



# **Human Rights Advocates**

**P.O. Box 5675, Berkeley, CA 94705 USA**

## **Human Rights Defenders and the Right to Vote**

### **Contact Information:**

**Wendy Betts, Frank C. Newman Intern  
Representing Human Rights Advocates through  
University of San Francisco School of Law's  
International Human Rights Clinic**

**Tel: 415-422-6961**

**[wsbetts@usfca.edu](mailto:wsbetts@usfca.edu)**

**Professor Connie de la Vega**

**[delavega@usfca.edu](mailto:delavega@usfca.edu)**

## I. Legal Foundation

Article 21 of the Universal Declaration of Human Rights (UDHR) establishes the right to vote, stating “[t]he will of the people shall be . . . expressed in periodic and genuine elections which . . . shall be held by secret vote or by equivalent free voting procedures.”<sup>1</sup> This right was further clarified in Article 25 of the International Covenant on Civil and Political Rights (ICCPR) that ensures that “[e]very citizen shall have the right and the opportunity . . . [t]o vote . . . 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.”<sup>2</sup>

Similar guarantees are found in the European Convention on Human Rights (ECHR) (Protocol I, Article 3), American Convention on Human Rights (Article 23), and African Charter on Human and People’s Rights (Banjul Charter) (Article 13). The Arab Charter on Human Rights (Article 24) also addresses the right to participate in the political process, stating “Every citizen has the right . . . to choose his representatives in free and impartial elections . . . .”<sup>3</sup>

The universality of the right to vote is further guaranteed in international agreements aimed at combatting discrimination. The Convention on the Elimination of Discrimination Against Women obligates states parties to ensure women have the right to vote on equal terms with men.<sup>4</sup> The Convention on the Elimination of Racial Discrimination obligates states parties to guarantee the right to vote without distinction as to race, colour, or national or ethnic origin.<sup>5</sup>

---

<sup>1</sup> Universal Declaration of Human Rights art. 21, G.A. Res. 217(III) A, U.N. Doc. A/RES/217(III) (Dec. 10, 1948) [hereinafter UDHR].

<sup>2</sup> International Covenant on Civil and Political Rights art. 25, Dec. 16, 1966, 999 U.N.T.S. 171 [hereinafter ICCPR].

<sup>3</sup> Arab Charter on Human Rights art. 24, May 22, 2004 [hereinafter Arab Charter].

<sup>4</sup> Convention on the Elimination of Discrimination Against Women art. 7, Dec. 18, 1979, 1249 U.N.T.S. 13.

<sup>5</sup> International Convention on the Elimination of Racial Discrimination art. 5, Mar. 7, 1966, 660 U.N.T.S. 195.

Finally, the Convention on the Rights of Persons with Disabilities obligates states parties to ensure that persons with disabilities can effectively and fully participate in political life, including guaranteeing the right to vote.<sup>6</sup>

In addition to the right to vote, many international agreements provide for the right to self-determination. The UDHR mandates that the “will of the people shall be the basis of the authority of government . . . .”<sup>7</sup> Both the ICCPR and the International Covenant on Economic, Social, and Cultural Rights provide that “[a]ll peoples have the right of self-determination. By virtue of that right they freely determine their political status . . . .”<sup>8</sup> The Banjul Charter guarantees an “unquestionable and inalienable right to self-determination . . . .”<sup>9</sup> Similarly, the Arab Charter grants that “[a]ll peoples have the right of self-determination . . . and the right to freely choose their political system . . . .”<sup>10</sup> Effective exercise of self-determination depends on protection of the right to vote as a means for people to express their will. The January 2011 referendum on self-determination in South Sudan and the October 2011 elections in Tunisia demonstrate the integral role the right to vote plays in pursuing self-determination.

## **II. Impact of Violations on Human Rights Defenders**

The right to vote is foundational to accessing other fundamental human rights. Voting is a mechanism by which citizens hold their leaders accountable and promote good governance. Therefore, voting is a key tool for human rights defenders to effect change.

