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Policy

Principles and Types of UN Electoral Assistance

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POLICY ON Principles and Types of UN Electoral Assistance

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A. PURPOSE AND RATIONALE

A1. Purpose

1. This policy outlines the various types of United Nations (UN) electoral assistance that are typically provided and the principles governing UN electoral assistance. The purpose of the policy is to ensure consistency and coherence across the UN system.

A2. Rationale

2. The UN Focal Point for Electoral Assistance, the Under-Secretary-General for Political and Peacebuilding Affairs, (hereafter “the Focal Point”) is the system lead in the development, issuance and dissemination of UN electoral policy. The General Assembly and the Secretary-General have repeatedly highlighted the importance of system-wide coherence and consistency, and reaffirmed the leadership role of the focal point in this regard.¹ UN electoral policy is defined as the normative framework and prescriptive guidance that apply to all UN entities providing electoral assistance. This policy has been developed as part of the efforts of the Focal Point to develop a complete set of UN system-wide electoral policies.

B. SCOPE

3. This policy applies to all entities of the UN system that provide UN electoral assistance. For the purpose of this policy, United Nations and UN are understood to refer to the entire UN system, that is, all UN departments, funds, agencies, programmes, entities, trust funds, commissions, peacekeeping missions, special political missions, peacebuilding missions and other bodies.

4. This policy should be read in conjunction with existing UN electoral policies, in particular, United Nations Electoral Needs Assessments; UN Electoral Assistance: Supervision, Observation, Panels and Certification; UN Support to International Electoral Observers; and Promoting Women’s Electoral and Political Participation through UN Electoral Assistance.

¹ See successive General Assembly resolutions since 1991 (most recently A/RES/74/158) and decisions of the Secretary-General, No.2010/23 (12 October 2010 meeting of the Policy Committee) and 2011/23 (10 November 2011 meeting of the Policy Committee).

C. POLICY

C1. International Normative Framework: Rights and Principles Related to Electoral Processes

5. The Universal Declaration of Human Rights recognizes that “everyone has the right to take part in the government of [her/] his country, directly or through freely chosen representatives” and that “the will of the people shall be the basis of the authority of government; this 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”. Normative frameworks also emphasize equal rights for women, ethnic, religious and linguistic minorities, indigenous people, youth and persons with disabilities.

6. International human rights instruments also protect a number of basic rights, the enjoyment of which are crucial for a meaningful electoral process. The right to participate in genuine and periodic elections implies other rights, including: the right to freedom of expression, the right to freedom of opinion, the right to freedom of association, the right to peaceful assembly and the right to privacy. The rights individuals enjoy offline also apply online.²

7. These rights and principles are enshrined in the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and other international legal documents that are listed in more detail in Annex A.

8. UN electoral assistance should respect and aim at furthering compliance with these rights and standards while at the same time adhering to the various principles outlined in this policy including national sovereignty and respect for the local context.

C2. Prerequisites for UN Electoral Assistance

9. Before the UN provides any type of electoral assistance, two preconditions must be met: first, all UN electoral assistance must be based on a Security Council or General Assembly mandate, or an official request from a Member State or territory; and second, a needs assessment must be carried out by the Focal Point in consultation with relevant UN entities.

Request or Mandate:

- The UN must first receive a formal written request for electoral assistance from the government or be mandated by the General Assembly or the Security Council.
- Requests for assistance should be made sufficiently in advance to ensure there is adequate time to assess the request and potentially provide such assistance. The more time the UN has to respond to a request, the better it will be able to process the request and provide assistance.
- Requests for electoral assistance can be made by appropriate national authorities, including the head of government or the minister of foreign affairs. In some circumstances, requests from other entities such as a ministry involved in the delivery of electoral assistance or the electoral management body may also be considered as acceptable. Requests cannot be made by groups within the legislature, nor by civil society or other groups.

Assessment by the UN Focal Point for Electoral Assistance:

- The Focal Point, on behalf of the Secretary-General, must consider all requests for electoral assistance before the UN system provides or makes any project commitment to electoral assistance.

² A/RES/74/158 of 17 January 2020; A/RES/68/167; A/HRC/RES/32/13; and A/HRC/RES/26/13.

- If the assistance is provided in furtherance of a General Assembly or Security Council mandate, the Focal Point will not assess the appropriateness of providing assistance, but should set the parameters for the assistance in line with the mandate. In other cases, the Focal Point will first decide whether it is appropriate for the UN to provide assistance and then set the parameters for UN electoral assistance.
- Needs assessments will be carried out by the UN Electoral Assistance Division (EAD), in its role of supporting the Focal Point, in consultation with appropriate UN entities. A needs assessment should result in a report and recommendations on the basis of which the Focal Point will make a decision. UN electoral assistance projects and programmes will reflect the parameters set by the needs assessment.
- The decision of the Focal Point will be transmitted to the Member State concerned, the lead assistance provider(s) and other UN entities, including members of the interagency coordination mechanism for electoral assistance (ICMEA) as approved by the Focal Point.

10. Details regarding how needs assessments are conducted are contained in the guideline *United Nations Electoral Needs Assessments*. This policy should therefore be read in conjunction with the aforementioned guideline.

C3. Types of UN Electoral Assistance

Current Forms of Assistance

11. The UN provides five basic types of electoral assistance.³
- a) technical assistance;
 - b) observation;
 - c) expert panels;
 - d) operational support to international observers; and
 - e) support to creating a conducive environment.

(a) Technical assistance

12. Technical assistance is by far the most common form of UN electoral assistance. Technical assistance may be provided on the basis of a Security Council or General Assembly mandate as a component of a peacekeeping or special political mission or may be provided upon specific request from the government through a UN entity.

13. Technical assistance can be defined as the legal, operational and logistics assistance as well as capacity building provided to develop or improve electoral laws, processes and institutions. It can cover all, or some, aspects of the electoral process. It can focus on one electoral event or can be long term covering a number of electoral events, and as part of a wider development strategy, depending on the mandate or request and the needs assessment. While UN technical assistance focuses primarily on election administration and institutions, it may also include assistance to a number of other stakeholders and institutions. Gender and human rights issues and implications will be systematically considered in all aspects of technical electoral assistance provided by any part of the UN system.

14. The types of technical assistance to be provided by the UN in a specific country will be determined by the Focal Point, through the needs assessment process, during which due consideration should be given to whether other organizations are or could provide assistance, and there is a clear national demand or need for UN engagement in a specific area.

