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**Enhancing Women's Participation in Electoral Processes in Post-
Conflict Countries**

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Background paper

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ENHANCING WOMEN'S PARTICIPATION IN ELECTORAL IN POST-CONFLICT COUNTRIES

1. Introduction

1.1 This paper has been prepared as a contribution to the discussion on this topic which will take place at the Expert Group Meeting, convened by the Office of the Special Adviser on Gender Issues and Advancement of Women, United Nations, to be held at Glen Cove, N.Y., from 19-22 January 2003. It addresses four specific issues:

- (i) characteristics of electoral processes in post-conflict countries;
- (ii) sources of international standards for women's participation in electoral processes;
- (iii) challenges and dilemmas faced by international bodies involved with post-conflict electoral processes; and
- (iv) mechanisms for strengthening women's participation.

1.2 The paper does not seek or purport to provide an exhaustive analysis of any of these issues, or of the literature arising from them; it is rather intended to provide an initial framework for their detailed discussion by the meeting's participants. It focuses in particular on the role and responsibilities of those international bodies, such as the United Nations, the Organization for Security and Cooperation in Europe (OSCE), and the Commonwealth Secretariat, which have become heavily involved with electoral processes in post-conflict countries in the last 25 years.

1.3 Of the issues listed at paragraph 1.1, (i) and (iii) relate less directly to the situation of women than (ii) and (iv). Issues (i) and (iii) are however explored at some length, as they are significant for the extent of influence which international bodies are able to bring to bear in post-conflict situations.

2. Characteristics of electoral processes in post-conflict countries

2.1 It needs to be said at the outset that post-conflict electoral processes are not all the same. They may, for example, vary from cases in which a conflict is still actually underway, either throughout a country or in most parts of it (e.g. the popular consultation in East Timor in 1999), to those in which an unsteady accommodation between parties has been achieved (e.g. Cambodia in 1992-93), to those in which a relatively stable peace is to be consolidated by a transitional election leading to a return to normal government (e.g. Namibia in 1989, and East Timor in 2001). They may vary from cases in which an international body is explicitly mandated to organise, supervise and control, or verify an entire electoral process (eg all of the cases just cited), to those in which international

bodies have only a limited mandate (e.g. the elections to be held in Afghanistan under the 2001 Bonn Agreement). They may vary from cases in which there is an international, neutral security force (e.g. Cambodia in 1992-93) to those in which there is no neutral guarantor of security (e.g. East Timor in 1999).

2.2 Regardless of these variations, however, the experience of the last 25 years has been that elections in post-conflict situations typically proceed in an environment which contrasts radically with that which prevails in established democracies. The extent and nature of the differences will vary from case to case, depending on the sorts of factors mentioned in paragraph 2.1. The following differences seem particularly likely to impact on women's participation in electoral processes.¹

- (i) Elections as a peacebuilding mechanism - Perhaps most importantly of all, elections in established democracies do not have a peace building dimension: they are only in the most theoretical sense a conflict resolution mechanism. In post-conflict situations, on the other hand, election processes are often expected to play an important role in the transition to more normal forms of politics, particularly when they represent a fundamental part of a post-war settlement. In such circumstances, the "success" of an election may well be judged not according to the criteria which normally apply in established democracies, but rather according to the extent to which it has contributed to a political process of ending conflict. Elections in an established democracy essentially determine who will govern for the next governmental or parliamentary term, and in some cases the relative strength, during that term, of the executive and legislative branches. In post-conflict situations, on the other hand, the outcome of an election process may well determine whether a democratic system of government will prevail, or whether conflict will resume.
- (ii) Fragility of democratic commitment - Second, it is one of the defining characteristics of an established democracy that there is a strongly shared societal commitment to democracy as an end in itself: the long-term benefits of living in a democratic society are widely, if not necessarily deeply, understood, and a successful democratic process is generally seen as being of greater importance than the achievement of any particular outcome. This is often not the case in post-conflict situations: commitment to democratic processes is often shallow at best, particularly among political elites. This weakness of commitment can find expression in a number of different ways.
 - (a) Political players may be prepared to subvert the democratic process if they think doing so will serve their short-term interests, while they

