

## **Joint statement of United Nations experts on strengthening democracy and human rights in a year of worldwide elections**

This year, citizens of 64 countries are going to the polls to elect national, regional and local leaders. Through the voting process, over a billion will exercise their fundamental right to participate in public affairs and to choose who will represent them in government, as guaranteed in the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights.

In the current backdrop of intensified clamp down on civic space in all parts of the world, backsliding of democracy and growing authoritarian regimes and practices, this election year presents a critical opportunity to reverse this most disturbing trend, and protect and advance human rights and fundamental freedoms. To this end, States should make every effort to ensure transparent, free and fair elections and fully respect and adhere to their human rights obligations before, during and after the elections.

Creating a safe and enabling environment for the exercise of the rights to freedom of expression, access to information, peaceful assembly and association is essential as these rights are key to fostering participation, and ensuring inclusive and credible elections, with a view to giving voice to the will of people. However, it is deeply concerning that these rights have been increasingly undermined around the world. Elections in many States and jurisdictions have been marred by violence and arbitrary arrests, including of opposition candidates and political leaders to prevent them from running for elections. Human rights defenders, including those calling for free and fair elections, journalists and media workers and other civil society representatives have been targeted, attacked, threatened and vilified. There is also an alarming rise in violence, threats and intimidation by non-state actors, usually instigated by the political party in power and condoned or ignored by State institutions and law enforcement authorities.

Of particular concern is the dangerous hateful rhetoric used by some politicians and public officials to scapegoat and endanger those who are at particular risk, including LGBTQI+ persons, migrants and ethnic and religious minorities. Women and gender-diverse politicians, political activists, journalists, media workers and human rights defenders have been subjected online and offline to gender based violence, threats, harassment, and coordinated smear campaigns. The objective is to undermine their credibility and legitimacy, push them out of public spaces and chill their free expression, reducing the plurality and diversity of public participation, views and information.

Another tactic has been the adoption and enforcement of unduly restrictive legal measures such as ‘foreign agents’ and ‘foreign influence’ laws to undermine the work of independent civil society organizations and media outlets, including in the context of elections. These measures, adopted ostensibly to preserve national sovereignty, contribute to stigmatization of civil society and media organizations, especially those working on promoting democracy and human rights or working on election monitoring.

Media freedom, an integral part of the right to freedom of expression and a fundamental pillar of democracy, is vital for ensuring access to information, transparency and accountability during election periods. Attacks on the media, including online and offline violence, threats, intimidation, judicial harassment and prosecution of journalists under the criminal law, and the forced closure of media outlets, undermine the ability of journalists to operate freely, and create

a climate of fear that leads to self-censorship. While political speech enjoys strong protection under international law, sometimes politicians have abused the freedom, using it as a license to engage in toxic discourse and to spread disinformation, including in relation to electoral outcomes and the integrity of elections. The coordinated smear campaigns and use of deepfakes through social media are particularly alarming as they have become powerful tools to manipulate elections, including by foreign actors who seek to interfere in elections from across borders.

While social media has provided important avenue to further exercise fundamental freedoms, for fact-checking, for seeking accountability and for facilitating citizens initiatives aimed at monitoring elections, social platforms have been misused by governments, state officials, political parties and other vested interests to undermine fair and transparent elections and to spread hate speech and anti-rights narratives. In addition, the use of algorithms and content moderation by social media companies have resulted in silencing some voices and promoting certain political narratives or views. There is also an alarming trend of governments enacting laws against cybercrime and “fake news” that are then used to censor legitimate speech on online spaces, especially in the lead up to elections.

Internet shutdowns and network disruptions are often being used in the context of elections, which impact on the right of voters to be aware of the statements of candidates and also on the right of candidates to communicate with voters. Such acts are also often intended to prevent the organization of, and participation in, peaceful protests, and the reporting and monitoring of such protests.