15. The main types of UN technical assistance include but are not limited to the below:

16. Technical assistance/advice to national authorities: This involves deploying UN personnel to work with an electoral management body (EMB) and other authorities involved in electoral matters

³ Additional information on current and past types of assistance can be found in supplemental UN electoral policies: UN Support to International Election Observers; and UN Electoral Assistance: Supervision, Observation, Panels and Certification.

and the provision of assistance and advice on any aspect of an electoral process. The focus should be on strengthening electoral and other institutions involved in elections, capacity development, building greater public information and outreach capacity, and helping in planning, preparing and conducting credible inclusive and peaceful elections and referenda. Advice can typically be provided on the following areas, including but not limited to:

- electoral laws and regulations, electoral reform, temporary special measures (TSMs), electoral management, etc.
- electoral system design
- electoral planning and administration
- gender mainstreaming in election management
- electoral budgeting and financial management
- electoral constituency boundary delimitation
- election logistics and operations
- procedural development
- training of election officials
- voter registration (and civil registries as they relate to voter registration)
- polling and counting
- special voting arrangements (early voting, voting for internally displaced people, out-of-country voting, etc.)
- results management
- civic and voter education
- engagement with political parties, observers, and other stakeholders such as civil society
- inclusive participation (with a focus on equal participation by women and other underrepresented groups, including through the application of TSMs)
- public outreach including strategic communications and engagement with the media
- compliance with the media regulatory environment
- compliance with the political finance and campaign finance regulatory environment
- political party registration
- candidate registration
- electoral dispute resolution
- procurement of election materials
- election security, including the prevention and mitigation of violence against women
- professional development of election management bodies
- building sustainable electoral processes
- introduction and use of electoral technologies
- social and online media
- cyber security and data management
- crisis management/business continuity

17. In some rare cases, UN staff may be deployed as voting or non-voting members of an EMB.

18. **Operational support:** The UN may provide direct planning, logistical and operational support to a national election authority. This could include movement control advice or operational support and coordination, the use of transport assets, sensitive electoral materials storage, operational coordination facilities and communication and information technology infrastructure. This is typically provided in the framework of a mission of the Department of Peacekeeping Operations (DPO) or Department of Political and Peacebuilding Affairs (DPPA) when they are present in the country or by UNDP or UNOPS in other cases with support of other specialized UN partners and is normally combined with the provision of technical assistance/advice.

19. **Materials support:** The UN may assist the national authorities in the procurement, property control, handover and sustainable planning of electoral materials. Where necessary, the UN may support national partners with critical electoral infrastructure, particularly in post-conflict/post-disaster situations where the government requires specific support. Often, the UN is providing procurement advisory support to national electoral authorities in order to build their capacity to undertake timely and sound procurement processes on their own.

20. **Financial and field administration support:** Support to national partners in disbursement and accounting services for financial resources related to the conduct of an electoral process.

21. Mobilization and coordination of financial resources for electoral support: The UN may provide assistance to national authorities by conducting resource mobilisation, putting in place and overseeing basket fund management, and assisting the national authorities with budgeting.

22. Training of judiciary: The UN may provide training to judicial authorities when they are in charge or involved in the management of complaints and electoral violations.

23. Support to security institutions: Activities in this area can be of several types: the provision of advice, support and/or training to national security institutions on how to conduct themselves during the electoral process; conduct of security risks assessments and development of security plans/strategies for the electoral process, in compliance with international standards and obligations; addressing cybersecurity issues; and provision of coordination with international military and security actors and/or in rare cases the provision of electoral security by UN police, military or civilian security experts. Such support must be in compliance with the Human Rights Due Diligence Policy and, in the case of the provision of electoral security by the UN, within the parameters of the UN's mandate, including on the use of force.

24. Media training/monitoring/compliance: Activities in this area may include encouraging the adoption of and compliance with electoral media codes of conduct and regulations, advising relevant institutions on ensuring compliance with the electoral media regulatory environment, or it may include training the media to provide professional, balanced, comprehensive, human rights and gender-responsive coverage of elections, strengthening the communication between the election authorities and the media and monitoring of the media's election coverage. Such activities may also consider the challenge posed by online and social media.

25. Political and campaign finance technical assistance: This type of assistance can be provided to the bodies mandated to ensure compliance with the campaign finance regulatory framework. Assistance can be provided to develop both formal and informal mechanisms and procedures for monitoring and enforcing compliance. Informal mechanisms can include campaign codes of conduct specifically related to financing of election campaigns, and more formal mechanisms can include advice on the establishment and implementation of both monitoring tools (to determine spending levels) and sanctioning tools for violations of the rules and regulations.

26. Political party registration technical assistance: This type of assistance can be provided to the bodies mandated with registering political entities, often a precursor for electoral participation. In some cases, this body is the EMB, in other cases the mandate may be given to a specific political party or entity registration body.

27. Capacity building of civil society organizations (CSOs): The UN may provide technical and material assistance to CSOs involved in activities aimed at increasing the credibility and integrity of the electoral process, including:

Citizen observer groups: The UN may provide technical and material assistance aimed specifically at strengthening the capacity of non-partisan citizen observer groups to observe electoral processes. This type of assistance includes support to election situation rooms⁴. Assistance can be provided in areas such as the development of methodologies for election observation, logistics support, funding, providing advisory support and/or direct training to citizen observer groups and the development of networks with other civil society and observer groups. In providing such assistance, the UN should be careful not to be perceived as observing the electoral process itself and should therefore not engage in activities that may lead to such misperception, in particular involvement in the actual deployment of the observation mission, assisting with drafting reports or participating in the implementation of citizen observation. Care should also be taken with the selection of groups to be supported, focusing on those that are perceived to be objective, impartial, neutral and independent and where possible support should be provided to more than one

⁴ See Annex B of this document on United Nations Support to Election Situation Rooms (ref FP/01/2012/Add.1).

group. Caution should be exercised when these activities are undertaken in conjunction with wider technical assistance to an EMB to avoid a perception of a conflict of interest.

CSOs promoting inclusiveness: The UN may provide technical and material assistance to CSOs engaged in promoting an inclusive electoral process, including the participation of women, youth and under-represented groups such as ethnic minorities, indigenous peoples and persons with disabilities.

CSOs promoting conflict prevention strategies: The UN may also provide technical and material assistance to CSOs engaged in promoting a credible and peaceful electoral process through initiatives focused on conflict prevention and management, transparency and accountability of the electoral process.

28. Support to CSOs must be designed and provided transparently, in an impartial and as much as possible equitable manner, and in a way which is and is perceived to be politically neutral.

29. Engagement with political parties: Assistance should be provided based on the recommendations of the needs assessment mission, which includes an assessment of potential risks relating to working with political parties in a certain context and would depend on the political circumstances in the country at hand. Activities in this area should focus on:

Multi-party thematic initiatives including political party liaison committees, women's political empowerment, the promotion of the electoral rights of persons with disabilities, ethnic minorities, indigenous peoples or conflict prevention including in the form of knowledge transfer or capacity building of parties through multi-party groupings (most likely seminars or workshops).

Support to the development of legal or institutional frameworks related to political parties and electoral processes, including gender-responsive measures.

Cross-party dialogue initiatives such as the facilitation of ongoing dialogue amongst parties to ensure they are talking to each other, addressing relevant issues and reducing conflict.

Strengthening the communication between the election authorities and the political parties.

Code of conduct development by encouraging political parties to create, adopt and respect a code of conduct during the election period.

In some circumstances, the UN may support the opening of political party resource centres or other means to provide infrastructure and equipment support for parties, including, for example, computer and other office supplies support. The provision of such support should be regulated, however, and given on a strictly neutral, balanced manner.

30. The UN should never provide direct funding to political parties or candidates and should generally not engage in electoral assistance activities relating more strictly to political party capacity development such as training parties on how to fundraise or build local branches or platform development. Exceptions could be supporting parties to develop women's wings or youth wings or with internal party regulations to ensure they reflect inclusiveness.

31. Activities in support of elected parliamentarians are outside of the remit of UN electoral assistance, but are however provided by UN entities in the broader governance assistance framework.