¹ The following text is drawn extensively from Michael Maley, "Transplanting Election Regulation", *Election Law Journal*, vol. 2, no. 4, 2003, pp. 479-497, especially pp. 485-492. That paper discusses a number of additional differences not mentioned here, including: fragility of electoral procedures and administration; unclear concepts of citizenship; weak, under-resourced or politicised state structures; cash economies; and limited availability of resources.

simultaneously profess a commitment to democratic values. Voters for their part may doubt the possibility or value of democratic change, and may instead see benefit in selling their votes, motivated not only by the direct profit involved, but also by the opportunity to demonstrate their fealty to their patrons. Sometimes the fragility of democratic commitment is manifested not in the deliberate subversion of processes, but by inclusion in constitutional arrangements of traditional governance mechanisms: if traditional authority is seen as important in a society, this may be thought necessary to ensure the perceived legitimacy of the overall system of government.

- (b) In post-conflict situations, election security is often a major concern. In a high-stakes election, parties are likely to be more inclined to do whatever it takes to win, which may include violent intimidation. Party supporters often include recent combatants, who may or may not have been disarmed, and who may, in the worst cases, constitute paramilitary forces who have been fighting for years, who have a strong sense of the righteousness of their own cause, and who are most unwilling to see the sacrifices they have made in the struggle lost (as they see it) through the ballot box.
- (c) Major political players may threaten to withdraw from an election process if they are dissatisfied with some aspect of it. Even if such a threat is not accompanied by intimations of violence, the absence of a major participant is likely to compromise the perceived legitimacy of an election in a post-conflict situation.
- (d) In the worst case, political players may refuse to recognise election results. In post-conflict situations, major efforts are often required to ensure acceptance of election results, especially by sub-national actors such as clans, tribes, militias, or military forces. Often the sub-national actors will represent independent centres of power within the society. Political power is often highly personalised, and election defeat can represent a major humiliation, tempting the vanquished to allege fraud, or otherwise denounce the process.

All of these forms of behaviour are likely to represent attempts to maintain a *status quo*, which in most cases will be one in which women are disempowered. Where there is a high risk of such behaviour, the ability of the responsible authorities to implement the electoral process in a neutral way is undermined: “spoilers” whose independent sources of power give them the potential ability to wreck an entire process cannot simply be ignored. An election administrator may at times have to behave like an umpire enforcing rules, and at other times like a ship’s captain, steering an unwieldy vessel through rough seas.

- (iii) Military involvement in election processes - Because of the security risks which often arise in post-conflict situations, elections are likely to be marked by a heavy

military and/or police presence, either local or international. Even in cases where the military or police force has benevolent intentions, its presence during an electoral process may be disconcerting, or even intimidatory, to a population which may have had bad experiences in the past with military, paramilitary or police forces. Women would seem particularly likely to be so affected.

- (iv) Nature of political parties - In established democracies, there tends to be a relatively stable system of political parties, most often based on shared beliefs. In post-conflict situations, the party system tends to be less well-established. There is often a dominant party which has an established history and doctrine, particularly if there has been a history of political struggle against occupying or otherwise dominant powers. It is also common, however, to find a proliferation of parties, often based on regions, tribes, clans, religion, language groups or high profile individuals. Such parties are often transitory in character: they may not survive the retirement from politics of their founder. They often represent little more than patronage networks. The opportunity for women to exercise political influence through such parties will vary from case to case, but would seem likely to be limited.
- (v) Displaced persons - In post-conflict situations, the potential electorate frequently includes refugees in other countries, and internally displaced persons. These groups typically include predominant numbers of women and children.² The existence of residency requirements in many electoral laws gives rise to a significant risk that they will be disenfranchised. The issues surrounding the rights of displaced persons to participate in elections are so important, and so complex, as to have given rise to a detailed study by the International Organization for Migration, the *Participatory Elections Project* (described in detail at www.iom.int/pep).
- (vi) Limited institutional development - In established democracies, human rights and the rule of law, buttressed by a well-established and independent judiciary, prevail. In post-conflict situations, such conditions tend to be problematical, for a number of reasons. There may be a history of human rights violations, and the judiciary may be weak, poorly trained, corrupt, or politicised, representing, in the worst cases, a system of rule by law rather than rule of law. In such situations, the ability of women to obtain proper protection of their legitimate rights is likely to be severely limited. In some post-conflict situations the normal sources of law may also be problematical. In relation to the 1999 popular consultation in East Timor, for example, the United Nations did not have, or at any rate did not wish to assert, law-making authority in relation to the process, and therefore conducted