---

<sup>6</sup> Convention on the Rights of Persons with Disabilities art. 29, Dec. 13, 2006, 2515 U.N.T.S. 15.

<sup>7</sup> UDHR, *supra* note 1, art. 21.

<sup>8</sup> ICCPR, *supra* note 2, art. 1; International Covenant on Economic, Social, and Cultural Rights art. 1, Dec. 16, 1966, 993 U.N.T.S. 3.

<sup>9</sup> African Charter on Human and People’s Rights art. 20, June 27, 1981, OAU Doc. CAB/LEG/67/3 rev. 5, 21 I.L.M. 58.

<sup>10</sup> Arab Charter, *supra* note 3, art. 2.

Although the right to vote is guaranteed under international law, there is wide derogation in practice. Disenfranchisement, by exclusion from voting or fraud in tabulating the votes that are cast, eliminates human rights defenders' access to this important means of protecting and promoting human rights. Moreover, election-related violence, either to intimidate voters or in response to fraudulent results, poses a particular threat to human rights defenders. The United Nations (UN) Special Rapporteur on the Situation of Human Rights Defenders has identified election periods as times of heightened risk for human rights defenders.<sup>11</sup>

### **III. Derogation from the Right to Vote**

There are a number of ways in which states infringe upon the right to vote. This paper focuses on interference by law, interference by intimidation or coercion, and interference by fraud.

#### **A. Interference by Law**

Article 25 of the ICCPR provides that citizens shall have the right to vote without “unreasonable restrictions.” The Human Rights Committee General Comment 25 on voting rights further explains:

The right to vote . . . 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.<sup>12</sup>

Restrictions on the right to vote must also be proportional. In response to an individual petition, the Human Rights Committee concluded that the principle of proportionality requires that a

---

<sup>11</sup> Report of the Special Rapporteur on the situation of human rights defenders, Margaret Sekaggya, ¶ 56, A/HRC/13/22 (Dec. 2009).

<sup>12</sup> Human Rights Comm., General Comment 25, ¶ 10, CCPR/C/21/Rev.1/Add.7 (July 12, 1996) [hereinafter General Comment 25].

measure as harsh as the deprivation of all political rights must be specifically justified.<sup>13</sup> Despite the fact that the ECHR does not include a reasonableness allowance in its electoral rights provision, the European Court of Human Rights has conducted proportionality analyses in cases construing the right to vote.<sup>14</sup> Thus, while the right to vote is not absolute, any restrictions placed on the right must be reasonable and subject to the principle of proportionality.

Despite these requirements States often interfere with the right to vote through electoral legislation that is neither reasonable nor proportional. This interference can directly disenfranchise voters through laws denying the vote to specific demographic groups, such as convicted prisoners or the disabled. Interference by law can also indirectly disenfranchise voters through procedural requirements, such as voter identification laws, that disparately impact certain demographic groups such as minorities. Peru recently provided a positive example of remedying disenfranchisement by law in October 2011, when the National Registry of Identification and Civil Status nullified policies excluding people with certain mental disabilities from voting. The resolution restored the voting rights of more than 23,000 people.<sup>15</sup> Similarly, Chile has adopted new electoral legislation removing a major obstacle to voting. Previously, voting was compulsory for all individuals who were registered. Registered voters who failed to vote were subject to a fine, which served as a disincentive for people to register. Under the new

---

<sup>13</sup> Human Rights Comm., Views of the Human Rights Committee under article 5, paragraph 4, of the Optional Protocol to the International Covenant on Civil and Political Rights, Commc'n No. 44/1979, ¶ 16, CCPR/C/12/D/44/1979 (Apr. 9, 1981).

<sup>14</sup> Eur. Ct. H.R., Case of Hirst v. United Kingdom, Application no. 74025/01, 2005, ¶¶ 76-85; Eur. Ct. H.R., Case of Frodl v. Austria, Application no. 20201/04, 2010, ¶ 35.