32. As with all electoral support, engagement with political parties must be designed and provided transparently, in an impartial and equitable manner and in a way which is and is perceived to be politically neutral.

33. Coordination of international electoral assistance: In most cases where the UN provides electoral assistance, a number of other international actors also provide assistance. The UN can play a role in creating and possibly leading a coordination mechanism, where requested by the

national authorities, among other international and regional organizations supporting or providing electoral assistance to ensure coherence and effectiveness of advice, reduce duplication and avoid gaps.

Examples: Technical assistance is by far the most common form of electoral assistance and has been provided to over 100 Member States.

(b) Observation

34. UN election observation entails the deployment of a mission to observe each phase of an electoral process and report back to the Secretary-General on the election's credibility.

35. The observation mission records and collates its observations to produce a comprehensive statement for and on behalf of the Secretary-General. This results in a general report that highlights strengths and weaknesses in the electoral process and provides recommendations for improvement. Observer missions generally result in a public statement by the UN on the quality of the election, although in some cases they can provide an internal report to the Secretary-General.

36. UN observer missions are generally large-scale operations, which should cover a sufficient number of election venues for the statement to meaningfully assess the electoral process and are therefore complex to organize. For example, long-term observers should ideally be in place several months before the election in order to observe voter registration, the campaign environment, and other pre-electoral processes and conditions as well as any post-election developments.

37. Because of the possible political impact of a UN statement on the credibility of an election, observation missions are not dispatched unless there is formal request from the government as well as an authorizing resolution by the General Assembly or the Security Council. To avoid a perception of a conflict of interest, the UN should in principle not observe elections in cases where it is providing electoral technical assistance. The two can be conducted simultaneously only if specifically mandated by the General Assembly and/or the Security Council and two different parts of the UN take on observation and technical assistance respectively. In general, other organisations have a comparative advantage in this field and the UN has been moving away from this activity.

Example: This type of activity is extremely rare. UN election observation missions have been fielded in several countries including Burundi in 2015 and Fiji in 2001.

(c) Expert panels

38. In special and relatively rare cases, at the request of a Member State, the UN has appointed a panel of political and/or electoral experts to follow and report on an electoral process. These expert panels entail the deployment of a small team of experts to follow and review specific phases of an electoral process conducted by the national authorities. Relying on its own observations as well as those of other international and national stakeholders, the expert panel assesses the overall political and technical conduct of elections, in accordance with its mandate and may, through the Focal Point, provide an internal report to the Secretary-General.

39. In undertaking this activity, the role of the panel should be unobtrusive, impartial and focused on carrying out an assessment of the electoral procedures and processes. The team should normally not publicly express its view on the electoral process. Rather, its findings must be reported back to the Secretary-General or the Focal Point. At the latter's discretion, recommendations formulated by the panel for the improvement of the electoral process may be transmitted back to the national authorities and/or made public.

40. While panels do not normally release public statements or assessments, public statements may be issued in special cases as a confidence-building measure, and the panel may take a more high-profile approach.

41. In this connection, an expert panel can also serve as a political/good offices tool, in that it can play a role in confidence-building and in shuttle diplomacy as needed. This is particularly the case where the expert panel is headed by senior diplomatic personnel, e.g., former heads of state.

42. No General Assembly or Security Council resolution is required to deploy an expert panel; a request from the government is, however, required.

43. Caution should be exercised if the UN deploys an expert panel in a country where technical electoral assistance is being provided by the UN system in order to prevent a conflict of interest. Expert panels must take care not to be, or be perceived to be, monitoring the technical assistance provided by the UN, but only the electoral process as managed by the national authorities. There should be no perception of a conflict of interest among UN entities. Any assessment of the election's overall credibility should as a rule remain confidential, unless it is deemed to be helpful, by the Focal Point or Secretary-General, to make it public in a given situation.

Examples: This type of assistance was provided in Nepal in 2008, in Sudan in 2011 and in Algeria subsequent to several requests from the government, in 2009, 2012, 2014 and 2017.

(d) Operational support to international observers

44. At the request of the Member State, the UN may establish a small secretariat to support international election observers invited by the government. The support provided consists of all administrative actions needed to implement the mission and can include contracting of personnel, procuring of office facilities, vehicles and other logistical items and the provision of a number of other services such as briefings on the electoral system and the political situation, providing deployment plans and checklists and facilitating the production of statements by observer groups. The primary goal is to contribute to the efficiency and effectiveness of an election observation effort.

45. Observers are briefed together to ensure a consistent approach and are invited, but not obligated to share their findings. This allows individuals and groups participating in the larger observer group to benefit from a more comprehensive view of the electoral process and prepare assessments based on more data than individual observations would provide. Organizations may issue joint or separate statements.

46. Due to the risk that the UN might be misperceived as having direct involvement in the actual observation and related statements, the following principles should be observed:

- the UN should only agree to provide operational support on request from a Member State;
- neither the UN nor the government will oblige observer groups to participate in this effort;
- the UN should maintain a low profile throughout this activity and should bar the use of the UN logo or name in any materials related to observer activities (including t-shirts, hats or vehicle decals, etc.) or in any of the observer statements or reports;
- the UN should not be a signatory to the observer reports or render an opinion on the electoral process or otherwise seek to influence observer findings or statements. If necessary, observer statements should make clear that they do not represent the views or opinions of the United Nations;
- UN staff should not be accredited as observers and should only be seen in polling stations on election day if there is a justified reason for their presence, as decided by the Special Representative of the Secretary-General (SRSG) or Resident Coordinator (RC), in consultation with the Focal Point.

47. This type of assistance can take place alongside UN technical assistance and does not require a Security Council or General Assembly mandate. Caution should be exercised, however, when these activities are undertaken in conjunction with technical assistance projects in order to avoid a perception of a conflict of interest. Where possible, a UN entity providing technical assistance to a country should not at the same time provide assistance to international observers in that same country; another UN entity may however assume that role.

Examples: This type of assistance was first provided in Ethiopia and Kenya in 1992 and has subsequently been provided in a number of countries such as Guinea-Bissau in 2004 and 2009. Most recently, such support was provided for in 2019 in Papua New Guinea.

(e) Support to creating a conducive environment:

48. The mandate of DPO and DPPA missions often includes provisions related to creating a conducive environment for the implementation of various tasks usually listed in their mandate. In countries where they have such a mandate, they may use their good offices and political role to contribute to creating a conducive environment for the holding of elections.

49. In some cases, UN staff, including UN political officers, are asked to follow the electoral process, including election day, to assess the political environment and report to headquarters.

50. Through their military, police and civilian presences, DPO missions may also help stabilize the security situation, which is essential for a conducive environment for elections, in collaboration with and drawing on resources of other UN entities as needed.

51. As per its mandate, OHCHR may also decide to monitor the human rights situation in a country, before, during and/or after an election and to conduct related advocacy with and provide advice to relevant stakeholders in order to promote an environment conducive to credible elections and the respect of relevant international standards.

52. As per its mandate, UN Women may also decide to monitor the situation regarding women's participation in a country, before, during and/or after an election in order to foster an environment conducive to inclusive elections and ensure the respect of relevant international and national standards.

53. Considering the importance of elections on peace building and reconstruction, relevant UN entities may consider facilitating the political engagement of refugees and internally displaced persons in the electoral process.