² According to a recent study, "Today an estimated 40-50 million people around the world are uprooted, spilling across state borders and demanding solutions that challenge traditional notions of sovereignty. Approximately 75-80 per cent of the displaced are women and children." See Julie Mertus, "Sovereignty, Gender and Displacement", in Edward Newman and Joanne van Selms (eds.), *Refugees and Forced Displacement: International Security, Human Vulnerability, and the State*, United Nations University Press, Tokyo, New York and Paris, 2003, pp. 250-73 at p. 257.

the ballot in accordance with “Directions” issued by the Special Representative of the Secretary-General.

- (vii) Public campaigning - In modern established democracies political campaigning primarily takes place through the media, through the use of direct marketing techniques such as personally addressed mail and targeted telephone calls, or through door knocking. In most post-conflict countries, political rallies, marches and parades are still of fundamental importance, and women’s ability to participate in or observe them may be constrained by social factors, or by their responsibilities.
- (viii) Intimidation and fraud - In established democracies, political intimidation and election fraud (particularly vote-buying) are seldom major problems. There is a strong societal norm (as distinct from anticipation) that political players will behave properly, and the cost of being caught engaging in fraud or intimidation is potentially very high. In typical post-conflict situations, on the other hand, fraud, corruption and intimidation are generally more widespread throughout society, and the cost of being caught is therefore potentially lower. In situations where women are already disempowered, it may be very difficult for them to resist pressures of this type.
- (ix) Partisan use of state resources - In established democracies, state controlled resources, especially the media, are relatively politically neutral. Conventions often exist, and are implemented, to guarantee the proper behaviour of the civil service during an election period. State controlled broadcasting bodies typically have procedures in place which govern their broadcasting of political content, and by and large these suffice to ensure a reasonable degree of political neutrality. Although there are occasional disputes regarding the way in which these procedures are implemented, established democracies almost never see the sort of blanket coverage of incumbent party activities, and the almost complete overlooking of opposition party activities, which have marred elections in other nations from time to time. Again, behaviour of this type is likely to be used to protect a *status quo* in which women are disempowered. In post-conflict countries, the relative importance of state resources, combined with the close links which often exist between the state and the ruling party, makes this a highly vexed issue.
- (x) Limited skill base in the electorate - In established democracies the electorate is predominantly well-educated, with a relatively good understanding of basic election procedures. In post-conflict countries, on the other hand, the electorate often contains a substantial illiterate component (sometimes because of a basically low level of development, but also sometimes because of the collapse of the education system during war, or because of deliberate exclusion of certain groups from education, as was the case with women in Afghanistan under the Taliban), and ignorance of basic election procedures and political institutions, particularly new ones, tends to be widespread. In cases in which women have in particular

suffered this sort of deprivation of opportunity, they will of course be particularly disadvantaged. One consequence of the basic character of the electorate in post-conflict societies arises in the area of staff recruitment at election time. A sometimes unnoticed virtue of established democracies is that large numbers of people from the general community have to be employed as polling officials. When voters at a polling station see the process being managed at the grass roots level by ordinary people like themselves, a sense of ownership of and confidence in the process can be engendered. In a post-conflict situation, this outcome is somewhat more difficult to achieve: literacy will be an essential requirement for many election staff, and this may exclude significant elements of the population from the chance to participate in the conduct of the poll.

3. Sources of international standards for women's participation in electoral processes

Professed standards

3.1 For various reasons, the professed standards of the international community and those which it applies in practice are not always the same. One can seek to identify the professed standards from a number of different sources.