<sup>15</sup> Human Rights Watch, *Peru: Voting Rights Victory for People With Disabilities*, Oct 17, 2011.

legislation, not only is voting voluntary, but voter registration is automatic for all qualified residents.<sup>16</sup>

### **1. Prisoner Disenfranchisement**

One prevalent form of direct interference by law is disenfranchisement of individuals convicted of crimes. The Human Rights Committee has stated 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.”<sup>17</sup> Nonetheless, many states retain prohibitions on prisoner voting inconsistent with the length of sentence or type of crime, including blanket prohibitions applicable to all prisoners. Additionally, the prohibitions range temporally, with some states permanently disenfranchising prisoners.

The United States (U.S.) has some of the most restrictive subnational level policies. Under the U.S. Constitution, state governments, rather than the federal government, have the authority to determine voting eligibility criteria. Nonetheless, the U.S. is obligated to implement its international human rights commitments at both the federal and state levels. Each state in the U.S. has its own laws governing criminal disenfranchisement, which vary widely. Thirteen states prohibit only current inmates from voting, while 30 states prohibit prisoners, parolees, and individuals released on probation from voting.<sup>18</sup> Ten states allow for the permanent disenfranchisement of prisoners.<sup>19</sup> Moreover, the crimes for which an individual may be barred from voting vary by state. Overall, an estimated 5.3 million U.S. citizens currently cannot vote

---

<sup>16</sup> *Chile’s voter registration reform gives major boost to democracy*, THE CHRISTIAN SCIENCE MONITOR, Dec. 22, 2011.

<sup>17</sup> General Comment 25, *supra* note 12, ¶ 14.

<sup>18</sup> The Sentencing Project, *Felony Disenfranchisement Law in the United States*, Dec. 2011.

<sup>19</sup> *Id.*

as a result of this state-level legislation. Nearly 74 percent of these individuals are not in prison, but are on probation, paroled, or ex-offenders. Approximately two million of these disenfranchised voters have completed their sentence.<sup>20</sup>

The Basic Principles for the Treatment of Prisoners provides that “favourable conditions shall be created for the reintegration of the ex-prisoner into society under the best possible conditions.”<sup>21</sup> Prisoner disenfranchisement not only violates international human rights law, it also further isolates prisoners from society and hinders their reintegration and rehabilitation. Studies have shown that non-voters are twice as likely to recidivate.<sup>22</sup> The Supreme Court of Canada and the Constitutional Court of South Africa have found blanket disenfranchisement of prisoners to violate democratic principles, and those countries now allow convicted individuals to vote even while in prison.<sup>23</sup> The Human Rights Committee also has expressed concern regarding prisoner disenfranchisement as violative of the right to vote and inconsistent with the social rehabilitation aims of incarceration. In its Concluding Observations on the Second and Third Periodic Reports by the U.S., the Committee stated:

The Committee is of the view that general deprivation of the right vote for persons who have received a felony conviction, and in particular those who are no longer deprived of liberty, do not meet the requirements of articles 25 [and] 26 of the Covenant nor serves the rehabilitation goals of article 10(3). The State party should adopt appropriate measures to ensure that states restore voting rights to citizens who have fully served their sentences and those who have been released on parole.<sup>24</sup>

---

<sup>20</sup> Democracy Restoration Act of 2011, H.R. 2212, 112th Cong. § 2(6) (2011).

<sup>21</sup> Basic Principles for the Treatment of Prisoners, G.A. Res. 45/111, ¶ 10, A/RES/45/111 (Dec. 14, 1990).

<sup>22</sup> American Civil Liberties Union, *An Analysis of Felony Disenfranchisement in the U.S. and Other Democracies*, May 2006, at 6 [hereinafter ACLU Report].

<sup>23</sup> *Sauvé v. Canada (Chief Electoral Officer)*, 2002 SCC 68; *Minister of Home Affairs v. Nat’l Inst. for Crime Prevention & the Re-Integration of Offenders (NICRO)*, 2004 (5) BCLR 445 (CC) (S. Afr.).