54. In specific circumstances such as countries in transition or at risk of violence, DPPA as the UN system lead for peace-making and preventive diplomacy may also assist with mediation, conflict prevention and good offices. Issues of hate speech and incitement to violence may also be of heightened concern during an election. Support of UN senior official efforts to reducing and managing election related violence may entail the deployment of UN staff or UN experts to the country to support existing UN electoral assistance efforts. These can include UN staff, in particular DPPA staff, UNDP staff, UNDP/DPPA, OHCHR staff, UNDP/DPPA Peace and Development Advisors (PDA) and /or other experts deployed to support the office of the RC. For issues related to gender-based violence and elections, UN Women should be consulted.⁵ In transitional and high-risk electoral violence situations, the UN system's, and in particular UNDP's, on-going programmes with a focus on governance, rule of law and conflict prevention and peacebuilding may contribute to lowering of tensions and mitigating risks, supporting the creation of a conducive environment. OHCHR may be consulted and may consider monitoring the situation or implementing other mandated tasks as necessary. The SRSG, or other representative of the Secretary-General, and in non-mission settings, the RCs in their capacity as representatives of the Secretary-General, may in close coordination with DPPA, play a mediation, conflict prevention and good offices role.

55. Furthermore, DPPA has created a Mediation Support Unit, which serves the entire UN system as well as Member States and regional organizations. It provides technical, logistical and financial assistance to mediation efforts. It includes a stand-by team of mediation experts who can be deployed within 72 hours and who have thematic expertise in a wide range of areas including process design, power-sharing, natural resource issues, constitutions, gender and security arrangements.

56. Gender-equality considerations are particularly important in post-conflict situations. As per Security Council Resolution 1325, electoral assistance programming should avail itself of the

⁵ In keeping with UN System Key Messages and Resources on Violence Against Women in Politics endorsed by the Executive Committee on 17 January 2020 (EC Decision 2020/02).

assistance of the Gender Advisors appointed within UN operations and staff on other relevant UN rosters with sector-specific gender expertise.

57. Finally, this type of support may also entail cooperation, sometimes through DPPA regional offices, with regional or international actors involved in supporting a conducive environment for the elections. Such forms of cooperation can take the shape of joint visits, joint declarations or participation in mediation or good offices fora (such as international contact groups).

58. In some cases, there is a risk that such types of activities, particularly human rights, gender and political monitoring, may be perceived as UN election observation. For this reason, it is important that the relevant UN entities providing such types of assistance emphasize their specific mandate, whether it be human rights, gender equality and women's rights or political and mediation support, and refrain from traditional election observation tasks, such as observing the technical aspects of the electoral process, including observation of polling and counting in the polling stations and issuing statements that assess the electoral process.

59. UN statements and public comments around elections can be important diplomatic tools, used to convey messages of calm or encouragement of a peaceful, orderly conduct. But they should be used strategically to avoid any misunderstandings about the UN's role, or be instrumentalized politically. Statements, if any, should not give a qualitative judgement on the validity of an electoral process or of the outcome, but should rather focus on the atmosphere of the process. Where the UN is involved in organising or conducting elections, verification/certification, observation, supervision, expert panels or support to creating a conducive environment, the Focal Point, through EAD, should be consulted during the development of the communications strategy and prior to the issuing of any statement or making of any comment on the process.⁶

Examples: This type of assistance has been provided in a number of countries, including the Central African Republic in 2015, the Democratic Republic of the Congo in 2018, Mali in 2018 and Bolivia in 2019 and 2020.

Other forms of assistance

60. The UN has also provided other types of assistance that have not been provided for many years and should be provided only after careful consideration. Three types noted below all require a General Assembly or Security Council mandate. They are:

- a) supervision;
- b) organisation and conduct of elections; and
- c) certification.

(a) Supervision of an electoral process

61. The term "supervision" was originally developed during the UN's involvement in referenda and elections in the context of General Assembly mandates related to decolonisation during the 1950s and 1960s. In that context, supervision varied according to the specific case, but ultimately had the objective to ensure that the right to self-determination was exercised. In implementing these mandates, the UN often established a supervision commissioner or small panel with authorities including: reviewing various aspects of the electoral legal framework; being closely associated with and sometimes approving steps in the management of electoral processes; and reporting or making some assessment of the vote to the mandating UN legislative organ.

62. Such assistance is very rarely provided. It can only be provided under a Security Council or General Assembly mandate. Within the meaning above, it has been undertaken only in the context of decolonization, at the request of the relevant government.

Example: The last elections supervised by the UN were in Namibia in 1989.

⁶ See UN policy: UN Statements and Public Comments around Elections.

(b) Organization and conduct of an electoral process

63. If the UN is mandated to organize and conduct an election or referendum, the organization assumes the role normally fulfilled by national electoral authorities. In such cases, the UN has full authority over the process. This mandate requires the establishment of a framework of laws, procedures and administrative measures necessary for the holding of elections, the establishment of an institutional structure and the actual administration of the electoral process.

64. Due to the primacy of the principle of national ownership, this type of assistance is very rarely mandated and is unlikely to be undertaken except in special post-conflict, decolonisation or state-building situations characterized by insufficient national institutional capacity.

65. This type of mandate is only possible via a Security Council or General Assembly resolution, which should be based on the agreement of the relevant government to cede this sovereign activity to the control of the UN.

Examples: The United Nations Transitional Authority in Cambodia (UNTAC) was responsible for the organization and execution of national elections in Cambodia in May 1993 as part of the Agreements on the Comprehensive Political Settlement of the Cambodia Conflict. The United Nations Transitional Authority in Eastern Slavonia, Baranja and Western Sirmium (UNTAES) was requested to organize elections for all local government bodies in April 1997 in cooperation with Croatian authorities. The United Nations Mission in East Timor (UNAMET) was requested to organize and conduct the popular consultation in 1999. Subsequent presidential and parliamentary elections in East Timor in 2001 and 2002 were organized and conducted by the UN under the mandate of the United Nations Transitional Administration in East Timor (UNTAET).

(c) Certification of an electoral process

66. In the case of certification operations, the UN is requested to certify the credibility of all or specific aspects of an electoral process conducted by the national election authority. This used to be referred to also as “verification” and both terms, “verification” and “certification”, have been used for this type of assistance.

67. In such cases, the UN is required to produce a final statement attesting to an election’s credibility. In order to issue such a statement, certification operations must cover all relevant aspects of an electoral process conducted by the national authorities. Certification therefore requires early engagement by the UN. In undertaking its activities, the UN may recommend ways in which the process may be improved. Depending on the type of mandate, the certifier will have several tools at her/his disposal to encourage or ensure compliance with her/his recommendations.

68. Certification missions must be mandated by the Security Council or General Assembly and are rarely authorized. Such assistance concludes with a pronouncement on the legitimacy of the electoral process. It is therefore a very sensitive mandate and is considered only on a limited and exceptional basis, usually only when it is deemed absolutely necessary to contribute to political stability or preserve a peace process. Caution should be exercised if the UN is mandated to certify elections in cases where technical electoral assistance is being provided by the UN system in order to prevent a conflict of interest. Only if specifically mandated by the General Assembly and/or the Security Council should the UN both certify elections and provide technical assistance to one country simultaneously.