3.2 First, four of the key human rights instruments which have been developed since the end of the Second World War bear critically on the political rights of women.

(i) Articles 2 and 21 of the *Universal Declaration of Human Rights* provide as follows:

“2. Everyone is entitled to all the rights and freedoms set forth in this Declaration, 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.

Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing or under any other limitation of sovereignty.

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.”

- (ii) Articles 2(1) and 25 of the *International Covenant on Civil and Political Rights* provide as follows:

“2(1). Each State Party to the present Covenant undertakes to respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the present Covenant, 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.

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.”

- (iii) Article 7 of the *Convention on the Elimination of All Forms of Discrimination against Women* provides as follows:

“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;
- (c) To participate in non-governmental organizations and associations concerned with the public and political life of the country.”

- (iv) Articles 1, 2 and 3 of the *Convention on the Political Rights of Women* provide as follows:

“1. Women shall be entitled to vote in all elections on equal terms with men, without any discrimination.

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

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.”

3.3 A number of other instruments and declarations bearing on the general right to political and electoral participation have also been adopted in recent years. Some of these are outlined at Attachment A.

3.4 The question of which of these provisions are legally binding is one which requires separate analysis in relation to each particular situation. Some instruments, such as the *Universal Declaration of Human Rights*, do not purport to create treaty obligations. Others may be ones to which a relevant State is not a party. Some may embody norms so well established as to arguably form part of customary international law. Leaving aside the question of whether the provisions are legally binding in theory, it is however beyond question that they are of such moral force as to place the strongest obligations upon any body charged with implementing post-conflict elections to comply with them. In particular, the special responsibility incumbent upon international organisations such as the United Nations to nurture and maintain a culture of support for the observance of international law strongly constraints them to act to the greatest extent possible in a manner which is consistent with the instruments.

3.5 In some cases an electoral process will be conducted under a binding agreement which will define its key elements. While explicit provisions in such agreements relating to electoral participation of women seem to be unusual, agreements very often contain commitments to the implementation of human rights which, by implication, include the rights of women set out in the instruments listed in paragraph 3.2. If the role of the international community in relation to a particular election has been specified in a United Nations Security Council resolution, that too may establish a binding standard to be satisfied at the election.

3.6 A number of national and international bodies have developed guidelines to assist election observers to determine whether elections are free, fair or legitimate, and these constitute another source of standards.³ They tend to be more detailed and practical than the prescriptions set out in the instruments and agreements discussed above, and their

³ See, for example, Organization for Security and Cooperation in Europe, *The ODIHR Election Observation Handbook*, 4th ed, Warsaw, 1999; International IDEA, *International Electoral Standards: Guidelines for reviewing the legal framework of elections*, Stockholm, 2002; International IDEA, *Guidelines for Determining Involvement in International Election Observation*, Stockholm, 2000; National Democratic Institute for International Affairs, *NDI Handbook: How Domestic Organizations Monitor Elections - An A to Z Guide*, Washington DC, 1995; Larry Garber, *Guidelines for International Election Observation*, International Human Rights Law Group, Washington DC, 1990; Carl W. Dundas, *Dimension of Free and Fair Elections: Frameworks, Integrity, Transparency, Attributes, Monitoring*, Commonwealth Secretariat, London, 1994; and Ron Gould and Christine Jackson, *A Guide for Election Observers*, Dartmouth, Aldershot, 1995.

force is moral rather than legal. A small academic literature has also developed around the topic.⁴

Standards applied in practice

3.7 Turning to practice, one can seek to infer the standards to which the international community actually adheres from the way in which it responds to events surrounding particular electoral processes. To do this in a systematic way would require a very substantial study, beyond the scope of this paper. One trend over time is however reasonably clear: attempts are increasingly being made to hold elections in circumstances which would, 15 years ago, have been regarded as most inauspicious, and this almost inevitably means that the standards which are applied in practice - and not just those which relate to the rights of women - are lower than those which are professed. This trend can be illustrated by comparing two electoral processes: the Namibian election in 1989, and the East Timor popular consultation of 1999. In the first, great emphasis was placed on the creation of a neutral political environment in which people could vote without fear; the second proceeded even though the political environment was marked by exceptional levels of fear and intimidation. The foreshadowed elections in Afghanistan and Iraq are likely to test whether the trend can continue.