<sup>24</sup> Human Rights Comm. Concluding Observations of the Human Rights Committee: United States of America, ¶ 35 CCPR/C/USA/CO/3/Rev.1 (Dec. 18, 2006).

The Committee further recommended that states parties ensure that regulations relating to deprivation of votes for felony conviction meet the reasonableness test of article 25.<sup>25</sup>

## **2. Impact of Prisoner Disenfranchisement on Minorities**

Prisoner disenfranchisement often has a disproportionate effect on minorities. Article 2 of the ICCPR obligates states parties to ensure the rights enumerated in the Covenant, including the right to vote, are protected “without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.”<sup>26</sup> The Human Rights Committee has further clarified in General Comment 18 that the ICCPR “prohibits discrimination in law or in fact in any field regulated by public authorities.”<sup>27</sup> As noted above, the Convention on the Elimination of Racial Discrimination also protects the right to vote without distinction as to race, colour, or national or ethnic origin.

Although U.S. prisoner disenfranchisement laws are race neutral, they have a disparate impact on minorities. It is estimated that, at the current rate of incarceration in the U.S., one in three of the next generation of African-American men will be disenfranchised.<sup>28</sup> Similarly, Hispanics have a one in six chance of incarceration, compared to a one in 17 chance for Caucasians.<sup>29</sup> While numerous challenges to disenfranchisement laws have been filed in U.S. courts, they have been unsuccessful in obtaining a remedy. The Committee on the Elimination of Racial Discrimination expressed concern, in its 2001 Concluding Observations to the U.S.’

---

<sup>25</sup> *Id.*

<sup>26</sup> ICCPR, *supra* note 2, art. 2.

<sup>27</sup> Human Rights Comm., General Comment 18: Nondiscrimination, ¶ 12 (1989).

<sup>28</sup> Democracy Restoration Act of 2011, H.R. 2212, 112th Cong. § 2(8) (2011).

<sup>29</sup> ACLU Report, *supra* note 22, at 3.

periodic report, about “the political disenfranchisement of a large segment of the ethnic minority population who are denied the right to vote by disenfranchising laws . . . .”<sup>30</sup>

### **3. Impact of Prisoner Disenfranchisement on Human Rights Defenders**

Prisoner disenfranchisement laws also have a particularly adverse impact on human rights defenders. Human rights defenders are often the object of criminal charges, leading to prosecution, conviction, and imprisonment.<sup>31</sup> For example, Egyptian Law 73/1956 provides for the disenfranchisement of convicted prisoners. It has been reported that many of an estimated 30,000 disenfranchised individuals are political prisoners convicted for opposition to the previous regime.<sup>32</sup> These individuals could be barred from participating in the elections they brought about by the very activism for which they were convicted.

#### **B. Interference by Intimidation or Coercion**

States often interfere with the right to vote by using violence to intimidate or coerce voters to influence the outcome of elections. Studies have shown that approximately 25% of elections experience election-related violence.<sup>33</sup> Human Rights Committee General Comment 25 states that individuals must be free to vote “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.”<sup>34</sup> Election-related violence can affect voter registration,

---

<sup>30</sup> Comm. on the Elimination of Racial Discrimination, Concluding Observations of the Committee on the Elimination of Racial Discrimination : United States of America, ¶ 397, A/56/18 (2001).

<sup>31</sup> Human Rights Defenders: Protecting the Right to Defend Human Rights, UN Fact Sheet No. 29, at 12.

<sup>32</sup> *Egypt Elections: Those Who Cannot Vote*, AL-JAZEERA, Nov. 1, 2011.

<sup>33</sup> Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions, Philip Alston, on Election-related violence and killings, ¶ 29, A/HRC/14/24/Add.7 (May 21, 2010) [hereinafter Alston Report].