Examples: Verification missions were mostly conducted in the early 1990s, such as in Angola, El Salvador, Haiti, Nicaragua, South Africa and Mozambique. Certification was carried out in Cote d’Ivoire in 2010 and Timor-Leste in 2007.

Variations in and possible combinations of different types of assistance

69. A number of different types of assistance can be offered at any given time in one country. As already noted above, particular attention should be paid in those circumstances where concurrent

activities are being undertaken to avoid the perception of a conflict of interest. In particular, if one UN entity is providing technical assistance, this same entity should whenever possible not engage in other types of assistance such as observation, operational support to international observers, supervision or verification/certification. These assistance activities are subject to the parameters set by a needs assessment.

C4. Principles of UN Electoral Assistance

70. UN practice in providing electoral assistance has evolved in response to a number of developments. These include: the evolution of the organization, changing demands and requests from Member States, the increase in the number of other entities offering electoral assistance, socio-economic changes, developments in national and international law, various Security Council and General Assembly resolutions and better understanding of good practice and lessons learned.

71. The types and circumstances of UN electoral assistance will no doubt continue to evolve and will always depend on the specific context. However, regardless of the context and the circumstances, the UN must adhere to the relevant international rights and standards and is guided by a number of principles when providing electoral assistance.

72. The Focal Point has the GA-mandated responsibility to ensure that UN assistance adheres to these principles.

a - Respect for human rights

73. Successive General Assembly resolutions have emphasized the importance of respecting human rights, most recently A/RES/74/158 of 17 January 2020 reaffirms that “the promotion and protection of human rights and fundamental freedoms at the national and international levels should be universal and conducted without conditions attached and that the international community should support the strengthening and promotion of democracy, development and respect for human rights and fundamental freedoms in the entire world”⁷.

74. UN electoral assistance should respect and aim at furthering compliance with international human rights and standards applicable to given countries. Any restrictions or limitations on or derogations from fundamental freedoms should be in conformity with human rights obligations, norms and standards.

b - National sovereignty and ownership

75. General Assembly resolution A/RES/74/158 reaffirms that UN Member States are responsible for organizing, conducting and ensuring free and fair electoral processes and that in the exercise of their sovereignty, they may request assistance.

76. UN electoral assistance should therefore only be provided on the basis of a request from a Member State or a Security Council or General Assembly mandate. To ensure national sovereignty is respected, if the electoral mandate stems from a Security Council or General Assembly resolution, the UN should still encourage the country to separately request electoral assistance as an expression of national will to have the UN associated with the electoral process.

77. UN electoral assistance should also promote national ownership of the electoral process by the Member State. While providing electoral assistance, UN electoral assistance providers can propose options to the State and election authorities, but must in the end respect their decisions.

78. Exceptions to this principle would be when the UN has received a mandate from the Security Council or General Assembly to organize, certify or supervise an electoral process.

c - Objective, impartial, neutral and independent

⁷ A/CONF.157/23 (Part 1), chap III, para. 8. Also see A/RES/74/158.

79. General Assembly resolution A/RES/74/158 reaffirms that electoral assistance provided by the UN should be carried out in an objective, impartial, neutral and independent manner.

80. This means, inter alia, that the UN will not provide assistance that might favour one political group or disadvantage another and will uphold the free expression of the will of the people. UN personnel will not seek or accept instructions or compensation from any external source while performing their duties.

d - Broad national support for UN involvement

81. Following from the above principle on sovereignty, the UN must assess whether there is broad national support for UN involvement before engaging in electoral assistance.

82. During the needs assessment, support for UN involvement in electoral assistance should be assessed with as many interlocutors as possible, including institutions of government, opposition groups, CSOs, women's groups, persons with disabilities, youth and minority groups and other traditionally under-represented or marginalised groups. The parameters of UN electoral assistance should be shaped based on these findings, keeping in mind that some activities may receive additional emphasis. Broad national support for UN involvement in electoral assistance should continue to be gauged throughout the implementation of UN electoral assistance.

83. UN electoral assistance should promote inclusivity and national ownership of the electoral process, not only by the State or the national electoral authorities but also by the broader society that will participate in, have an impact on and/or be impacted by the elections.

e - Needs based

84. General Assembly resolution A/RES/74/158 recommends that the UN continue to provide technical advice and other assistance to requesting States and electoral institutions in order to help to strengthen their democratic processes based on a needs assessment and in accordance with the evolving needs of requesting Member States.

85. All UN electoral assistance should be based on an assessment of needs. Needs assessments are led by EAD and conducted in consultation with appropriate UN entities. Modalities for needs assessments for UN electoral assistance are detailed in the guideline entitled *United Nations Electoral Needs Assessments*.

f - Norm-based but not prescriptive to respect the local context

86. While democracies share common features, General Assembly resolution A/RES/74/158 has reaffirmed that there is no single model of democracy.

87. Electoral assistance is provided with the understanding that there is no "one size fits all" model or solution. A comprehensive analysis of the national social, economic and political context combined with a thorough analysis of needs should guide the type of advice that is provided. To the extent possible, options and the consequences of each should be presented for consideration.

88. Various UN actors provide electoral advisory services to Member States and other stakeholders in line with their mandates, including on options, lessons and comparative experiences and in line with UN electoral policy. While the UN should generally not be prescriptive, this does not prevent the UN from advising the requesting state on the implementation of its own international and regional commitments, norms and principles with respect to elections and on the need for transparency, inclusiveness, and accountability, which are likely to increase the credibility of the electoral process.

89. Electoral advisory services of a prescriptive nature should be consulted with DPPA, if there is no specific UN policy, if the policy is unclear or in situations of armed conflict, heightened political instability, social unrest or heightened reputational risk for the UN.

g - Political perspective and the management of election-related conflict

90. Elections are fundamentally political events where political power is allocated based on the decisions of citizens based on voting processes. UN electoral assistance must therefore be cognizant of this fact and sensitive to its implications.

91. The UN must ensure that it is, and is perceived to be, politically neutral and that its assistance contributes to political pluralism and longer-term stability and is not abused by any political grouping or used as a cover for electoral processes that do not allow for political pluralism or real competition.

92. Assistance aims to facilitate maximum political participation and contribute to longer-term political stability. Due consideration must therefore be given to the political context, how to involve all political groupings and viewpoints, how to promote participation, including of marginalized groups, how to establish adequate dispute resolution mechanisms and promote the acceptance of outcomes.

93. A risk analysis, including risks to the organization and a conflict prevention and mitigation strategy should be incorporated into all needs assessment missions and project documents.

h - Integration

94. As per Decision No 2010/23 of the Secretary-General (12 October 2010 meeting of the Policy Committee), all electoral assistance in peacekeeping, peacebuilding, or special political mission settings should be delivered in a fully integrated manner from the outset, whether or not the mission is structurally integrated. Furthermore, as a norm, and subject to existing guidance on integration⁸, electoral components in structurally integrated missions should report to the SRSG or mission head through the Deputy SRSG who also serves as the RC.