4. Challenges and dilemmas faced by international bodies involved with post-conflict electoral processes

4.1 In practice, the power of international bodies to give effect to the professed standards listed above is likely to be constrained by a number of factors.

Time constraints

4.2 A peace agreement involving electoral processes will typically specify critical dates for voter registration, polling etc, and these often come to be regarded as immutable deadlines, not least because the successful conduct of an election or referendum is frequently the “exit strategy” for international players, the milestone which will symbolise that their work has been completed. Such deadlines are often driven by political factors - either local ones, or ones deriving from the domestic politics of member states, including the ongoing cost of peace operations - rather than by the tasks which need to be done to make the electoral process successful. The existence of such time constraints has the potential to strengthen the hands of local players opposed to women’s participation in electoral processes, since they will have time on their side.

⁴ See Guy Goodwin-Gill, *Free and Fair Elections: International Law and Practice*, Inter-Parliamentary Union, Geneva, 1994; and Jørgen Elklit and Palle Svensson, “What Makes Elections Free and Fair?”, *Journal of Democracy*, vol. 8, no. 3, pp. 32-46, July 1997

Influence of member states

4.3 Member states, through the various organs of an international body, are in a position to exercise significant influence over the way in which an electoral process is approached. They are typically being relied upon to provide or support the budget for an operation, and may be contributing troops or other resources to a peacekeeping force. They will have their own independent political interests in the way in which a process unfolds, which may be decidedly pragmatic in character.

Nature of mandate

4.4 The mandate of an international body can take a range of different forms, from organising an electoral process to simply following and reporting upon one.⁵ On the face of it, the strongest mandate is that of organising a process, but paradoxically, the stronger the mandate of an international body on paper, the weaker may be its relative capacity to exercise control over the process in practice. It has been cogently observed in relation to the United Nations that:

“The spirit of agreement is never more exalted than at the moment of the signing of the peace treaty, the authority of the United Nations is never again greater. Then the parties assume that the agreement will be achieved and that all are operating in good faith. They depend on the UN to achieve their hopes. The UN as yet has no investment in resources or political prestige. The UN, in short, holds all the cards. But as soon as the UN begins its investment of money, personnel and prestige, then the bargaining relationship alters the balance. The larger the UN investment - these multidimensional operations represent multi-billion dollar investments - the greater is the independent UN interest in success and the greater the influence of the parties becomes. Since the parties control an essential element in the success of the mandate, their bargaining power rapidly rises.”⁶

This highlights a difficulty which can confront a body such as the United Nations when charged with certifying (or refusing to certify) the validity of an election in the organisation of which it has played a prominent role. While a refusal to certify the result may, on paper, be an option, in practice it is a sanction so powerful, with such unforeseeable consequences, and so likely to be seen as a failure on the part of the organisation itself, as to be lacking in credibility.⁷ An NGO assessing the same election would in practice have much greater scope for making a critical assessment.

⁵ The various models for United Nations involvement in electoral processes were first spelt out systematically in United Nations, *Guidelines for Member States considering the formulation of requests for electoral assistance* (A/47/668/Add. 1), 24 November 1992.

⁶ Michael W. Doyle and Nishkala Suntharalingam, "The UN in Cambodia: Lessons for Complex Peacekeeping", *International Peacekeeping*, vol. 1, no. 2, Summer 1994, pp. 117-147 at pp. 142-143.

⁷ This point is made in Maley, *op. cit.*, footnote 31.

Conflicting objectives

4.5 The simplest situation which the international community will face in a post-conflict country will arise when there is a broad consensus within the country supporting women's free and active electoral participation. In such circumstances, there will be no inherent conflict between the objective of supporting such participation and the broader objective of peacebuilding, and the constraints listed in the preceding paragraphs will not be of much importance. Difficulties will, however, arise when there is no such consensus, and especially where the local players opposed to women's participation claim to be appealing to cultural norms, and have, on the face of it, sufficient independent power to prolong the electoral process to the point where critical times constraints come into play, the cost of the broader peace process increases significantly, or the broader political interests of key member states are jeopardised; or to compromise, in one way or another, the overall success of the peace operation.

