

28<sup>TH</sup> ANNUAL CONFERENCE OF THE ACEEEO  
“JUDICIAL PROTECTION OF ELECTORAL RIGHTS  
& THE TRANSPARENCY OF ELECTIONS”



# TRANSPARENCY OF ELECTIONS

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Ljubljana – 26 September 2019



## INTRODUCTORY REMARKS

The UN has been providing electoral assistance to Member States since its early years.

- ∅ Establishment in 1991 of an institutional and normative framework to structure an increasingly active field of work. The foundations of this framework include the following:
  - Respect for the sovereignty of each state: assistance provided only upon request or mandate
  - Needs assessment to ensure that the assistance is tailored to the situation of each country.
  - No single model of democracy.
  - A system-wide focal point – the Under-Secretary-General for Political and Peacebuilding Affairs of the UN Secretariat – has a leadership role in ensuring coherence and consistency across the various UN entities that may become engaged in electoral activities. To do so, the focal point assesses states' electoral needs, decides on the assistance to be provided to a state, if any, and by which UN entity, and issues policies on electoral assistance methodology.
- ∅ Numerous UN actors involved in electoral assistance
- ∅ Different types of electoral support, technical assistance being by far the most frequent form of assistance



## TRANSPARENCY OF THE ELECTIONS

### The United Nations Perspective

- Ø Overall aim of UN electoral assistance = to instil confidence and trust in electoral processes and thereby help build legitimacy
- Ø Help ensure compliance with international commitments and help bring about a conducive environment in which electoral contestants are more likely to win magnanimously or lose graciously.
- Ø A process that is fair, that respects human rights, conforms to international norms, that is well managed by a credible authority and that is transparent provides a good basis for trust.
- Ø .



Ø Elections Transparency is the public ability to see and verify each essential step in elections, including:

- How the electoral systems and processes are designed and understood: transparent procedures.
- How the voter lists are established, including clarity of the eligibility criteria.
- Where (list of polling stations) and how to vote (voting methods – paper, online or hybrid voting method)
- How the votes will be tabulated (counting of the votes)
- The results transmission chain
- How to deal promptly and effectively with the different types of complaints

All these steps are key to public oversight and accountability in elections.



- ∅ The concept of transparency of elections often focusses on the performance of EMBs because a direct relationship is often established between an EMB performance and the quality of an election, and in some cases even the quality of democratic governance.
- ∅ For the UN, the key to meeting this goal does not necessarily lie, or not exclusively, in the quality of the electoral process itself or the performance of the electoral management body (EMB). A process that is fair, that respects human rights and conforms to international norms, and that is transparent and well managed by a credible authority, provides a good basis for trust.
- ∅ Guiding principles:
  - Protecting the independence of the EMB from any undue influence;
  - Impartiality (both real and perceived) in all its dealings with other stakeholders;
  - Transparency in decision-making and administration;
  - And professionalism, meaning the conduct of all stages of the process in accordance with various principles and in an accurate, competent and efficient manner, by suitably skilled staff.



How does the UN implies its conception of transparency , electoral management and acceptance of results in practical terms?

Ø Focus on building the confidence in the electoral process not an isolated approach of UN engagement. It is rather a demonstration of a key tenet of UN electoral assistance, regularly expressed by the UN Secretary-General in his reports to the General Assembly:

- "The true measure of an election is whether it engenders broad public confidence in the process and trust in the outcome"  
(United Nations 2011).

- Citizens must have trust that an outcome reflects their will, and "building this trust from the beginning is the key priority and focus of United Nations advice"  
(United Nations 2013).





Suggested steps that can help create a conducive context for credible and therefore broadly accepted elections, noting that there is no single recipe (United Nations 2017). These steps include:

- Adopting the electoral rules through dialogue and on the basis of broad political consensus.
- Enhancing the inclusiveness of an election and pursuing the full participation of marginalized yet politically relevant groups: women, minorities, populations in inaccessible areas, as well as those vulnerable due to poverty or other reasons.
- Emphasizing the responsibility of political leaders to engage in peaceful, constructive behavior, and to refrain from incitements, threats, unfounded allegations, and disengagement from a process.




## Challenges to transparency in the digital age

Electronic voting and counting technologies pose a challenge to ensuring transparency, since many visually verifiable steps in a traditional election (such as how ballots are marked) are automated inside a machine and, therefore, cannot be seen by the voter and others.

In such circumstances, particular efforts must be made to provide the required transparency in each step of the process.





The 2019 Secretary-General's report on electoral assistance is now available in all languages as a public UN document,

A/74/285: <https://undocs.org/A/74/285>

As in previous years, it contains new official language and policy lines on important or thorny issues, including on:

- the responsibility of political leaders for a successful election;
- winning elections magnanimously – and losing them graciously;
- the limitations in responding positively to requests for UN electoral assistance;
- the slow progress in improving women's participation.

The report pays considerable attention to the use of social media and internet in elections, including disinformation and hate speech. It also shines a spotlight on the role of courts in resolving electoral disputes.



**THANK YOU**