95. In non-mission settings, effective mechanisms should be established to ensure coordination, coherence, consistency and collaboration and avoidance of duplication in UN electoral assistance. The RC leads and enables the work of the UNCT to ensure effective coordination of country-level activities.

i - Broader and longer-term focus

96. General Assembly resolution A/RES/66/163 recommends that UN electoral assistance is provided throughout the timespan of the entire electoral cycle, including before and after elections, as appropriate, based on a needs assessment and in accordance with the evolving needs of requesting Member States, in order to help to strengthen their democratic processes and institutions.

97. UN electoral assistance will thus be provided with a longer-term perspective that focuses on building sustainable and credible national institutions and processes and with the aim that in the future, electoral processes will be entirely nationally managed.

98. With this aim in mind, the assistance will facilitate and promote an understanding, by both the electoral authorities and all other stakeholders, of the broader nature of electoral processes including all the constituent parts and phases, the interrelation with political, social and economic issues, the role of all stakeholders and both the short and the longer-term considerations and objectives.

99. In addition to focusing on particular electoral events, the assistance should help the electoral authorities and other stakeholders to identify future needs and how these can be addressed while increasingly building national capacity and institutional and political stability and at the same time progressively scaling down external electoral assistance. While ensuring a long-term approach, UN assistance is nonetheless provided in a specific timeframe, after which a new request is required (unless there is a Security Council or General Assembly mandate).

j - Gender responsive electoral assistance⁹

⁸ UN Policy: Integration of United Nations Electoral Assistance in Mission Settings.

⁹ UN Policy: Promoting Women's Electoral and Political Participation through UN Electoral Assistance.

100. Article 7 of the Convention on the Elimination of All Forms of Discrimination against Women states that parties shall take all appropriate measures to eliminate discrimination against women in the political and public life of the country and, in particular, shall ensure to women, on equal terms with men, the right to vote in all elections and public referenda and to be eligible for election to all the publicly elected bodies¹⁰.

101. UN electoral assistance will take into account the barriers and constraints that women face to participate in elections, including legal and institutional barriers, financial constraints and targeted gender-based violence¹¹, security constraints, discrimination based on gender stereotypes and constraints caused by the burden of unpaid domestic and care work and employment in informal sectors, and should fully mainstream a gender perspective into all aspects of electoral assistance, including by:

- considering the specific needs of women and girls in the policy development and, implementation in all areas;
- reviewing the differential impacts of electoral systems giving rigorous assessment to the potential benefit of temporary special measures given the particular country context
- Reviewing the differential impacts of electoral administration on the political participation of women and their representation in elected bodies;
- incorporating the perspectives, contributions and experience of women's organizations and gender equality advocates in policy and programme development.

102. Gender-equality considerations are particularly important in post-conflict situations. As per Security Council Resolution 1325, electoral assistance programming should avail itself of the assistance of the Gender Advisors appointed within UN operations and staff on other relevant UN rosters with sector-specific gender expertise.

k - Promote inclusiveness, including the involvement of under-represented or marginalized groups

103. While providing electoral assistance and recognizing that there are many stakeholders in any electoral process, the UN should try to be responsive to the needs, requests and demands of each, the ultimate goal of UN electoral assistance should be to facilitate the expression of the will of the people and promote universal and equal suffrage. This involves advice on how this can be achieved in a general sense and also through targeted interventions to address specific needs and groups.

104. In furtherance of its aim to facilitate and promote universal and equal suffrage, UN electoral assistance seeks to promote the involvement of under-represented or marginalized groups in electoral processes. Those groups can include women, youth, minorities, persons with disabilities, people in rural areas and areas that are difficult to access, migrants and refugees, and other populations that are vulnerable because of poverty or illiteracy, or other reasons. Nevertheless, making provisions for citizens abroad could be a factor in strengthening the credibility of a process. Whether or not to make arrangements for the exercise of political rights abroad is best decided by the Member State concerned, after thorough national consultations, and taking into consideration factors such as the size of the population in question, the costs involved, agreements with host countries and security and operational challenges.

105. UN electoral assistance should provide support to the development of policies and the implementation of appropriate measures to promote the participation of under-represented, marginalized and/or displaced groups in electoral processes. This will include measures specific to electoral events, temporary special measures, and longer-term programmes.

¹⁰ The equal participation of women and their access to positions of political leadership and decision-making at all levels are fundamental to achieving gender equality, as enshrined in the Convention on the Elimination of All Forms of Discrimination against Women (art. 2) of 1979 and reaffirmed in Goal 5 of the Sustainable Development Goals.

¹¹ Both election observation and violence monitoring programmes provide key opportunities for collecting information on violence against women in elections. By integrating gender dimensions and monitoring violence against women in elections during observation missions, data on violence against women in elections could be systematically collected and published in election reports. (SR VAW report - A/73/301, para. 38). For key recommendations, see A/73/301, para. 86 (a).

I - Use of new technology in elections.

106. General Assembly resolution A/RES/74/158 recognizes that electoral assistance, particularly through appropriate, sustainable, accessible and cost-effective electoral technology, can facilitate full access for persons with disabilities and support the electoral processes of developing countries. The UN may assist Member States with the introduction and implementation of new technologies in their electoral processes, including addressing the challenges and threats posed by such tools. Such support should be provided through a balanced approach, one that recognizes that there is nothing inherently negative about digital technology but to recognize and understand challenges of introducing innovations in electoral processes. Ample time should be taken to consider the technical, financial and political feasibility of the innovation through a broad consultative process and gradually introducing new technology to allow for thorough testing and adjustment.

m - Cost-effectiveness

107. UN electoral assistance should be cost effective for Member States and donors, and should aim to contribute to longer term sustainability of electoral processes in the recipient country, in light of its other developmental and budgetary responsibilities and requirements.

108. When defining areas for assistance, the UN should always consult and coordinate with other international providers of electoral assistance to avoid duplication, increase synergies and try to ensure that there are no gaps in the provision of international assistance. In these undertakings, the UN will endeavour to identify areas where it, and other organizations have comparative advantage and, by agreeing on responsibilities on this basis, provide cost effective assistance and respond to the needs in an effective way.

n - Sustainability

109. General Assembly resolution A/RES/66/163 also notes the importance of adequate resources for the administration of efficient and transparent elections at the national and local levels, and recommends that Member States provide adequate resources for these elections.

110. In the design of assistance programmes and the provision of advice, consideration must be given to the fact that in the longer term, the country itself will need to manage and fund all electoral processes. Any assistance and advice, including on systems to be used (for example voter registration systems), or programmes to implement (for example funding of civil society groups), should incorporate advice on the longer-term considerations and costs for adopting certain options.

111. UN electoral assistance should always be provided with full national management as an intrinsic goal. Capacity-development and knowledge transfer should be a core tenet of any UN electoral assistance. Peer-to-peer tutoring, training and capacity development will therefore be central to any electoral assistance programme.

112. From the onset, to the extent possible, all UN electoral assistance planning should consider an exit strategy for the UN, including a tentative timetable towards the ultimate cessation of assistance.

E. REFERENCES

113. Normative or superior references

International Legal Documents as referred to in the Annex;
General Assembly Resolution A/RES/74/158;
Report of the Secretary-General A/74/285 of 6 August 2019 on Strengthening the role of the United Nations in enhancing the effectiveness of the principle of periodic and genuine elections and the promotion of democratization.