4.6 The dilemma which international bodies may face in such circumstances is an exceptionally troubling one, which may not be able to resolved satisfactorily. The policy position which they ultimately reach is likely to be motivated by range of different factors, including the following.

- (i) While compromise on the question of women's participation is highly undesirable, a return to conflict is likely in the short run to have an even worse effect on life in the country.
- (ii) On the other hand, concessions to the sorts of opinions which oppose women's participation are likely to set a long-term precedent for the role of women in the political life of the country: if international bodies do not take a strong stand in situations where their mandate gives them an opportunity to do so, they are unlikely to be able to exert much pressure on the country thereafter to give better expression to the rights of women. Such concessions may also in the long run tend to undermine respect in the country for broader human rights agendas. While "peace" may be able to be bought in the short-run through concessions, in the longer term such an approach may serve to consolidate the sorts of power structures within a country which have made it a threat to international peace in the first place.
- (iii) The "spoilers" may, in the short run, be in a stronger negotiating position than the international bodies. The international bodies' strength of purpose may be undermined by a lack of enthusiasm on the part of member states for the taking of a strong stand on the issue.
- (iv) It may not be clear, in a particular case, whether threats made by spoilers reflect genuine intentions, or are bluffs.

- (v) There may be no readily identifiable spoilers with whom international bodies can negotiate: opposition to women's participation may rather be pervasive among the men (and perhaps even among some women) in a country or particular region.
- (vi) The specific content of the arguments raised in relation to women's participation will vary from case to case. For example, an argument that women should not be permitted to vote is different from an argument that quotas for women candidates in a party list should not be established.

4.7 The complexity of these issues suggests that there is no simple answer to the question of which of the objectives of "peace" and "democracy" should prevail if the two seem likely to be in conflict. The question may, indeed, boil down to the vexed one of whether a substandard election is better than no election at all. In practice, the issues are likely to be settled by a process of political negotiation taking account of the specific situation in the country concerned, and it is vital that this be approached by international bodies with a clear objective of maximising women's participation to the extent possible, marshalling as many resources and as much influence as is possible towards that end.

5. Mechanisms for strengthening women's participation

5.1 The foregoing discussion serves to highlight a range of areas in which women's participation in post-conflict electoral processes is likely to face obstacles. The following table identifies a number of possible approaches to overcoming them. The list does not purport to be exhaustive, nor will all of the approaches mentioned be feasible in a given operation; it is rather intended to be a smorgasbord from which policy makers can choose.

Areas of concern	Possible ways of addressing them
International standards	<ul style="list-style-type: none"> (i) Ensure that documents setting out international standards for the freedom and fairness of elections properly reflect the critical importance of universality, and the rights of women set out in Part 3. (ii) Encourage international bodies to take a tougher line on election deficiencies in general, and those which compromise the legitimate participation of women, in particular. (iii) Develop benchmarks for levels of participation by women in different aspects of election processes which constitute the minimum requirement for an election to be deemed "free and fair".

Policy development	<p>(i) Ensure that guarantees of the rights of women are spelt out in peace agreements, at the time when the international community's bargaining power is at its peak.</p> <p>(ii) Set up alternative forums for policy consultation in which women are properly represented.</p> <p>(iii) Review proposed legal frameworks for elections to identify elements of the proposed mechanism which may in practice hamper women's participation. In particular, critically review the need for residency requirements in any electoral law.</p>
Displaced populations	<p>(i) Implement special mechanisms to ensure the enfranchisement of displaced persons, along the lines identified in the <i>Participatory Elections Project</i>.⁸</p> <p>(ii) Where feasible, make use of the facilities of international bodies to provide external voter registration and polling.</p>
Voter registration	<p>(i) Consider using pre-existing data as the source for, or a supplement to, the voter register.</p> <p>(ii) Critically evaluate proposed registration mechanisms to ensure that they will not disadvantage women in practice.</p>
Electoral systems	<p>(i) Use list systems of proportional representation in preference to single-member constituency systems.</p> <p>(ii) Adopt a system of representation which provides incentives to political players to support the registration of, and voting by, women. (For example, allocate seats to different areas only after polling, based on numbers of people actually voting,⁹ or, more radically, allocate seats to different areas according to the number of women voting.)</p>