<sup>34</sup> General Comment 25, *supra* note 12, ¶ 19.

voter turn-out, and, in some cases, prevent elections from occurring.<sup>35</sup> Violence also may be perpetrated to pressure voters to vote for a certain candidate or punish supporters of a certain candidate.<sup>36</sup>

In the months surrounding Zimbabwe's 2008 presidential election, state agents and other individuals affiliated with the ruling party participated in a campaign of politically motivated rape. The victims consistently reported being told by the rapists that the victims were targeted because of their involvement with the opposition party. One nongovernmental organization interviewed 70 women who reported being raped collectively 380 times by 241 men affiliated with the ruling party.<sup>37</sup> In addition, the Zimbabwe government used its security forces to kill hundreds of opposition voters.<sup>38</sup> The reports of rape and other violations surged between the first and second rounds of the election. The UN Security Council concluded that the campaign of violence made it impossible for a free and fair election to take place.<sup>39</sup>

The UN Special Rapporteur on Extrajudicial, Summary, or Arbitrary Executions, Philip Alston, in a 2010 report on election-related violence and killings, identified human rights defenders specifically among the potential victims of election-related killings.<sup>40</sup> In the period preceding the November 2011 presidential and parliamentary elections in the Democratic

---

<sup>35</sup> U.N. Development Programme, *Understanding Electoral Violence in Asia*, 2011, at 2.

<sup>36</sup> Alston Report, *supra* note 33, ¶ 43.

<sup>37</sup> AIDS-Free World, *Electing to Rape: Sexual Terror in Mugabe's Zimbabwe*, Dec. 2009, at 17.

<sup>38</sup> Alston Report, *supra* note 33, ¶ 75.

<sup>39</sup> Statement by the President of the Security Council, S/PRST/2008/23 (June 23, 2008).

<sup>40</sup> Alston Report, *supra* note 33, ¶ 42.

Republic of Congo, human rights defenders were the victim of numerous human rights violations as well as death threats.<sup>41</sup>

The Human Rights Committee has called on states parties to prohibit intimidation or coercion of voters by penal laws and to strictly enforce those laws.<sup>42</sup> Additionally, the Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions has noted that election-related violence is “a widespread phenomenon that does not receive sufficient direct attention” and called for “focused, in-depth research in the area of election related violence.”<sup>43</sup>

### **C. Interference by Fraud**

The right to vote includes not only the right to cast a vote for the candidate of one’s choice, but also the right to have one’s vote counted. Fraud in vote tabulation often results in disenfranchisement even for those who cast a vote. This type of disenfranchisement not only violates the right to vote, but can also lead to controversy over election results and incite violence.<sup>44</sup> Forty-three percent of election-related fatalities occur in the post-election period.<sup>45</sup> This violence frequently targets the most visible advocates, such as human rights defenders.

The 2007 election in Kenya provides an example of electoral fraud and its potential violent impact. Election monitors reported inconsistencies in the election results announced at the local level compared to the national level, missing results from some constituencies, and

---

<sup>41</sup> U.N. Office of the High Comm’r for Human Rights & MONUSCO, Report of the United Nations Joint Human Rights Office on Human Rights and Fundamental Freedoms During the Pre-Electoral Period in the Democratic Republic of Congo, ¶ 50 (Nov. 2011).

<sup>42</sup> Human Rights Comm., Views of the Human Rights Committee under the Optional Protocol to the International Covenant on Civil and Political Rights, Commc’n No. 927/2000, ¶ 7.3, CCPR/C/81/D/927/2000 (July 8, 2004).

<sup>43</sup> Alston Report, *supra* note 33, ¶¶ 88, 100.

<sup>44</sup> U.N. Development Programme, *supra* note 35, at 6.