114. Related guidance

Guideline: United Nations Electoral Needs Assessments

Policy: UN Support to International Election Observers

Policy: UN Electoral Assistance: Supervision, Observation, Panels and Certification

Policy: Promoting Women's Electoral and Political Participation through UN Electoral Assistance

Policy: Integration of United Nations Electoral Assistance in Mission Settings

Policy: UN Statements and Public Comments around Elections

Policy: Conduct of UN Personnel in and around Electoral Sites

F. MONITORING AND COMPLIANCE

115. The Focal Point is tasked with ensuring coordination within the UN system with regard to electoral assistance and will therefore help to ensure that the principles outlined in this document are adhered to.

116. Managers of UN electoral assistance programs and projects will also be responsible to ensure compliance with this policy by all UN electoral staff under their supervision.

G. CONTACT

117. Policy and Institutional Memory Team, Electoral Assistance Division, Department of Political and Peacebuilding Affairs

H. HISTORY

118. Drafted by the Policy and Institutional Memory Team, Electoral Assistance Division, Department of Political Affairs on 1 May 2012 and revised on 1 March 2021.

119. Consulted with members of the ICMEA prior to adoption.

APPROVAL SIGNATURE: *Rosemary A. DiCarlo*

Rosemary A. DiCarlo, UN Focal Point for UN Electoral Assistance Matters, Under-Secretary-General for Political and Peacebuilding Affairs

DATE OF APPROVAL: 3 March 2021

Annex A: International Normative Framework: Human Rights Related to Electoral Processes

1. The Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and other international and regional human rights instruments protect a number of basic rights and principles, the enjoyment and guaranty of which are crucial to a meaningful electoral process. They recognize and protect the right of every citizen to take part in the conduct of public affairs, the right to vote and to be elected, and the right to have equal access to public service. The Universal Declaration of Human Rights further states that the will of the people shall be the basis of the authority of government. Of particular importance for the exercise of the participatory rights guaranteed in article 25 of the ICCPR are the enjoyment of the freedoms of expression, of information, of assembly, of association and of movement; freedom from coercion, compulsion or intimidation, an independent scrutiny of the voting and counting process, respect and implementation of the results, as well as access to judicial review wherever required.¹²

2. The most relevant rights pertaining to electoral processes are as follows:

Universal Declaration of Human Rights

Article 21

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 to 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.

International Covenant on Civil and Political Rights

Article 25

Every citizen shall have the right and the opportunity, without any of the distinctions mentioned in article 2 and without unreasonable restrictions:

(a) To take part in the conduct of public affairs, directly or through freely chosen representatives;

(b) To vote and to 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.

General Comment 25 of the UN Committee on Human Rights on “The right to participate in public affairs, voting rights and the rights to equal access to public service” provide further guidance on the interpretation of article 25 of the International Covenant on Civil and Political Rights.

Non-discrimination

3. Both the Universal Declaration of Human Rights (art. 2) and the International Covenant on Civil and Political Rights (art. 2) provide that the enjoyment of the rights listed shall be 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.

4. In particular the International Convention on the Elimination of All Forms of Racial Discrimination states that:

Article 5

c) “In compliance with the fundamental obligations laid down in article 2 of this Convention, States Parties undertake to prohibit and to eliminate racial discrimination in all its forms and to guarantee

¹² For details see GC No. 25 of the Human Rights Committee on “The right to participate in public affairs, voting rights and the right of equal access to public service”, fifty-seventh session, 1996.

the right of everyone, without distinction as to race, colour, or national or ethnic origin, to equality before the law, notably in the enjoyment of the following rights: [...]

(c) Political rights, in particular the right to participate in elections-to vote and to stand for election-on the basis of universal and equal suffrage, to take part in the government as well as in the conduct of public affairs at any level and to have equal access to public service;”

Other international declarations and treaties provide for the equal enjoyment by women of these rights, and outlaw discrimination on the basis of sex. These declarations and treaties also recognize that women face structural constraints to political participation in elections and that special measures are needed in certain contexts to provide women with equal opportunity and treatment. Notably the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW):

Article 4

1. Adoption by States Parties of temporary special measures aimed at accelerating de facto equality between men and women shall not be considered discrimination as defined in the present Convention, but shall in no way entail as a consequence the maintenance of unequal or separate standards; these measures shall be discontinued when the objectives of equality of opportunity and treatment have been achieved.

Article 7

States Parties shall take all appropriate measures to eliminate discrimination against women in the political and public life of the country and, in particular, shall ensure to women, on equal terms with men, the right:

(a) To vote in all elections and public referenda and to be eligible for election to all publicly elected bodies;

(b) To participate in the formulation of government policy and the implementation thereof and to hold public office and perform all public functions at all levels of government;

5. As regards persons with disabilities, the Convention on the Rights of Persons with Disabilities states:

Article 29

States Parties shall guarantee to persons with disabilities political rights and the opportunity to enjoy them on an equal basis with others, and shall undertake to:

(a) Ensure that persons with disabilities can effectively and fully participate in political and public life on an equal basis with others, directly or through freely chosen representatives, including the right and opportunity for persons with disabilities to vote and be elected, inter alia, by:

(i) Ensuring that voting procedures, facilities and materials are appropriate, accessible and easy to understand and use;

(ii) Protecting the right of persons with disabilities to vote by secret ballot in elections and public referendums without intimidation, and to stand for elections, to effectively hold office and perform all public functions at all levels of government, facilitating the use of assistive and new technologies where appropriate;

(iii) Guaranteeing the free expression of the will of persons with disabilities as electors and to this end, where necessary, at their request, allowing assistance in voting by a person of their own choice;

(b) Promote actively an environment in which persons with disabilities can effectively and fully participate in the conduct of public affairs, without discrimination and on an equal basis with others, and encourage their participation in public affairs, including:

(i) Participation in non-governmental organizations and associations concerned with the public and political life of the country, and in the activities and administration of political parties;

(ii) Forming and joining organizations of persons with disabilities to represent persons with disabilities at international, national, regional and local levels.

Self-determination

6. The notion of democratic elections may be said to be rooted in the fundamental concept of self-determination. This basic right is recognized in the Charter of the United Nations (Art. 1, para. 2) and in article one common to the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights. The right of self-determination is of particular importance because its realization is an essential condition for the effective guarantee and observance of individual human rights and for the promotion and strengthening of those rights. By virtue of that right all peoples freely "determine their political status and freely pursue their economic, social and cultural development".¹³ The Charter further emphasizes the importance of self-determination in regard to Non-Self-Governing and Trust Territories (Arts.73 (b) and 76 (b)). Thus, while elections are not the sole means that peoples have employed in the expression and exercise of their right to self-determination, their historical role in that regard is clear.

Political participation

7. A number of international instruments¹⁴, while not necessarily specifically mentioning elections, do reflect the principal concerns underlying the concept of democratic elections. These are expressed variously as the right of peoples freely to determine their political status; the right of all elements of society to active participation in defining and achieving development goals; and the right of all people to participate in the political life of their country.

8. Specifically, the Convention on the Political Rights of Women aims to implement the principle of equality of rights for men and women contained in the Charter of the United Nations and to equalize the status of men and women in the enjoyment and exercise of political rights, in accordance with the provisions of the Charter of the United Nations and of the Universal Declaration of Human Rights:

Article 2

Women shall be eligible for election to all publicly elected bodies, established by national law, on equal terms with men, without any discrimination.