⁸ See Jeremy Grace and Jeff Fischer, *Enfranchising Conflict-Forced Migrants: Issues, Standards and Best Practice*, Discussion Paper No. 2, Participatory Elections Project (PEP), International Organization for Migration, September 2003, at www.iom.int/pep/Standards_Final.pdf.

⁹ This option is discussed in William Maley and Fazel Haq Saikal, *Political Order in Post-Communist Afghanistan*, Lynne Rienner Publishers, Boulder & London, 1992, at pp. 39-40

Candidacy	<ul style="list-style-type: none"> (i) Develop specific training and publicity packages to encourage women candidates to contest elections. (ii) Provide incentives to political parties to endorse women for winnable seats. (iii) Establish quotas for required numbers of women candidates in a party list.
Media	<ul style="list-style-type: none"> (i) Make state resources available, on a non-partisan basis, to enable women candidates to project their messages.
Access to electoral education	<ul style="list-style-type: none"> (i) Develop and resource special electoral education and public outreach programs focussed on the situation of women. (ii) Develop and resource long-term education programs in the country to consolidate women's right to participate politically.
Polling	<ul style="list-style-type: none"> (i) Critically evaluate proposed polling mechanisms (particularly proposed times and places of polling) to ensure that they will not disadvantage women in practice. (ii) Where there has been a history of intimidation of voters at the polls, examine the feasibility of establishing separate polling stations for men and women.
Election observation	<ul style="list-style-type: none"> (i) Encourage bodies (both domestic and international) which engage in election observation to seek gender balance in their teams. (ii) Encourage such bodies to review their observation guidelines and manuals to ensure that observers will give appropriate emphasis to the need to ensure women's participation in the process.

Attachment A - Certain Additional Human Rights Provisions Related to Electoral Rights¹⁰

<p>The Right to Political Participation</p>	<p>Human Rights Commission Resolution on the Right to Democracy, Preamble: <u>Recalling</u> the large body of international law and instruments, including its resolutions and those of the General Assembly, which confirm the right to full participation and the other fundamental democratic rights and freedoms inherent in any democratic society...</p> <p>Migrant Workers Convention Art 41(1): Migrant workers and members of their families shall have the right to participate in public affairs of their State of origin and to vote and to be elected at elections of that State, in accordance with its legislation.</p> <p>Human Rights Committee, General Comment 25 Para 1: Article 25 of the Covenant recognizes and protects 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 access to public service. Whatever form of constitution or government is in force, the Covenant requires States to adopt such legislative and other measures as may be necessary to ensure that citizens have an effective opportunity to enjoy the rights it protects. Para 10-11: The right to vote at elections and referenda must be established by law and may be subject only to reasonable restrictions, such as setting a minimum age limit for the right to vote... States must take effective measures to ensure that all persons entitled to vote are able to exercise that right... If residence requirements apply to registration, they must be reasonable, and should not be imposed in such a way as to exclude the homeless from the right to vote.</p> <p>CERD Art 5: States Parties undertake to prohibit and to eliminate racial discrimination in all its forms and to guarantee 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;</p> <p>Vienna Declaration Art 1(8): Democracy is based on the freely expressed will of the people to determine their own political, economic, social and cultural systems and their full participation in all aspects of their lives. In the context of the above, the promotion and protection of human rights and fundamental freedoms at the national and international levels should be universal and conducted without conditions attached. The international community should support the strengthening and promoting of democracy, development and respect for human rights and fundamental freedoms in the entire world.</p> <p>European CHREFF First Protocol, Art 3: The High Contracting Parties undertake to hold free elections at reasonable intervals by secret ballot,</p>
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¹⁰ Drawn, by permission, from Jeremy Grace, *The Electoral Rights of Conflict Forced Migrants: A Review of Relevant Legal Norms and Instruments*, Discussion Paper No. 1, Participatory Elections Project (PEP), International Organization for Migration, June 2003, at www.iom.int/pep/Review_of_Legal_Final.pdf.

