 of the Human Rights Committee,

Recalling article 5 of the International Convention on the Elimination of All Forms of Racial Discrimination,

Recalling article 7 of the Convention on the Elimination of All Forms of Discrimination against Women,

Recalling that the World Conference on Human Rights reaffirmed the importance of ensuring the universality, objectivity and non-selectivity of the consideration of human rights issues,

Affirming that the right to vote at fair, free, transparent, and accountable periodic elections by universal and equal suffrage and by secret ballot is a prerequisite for progress in setting up a lasting order of peace, security, justice, and cooperation, and is the basis of the authority and legitimacy of all government,

Recognizing the need to establish meaningful parameters of election-related norms, commitments, principles, and good practices, in light of the derogation of the right to vote both by operation of law and fraudulent means,

1. *Urges* all States:

(a) To give full effect to the right to vote and to take all necessary legislative measures to prohibit discrimination and any distinction in the right to vote on the basis of race, colour, descent, national, ethnic or social origin, gender, language, religion, political or other opinion, property, disability, or other status which has the purpose or effect of nullifying or impairing equal and universal suffrage;

(b) To guarantee a person the right to vote once he or she reaches the age of majority;

(c) To recognize that the need to provide more effective representation for women, national minorities, persons with disabilities, or other groups, may justify measures to provide them enhanced voting rights;

(d) Not to suspend or withdraw a person's right to vote except for reasons of legal incapacity (e.g., based on mental incapacity) or conviction for a serious criminal offence. Suspension or withdrawal of a person's right to vote shall be objective and reasonable, based on judicial action, and in the case of criminal conviction, proportionate to the nature of the offence and the sentence, and limited in time;

- (e) To accomplish the registration of voters in an accurate, timely, and transparent manner, and to give individuals effective opportunity to understand their rights, check the accuracy of their registration, and ensure that errors are corrected;
- (f) To guarantee that votes are cast by secret ballot
- (g) To implement procedures that safeguards the integrity of ballots and other sensitive election materials before, during and after the vote;
- (h) To ensure that all voting is conducted in a secure, orderly, personal, and secret manner at regular polling places, as well as in other special locations;
- (i) To implement procedures to ensure the unbiased administration of polling places and counting of ballots and ensuring that officials administering such polling places are non-partisan and selected through a uniform, transparent and competitive process.
- (j) To ensure a calm and orderly atmosphere within all polling places and to the extent possible, in the immediate vicinity, such that voters are not subjected to any form of harassment, intimidation, or coercive influence;
- (k) To ensure that, inside the polling place, there is no display of party symbols, photographs of officials affiliated with a particular party, or political paraphernalia of any sort or broadcasting of news or other programming with political relevance;
- (l) To ensure that all voting is personal, except when a voter who is not able to cast a ballot requires personal assistance in order to do so, and the assistance is provided by someone of the voter's own choosing or by another person chosen in a neutral manner, who shall be obligated to respect the secrecy of the vote;
- (m) To ensure absolute secrecy of voting in all aspects of operations at the polling place including with respect to the issuance of ballot papers, arrangement and number of voting booths or screens, and casting of ballots;
- (n) To ensure that votes are reported honestly with the official results made public;
- (o) To ensure that any new technology such as electronic voting is safeguarded with appropriate security measures and paper trails essential to maintaining the integrity of the vote;
- (p) To ensure that the media reports on elections objectively and reasonably towards all candidates without state interference and ensure that voters receive all information possible to enable them to vote effectively;
- (q) To ensure the safety and security of all candidates;

2. *Decides* to establish a Special Rapporteur on the right to vote to investigate cases of derogation of voting rights in a manner inconsistent with the relevant international standards set forth in the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights, or in the relevant international legal instruments accepted by the States concerned, who may commence by authorizing a study on meaningful parameters of election-related norms, commitments, principles, good practices, and the interrelationship with other rights

3. *Decides* to continue its consideration of this question at its sixteenth session under the relevant agenda item.