<sup>45</sup> *Id.* at 8.

implausibly high voter turnout figures, leading to inferences of ballot-stuffing, impersonation of absent voters, and bribery. The Kenyan Independent Review Commission on the General Elections later determined that “[t]he conduct of the 2007 elections was so materially defective that it [was] impossible . . . to establish true or reliable results . . . .”<sup>46</sup> The violence that erupted in the wake of the election killed more than 1,000 people and displaced 300,000.<sup>47</sup> Kenya should be commended for its subsequent constitutional and electoral reforms, but also are urged to implement remaining reforms before the upcoming elections.<sup>48</sup>

Kenya’s experience demonstrates the need for effective oversight mechanisms to ensure the integrity of the election results as well as a complaint procedure to report fraud or challenge the results when in question. In addition to recommending a series of procedural safeguards to ensure the integrity of election results in the future, the Independent Review Commission also highlighted the need for an effective electoral dispute resolution mechanism.<sup>49</sup> Human Rights Committee General Comment 25 also notes the need for “independent scrutiny of the voting and counting process and judicial review or other equivalent process so that electors have confidence in the security of the ballot and the counting of the votes.”<sup>50</sup> Such a mechanism is integral to ensuring the right to vote and preventing violence. According to the European Court of Human Rights, “the existence of a domestic system for effective examination of individual

---

<sup>46</sup> *Report of the Independent Review Commission on the General Elections held in Kenya on 27 September 2007*, Sep. 2008, at 9 [hereinafter Independent Review Comm’n].

<sup>47</sup> *Id.* at 3.

<sup>48</sup> Opening Remarks by H.E. Mr. Kofi A. Annan, “The Kenya National Dialogue and Reconciliation: Building a Progressive Kenya,” Dec. 5, 2011.

<sup>49</sup> Independent Review Comm’n, *supra* note 46, at 139.

<sup>50</sup> General Comment 25, *supra* note 12, ¶ 20.

complaints . . . concerning electoral rights is one of the essential guarantees of free and fair elections. Such a system ensures an effective exercise of individual rights to vote . . . .”<sup>51</sup>

This mechanism must be impartial and transparent.<sup>52</sup> It also must be accessible. Although the Myanmar government has established a procedure for filing electoral complaints, an individual submitting a complaint must pay a non-refundable fee of approximately \$1,200, an amount more than 2.5 times the average annual salary in Myanmar.<sup>53</sup> A prohibitive expense of this nature renders the process virtually useless.

#### **IV. Conclusion and Recommendations**

The right to vote is a fundamental human right, crucial to protecting and promoting access to other human rights. Violations of the right to vote have a particularly adverse impact on human rights defenders. Human Rights Advocates urges countries to: 1) reform their voting laws to ensure any restrictions on voting are proportional, objective, and reasonable; 2) develop transparent, impartial, and accessible mechanisms for peacefully challenging electoral irregularities; and 3) take steps to prevent election-related violence and investigate and hold perpetrators of election-related violence accountable.

Further, additional research is needed on lessons learned from recent electoral experience, both positive and negative. Therefore, Human Rights Advocates urges the Human Rights Council to create a Special Rapporteur to study best practices for safeguarding the right to vote.

---

<sup>51</sup> Eur. Ct. H.R., Case of Namat Aliyev v. Azerbaijan, Application no. 18705/06, 2010, ¶ 81.

<sup>52</sup> ACE The Electoral Knowledge Network, *Enforcement of Electoral Integrity*, <http://aceproject.org/ace-en/topics/ei/eie>.

<sup>53</sup> Progress report of the Special Rapporteur on the situation of human rights in Myanmar, Tomás Ojea Quintana, ¶ 17, A/HRC/16/59 (Mar. 7, 2011).

## **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* article 29 of the Convention on the Rights of Persons with Disabilities,

*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 by operation of law, violence, 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 for more effective representation of 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 ensure that voters are not subjected to any form of harassment, intimidation, or coercive influence at any stage of the electoral process;
- (g) To guarantee that votes are cast by secret ballot;
- (h) To implement procedures that safeguards the integrity of ballots and other sensitive election materials before, during, and after the vote;
- (i) 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;
- (j) 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;
- (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 and respected;
- (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, before, during and after elections;
  - (r) To hold elections at regular intervals, and to permit candidates and organizations to register, collect and expend resources, and express themselves reasonably before the vote;
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 twenty-second session under the relevant agenda item.