	<p>under conditions which will ensure the free expression of the opinion of the people in the choice of the legislature.</p> <p>African CHPR Art 13 (1): Every citizen shall have the right to participate freely in the government of his country, either directly or through freely chosen representatives in accordance with the provisions of the law</p> <p>American CHR Art 23 (1): Every citizen shall enjoy the following rights and opportunities: a. to take part in the conduct of public affairs, directly or through freely chosen representatives; b. to vote and to be elected in genuine periodic elections, which shall be by universal and equal suffrage and by secret ballot that guarantees the free expression of the will of the voters; and c. to have access, under general conditions of equality, to the public service of his country.</p> <p>OAS AG/RES 1080: In view of the widespread existence of democratic governments in the Hemisphere, the principle, enshrined in the Charter, that the solidarity of the American states and the high aims which it pursues require the political organization of those states to be based on effective exercise of representative democracy must be made operative.</p> <p>Inter-American Democratic Charter Art 1: The peoples of the Americas have a right to democracy and their governments have an obligation to promote and defend it...Democracy is essential for the social, political, and economic development of the peoples of the Americas.</p> <p>Copenhagen Preamble: They recognize that pluralistic democracy and the rule of law are essential for ensuring respect for all human rights and fundamental freedoms, the development of human contacts and the resolution of other issues of a related humanitarian character. They therefore welcome the commitment expressed by all participating States to the ideals of democracy and political pluralism as well as their common determination to build democratic societies based on free elections and the rule of law and 7: To ensure that the will of the people serves as the basis of the authority of government, the participating States will ... (3) guarantee universal and equal suffrage to adult citizens;</p> <p>IPU Declaration on Criteria for Free and Fair Elections Art 1: In any State the authority of the government can only derive from the will of the people as expressed in genuine, free and fair elections held at regular intervals on the basis of universal, equal and secret suffrage. Art 2: (1) Every adult citizen has the right to vote in elections, on a non-discriminatory basis... (5) Every voter has the right to equal and effective access to a polling station in order to exercise his or her right to vote. (6) Every voter is entitled to exercise his or her right equally with others and to have his or her vote accorded equivalent weight to that of others.</p> <p>Venice Commission Guidelines I Art 1(1a): The five principles underlying Europe's electoral heritage are <i>universal, equal, free, secret and direct suffrage</i>. Furthermore, elections must be held at regular intervals. a. Universal suffrage means in principle that all human beings have the right to vote and to stand for election. This right may, however, and indeed should, be subject to certain conditions.</p>
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<p>The right to periodic elections</p>	<p>ACEEEO Draft Convention on Election Standards Art 3 Sec 1: The Parties believe that elections must be held at reasonable intervals established by the constitution and/or law so that election of elective bodies and elective officials should be always based on the free will of the people (voters).</p> <p>Copenhagen Para 6: The participating States declare that the will of the people, freely and fairly expressed through periodic and genuine elections, is the basis of the authority and legitimacy of all government. The participating States will accordingly respect the right of their citizens to take part in the governing of their country, either directly or through representatives freely chosen by them through fair electoral processes.</p>
<p>Refugees and Internally Displaced Persons shall have an absolute right to political participation and shall not be discriminated against in the realisation of any fundamental electoral rights</p>	<p>Guiding Principles Sec I Prin 1: Internally displaced persons shall enjoy, in full equality, the same rights and freedoms under international and domestic law as do other persons in their country. They shall not be discriminated against in the enjoyment of any rights and freedoms on the ground that they are internally displaced.</p> <p>Istanbul Summit Declaration Para 26: With a large number of elections ahead of us, we are committed to these being free and fair, and in accordance with OSCE principles and commitments. This is the only way in which there can be a stable basis for democratic development...We are committed to secure the full right of persons belonging to minorities to vote and to facilitate the right of refugees to participate in elections held in their countries of origin.</p>