Article 3

Women shall be entitled to hold public office and to exercise all public functions, established by national law, on equal terms with men, without any discrimination.

9. The role of these rights in the achievement of independence by colonial countries is framed in the Declaration on the Granting of Independence to Colonial Countries and Peoples (art. 5), which provides that the freely expressed will and desire of the people shall guide the transfer of governmental power to them.

Participation of Women

UN General Assembly Resolution on Women and Political Participation (2011).

¹³ See General Comment No. 12 of the Human Rights Committee on "The right to self-determination of peoples", (art. 1 of the ICCPR), twenty-first session, 1984.

¹⁴ These include the Universal Declaration of Human Rights (art. 21); the International Covenant on Economic, Social and Cultural Rights (art. 8); the International Convention on the Elimination of All Forms of Racial Discrimination (art. 5 (c)); the Convention on the Elimination of All Forms of Discrimination Against Women (arts. 7 and 8); the Convention on the Rights of the Child (art. 15); the Convention on the Rights of Persons with Disabilities (arts. 4 (3), 29, 33 (3)); the International Convention on the Protection of All Migrant Workers and Members of Their Families (arts. 41 and 42); the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities (art. 2 (2)); the United Nations Declaration on the Rights of Indigenous Peoples (arts. 5 and 18); the Durban Declaration and Programme of Action (art. 22); the Declaration on the Rights to Development (arts 1.1, 2 and 8.2); and the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms (art. 8). At the regional level, equal political rights are protected in several instruments, including Protocol No. 1 to the European Convention for the Protection of Human Rights and Fundamental Freedoms (art. 3), the American Convention on Human Rights (art. 23) and the African Charter on Human and Peoples' Rights (art. 13).

Article 2 calls on all States to eliminate laws, regulations and practices that, in a discriminatory manner, prevent or restrict women's participation in the political process.

Convention on the Political Rights of Women (1953)

Articles I-III state that women shall be entitled to vote in all elections, shall be eligible for election to all publicly elected bodies, and entitled to hold public office and exercise public functions on equal terms with men, without any discrimination.

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

Article 7 protects women's right, on equal terms with men, to vote in all elections and public referenda and to be eligible for election to all publicly elected bodies; to participate in the formulation of government policy and the implementation thereof; and to hold public office.

Annex B: United Nations (UN) Support to Election Situation Rooms

This policy became effective on 20 November 2018 upon approval by the UN Focal Point for Electoral Assistance as addendum (ref FP/01/2012/Add.1) to the UN Policy on the Principles and Types of Electoral Assistance. It was drafted by the Policy and Institutional Memory Team, Electoral Assistance Division, and consulted with members of the Inter-Agency Coordination Mechanism for Electoral Assistance prior to adoption. It has been incorporated into the UN Policy on the Principles and Types of Electoral Assistance as an annex during the policy revision process on 1 March 2021.

A. PURPOSE

1. This annex to the UN Policy on the Principles and Types of Electoral Assistance offers guidance on UN support to election situation rooms. It should be read in conjunction with that policy.

B. SCOPE

2. The policy applies to all entities of the UN system and UN personnel with respect to activities that touch on electoral processes. United Nations is understood to refer to the entire UN system that is all UN departments, funds, programmes, entities, trust funds, commissions, peacekeeping missions, special political missions, peacebuilding missions, country offices and other bodies. Activities that touch on electoral processes include all activities as detailed in the Policy on "Principles and Types of UN Electoral Assistance".

C. RATIONALE

4. UN electoral assistance is provided under a framework established by the General Assembly. The Under-Secretary-General for Political Affairs is the system lead in the development, issuance and dissemination of UN electoral policy. This policy has been developed to provide structure and guidance to how the UN should engage with election situations rooms to ensure mitigation of potential risks that may be associated with the entity's engagement.

D. POLICY

D1. Background

5. For purposes of this policy, election situation rooms (ESRs), including women's situation rooms (collectively referred to here as ESRs, even if the terminology may differ country to country) are described as initiatives of civil society (sometimes in collaboration with other stakeholders such as governments, private sector, etc.) to promote the peaceful conduct of elections – including promoting women's electoral participation and addressing violence against women.

6. While their activities and approaches vary from country to country, they typically involve the monitoring of some aspects of an electoral process. Normally ESR functions differ from traditional domestic electoral observation although they sometimes opt to seek accreditation as election observer groups and at times have engaged in parallel vote tabulation. ESRs often engage in mobilizing, training and deploying monitors or formally accredited election observers. They also often involve a physical space, or room, where news, reports and information are gathered, analysed and shared with different stakeholders. This can include notifying responsible authorities of reports of irregularities or allegations and/or referring complaints to them. Many ESRs put an emphasis on coordinating public messages among their participants, as well as on coordinating civil society efforts to respond to (or give early warnings about) crises. Prominent civil society leaders are often affiliated with ESRs, lending their voice and authority to coordinated civil society messages and responses.

7. An ESR is one of a number of initiatives and mechanisms that may be part of a broader effort to contribute to objectives that are also pursued by the UN, such as the promotion of women's

political participation, and the prevention of electoral violence, including violence against women. At the same time, support to such initiatives may carry a risk of being perceived as UN election observation, which requires a mandate from the Security Council or General Assembly.

D2. Approach to UN Engagement with Election Situation Rooms

8. UN technical and material assistance aimed at strengthening the capacity of ESRs to promote inclusive electoral processes, or to promote peaceful electoral processes through initiatives focused on conflict prevention and management, transparency and accountability of the electoral process, constitutes a form of assistance within the meaning of the UN Policy on the Principles and Types of Electoral Assistance.

9. Requests for UN technical and material assistance to such ESRs should therefore be considered within the context of the UN electoral framework. That includes a decision by the UN focal point for electoral assistance after assessing relevant needs. (UN advocacy, or support to civil society advocacy, for youth and women's rights and political participation, as well as broader UN efforts to support the creation of a conducive environment for an election, do not require the approval of the UN Focal Point if no electoral assistance is involved.)

10. In cases where UN technical support to ESRs is being contemplated, the nature of the support will be articulated in the needs assessment report. If approved, it must be designed and provided transparently, in an impartial and as much as possible equitable manner, and in a way which is, and is perceived to be, politically neutral. In the case of possible support to a women situation room, the assessment would consider the extent to which such a room addresses the gender dimensions of the elections.

11. When the Focal Point recommends the provision of support to ESRs, UN personnel should avoid the impression that the UN is observing an election if no such observation mandate exists. They should not engage in activities that may lead to such misperception, in particular involvement in the actual deployment of the observation mission, assisting with drafting reports or participating in the implementation of domestic observation or entering an electoral site in and around election day. The UN should also not be associated with parallel vote tabulation activities and should generally maintain a low profile in provision of support to initiatives engaged in domestic observation activities. Further guidance is articulated in the Policy on Conduct of UN personnel in and around electoral sites.

12. The UN logo or name should not be used in any statements or other materials published by an ESR that are related to traditional electoral observation activities, for example if they involve comments on the quality of an election or its outcome. This is to avoid any impression that the UN endorses those comments. Publications of an ESR supported by the UN should make clear that they do not necessarily represent the views of the UN, and that the ESR is operating independently of the UN.