In addition, in many countries, political parties, have been discriminated against or unfairly advantaged or disadvantaged by the authorities, including in relation to their ability to access the media equally, hold peaceful rallies, and access funding. In addition, numerous countries still do not have in place adequate laws guiding electoral campaign financing. This includes lack of clear rules and ethical guidelines on collecting private donations, from whom, how to account for these and how to ensure transparency and independent oversight of financing of political parties and campaigns. If financing of political parties and electoral campaigns is not adequately regulated, it may undermine the integrity of the elections, and also affect the capacity of elected leaders to fulfil their promises towards citizens.

In a number of cases across the world, the judiciary has played a crucial role in elections whose results have been challenged. When independent judiciaries exercise lawful oversight on election matters, their decisions must be respected. In some cases, after issuing their rulings, there has been an increase in verbal attacks on individual judges and members of the judiciary, which appeared to be aimed at intimidating them and interfering with their independence. Judges have expressed concern about the lack of response to these threats and attacks. In their public statements UN special procedures have called for respect for the role of independent judiciaries in elections.

Finally, in order to fulfil their important role, it is key that electoral authorities have sufficient capacity and resources, and are duly protected from political interference, and that election observers are protected from violence. The independence of these institutions must be fully respected before, during and after elections.

This electoral year should be used as an opportunity to reverse the negative trend of global erosion of human rights, and we call on States to ensure the following:

1. Guarantee safety from violence and facilitate the free and unobstructed exercise of the right to participate in public affairs, and the rights to freedom of expression, peaceful assembly and association before, during and after elections, including by refraining from imposing undue restrictions on peaceful protests and political rallies.
2. Ensure human rights defenders and civil society actors at large can perform their legitimate work in the context of elections, including monitoring and reporting on electoral-related violations and abuses, free from intimidation, retaliation and undue restrictions, including ‘foreign agent’ laws to limit access to resources.
3. Respect the pluralism, diversity and independence of the media, and ensure the safety of all journalists and media workers from violence, threats, harassment and reprisal, including via legal mechanisms, as well as the viability of the media, including by preventing undue concentration of media ownership.
4. Take measures to ensure that groups traditionally marginalized and discriminated, including women, ethnic and religious minorities, indigenous peoples and LGBTIQ+ persons, can fully exercise their right to participate, vote and stand for election, and are protected from hate speech, incitement to violence or hatred and stigmatization.
5. Take measures to ensure that politicians and public officials refrain from spreading disinformation and misinformation, engaging in advocacy of hatred or encouraging distrust in election processes without any evidence, and proactively provide factual, accurate information. States should safeguard the role of independent, public interest media as fact-checkers, promote diverse sources of information. Social media companies should review and make transparent their processes of content moderation and algorithms to ensure they do not contribute to censoring dissent and promoting misinformation. Tech companies should carry out due diligence, invest in fact-checking, and understanding of local languages and local contexts in their content moderation policies.
6. Refrain from imposing network disruptions and internet shutdowns designed to prevent access to and exchange of election-related information, mobilization and participation in peaceful protests and monitoring of such protests.
7. Ensure that an enabling framework is provided for all political parties in relation to their ability to access the media equally, to hold peaceful demonstrations and to access funding, including by adequately regulating the financing of political parties and electoral campaigns.
8. Provide sufficient resources to independent electoral officials, observers and institutions, refrain from political or private/commercial interference in their work, and ensure that they are protected from violence, threats, intimidation, harassment and reprisal.
9. Respect and ensure the independence of judicial institutions which are key for guaranteeing free and fair election and protect human rights for all.

10. Investigate all elections-related violations and abuses, including violence, threats or intimidation by private actors and unlawful use of force by the authorities promptly, fully and effectively, and bring the perpetrators to justice.

Although the main obligation to ensure human rights and freedoms lies with States, all actors, including political parties, private sector, social media companies and media in general, have the responsibility to respect human rights and should take positive steps to contribute to a safe and enabling environment for ensuring credible elections that will strengthen human rights and fundamental freedoms.

Political parties, in particular, should adopt and enforce measures, such as codes of conduct, which set minimum standards of behaviour for their officials and candidates for elected office, including against speech that promotes intolerance, discrimination or hatred or spreads disinformation. Political parties should set up cross-party initiatives aimed at countering intolerance, discrimination, disinformation and misinformation, and promoting intercultural understanding, social inclusion and respect for diversity.

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