



United  
Nations

# voting: comparative practices and considerations needed

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# Introduction

Member States face tremendous challenges in dealing with migration flows of displaced and fleeing people, as well as migrants motivated by the desire to improve their economic circumstances. The exercise of their political rights has also become a prominent question. Except in the specific case of persons governed by the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the international normative framework does not guarantee voting rights for those who have left or fled their country. 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.

# Objectives of OCV

- OCV is aimed at promoting standards of universality and equality of suffrage as well as enhancing overall inclusivity of elections by expanding participation and providing access to the political system for increased numbers of citizens.
- Although no international instruments specifically require governments to carry out OCV, international standards, notably the Universal Declaration of Human Rights (Art. 21) and the International Covenant on Civil and Political Rights (Art. 25) enshrine universal and equal suffrage. Some national legislation requires OCV to take place.
- In many cases, participation of refugees in the electoral process through OCV can play an important role in building peace and stability in their home countries.



In post conflict situations, OCV sometimes is part of the deal and aimed at contributing to building and/or consolidating peace.

# Challenges in OCV

- Voter registration can be one of the most difficult, expensive and complex aspects of OCV. Eligibility and registration requirements for external voters can be particularly sensitive with regard to refugees. Some domestic actors may fear manipulation of voting in refugee camps and host countries may be resistant to the introduction of political issues into refugee camps.
- Undocumented voters and political refugees may have concerns to show up for in-person voting.
- In-person voting is good due to the secrecy of the vote as it takes place in a controlled environment. However, it is only possible where the country has diplomatic missions and in some cases these can be too far from voters. When facilitated by embassy staff, voter turnout for in-person voting may be affected by voters' perceptions and impact negatively on their turnout and trust of the voting.
- Remote electronic voting is an attractive system of OCV that is being tested by an increasing number of countries as it is more appealing to youth participation and is faster in terms of results. However, there are a number of concerns particularly with regard to its vulnerability to cyber-attacks, lack of paper trail in the event of a recount challenge and it requires extensive national consultations and technical preparedness.
- Some types of OCV do not lend themselves easily to standard methods of observation. The



# Considerations

- Causes, characteristics, and patterns of displacement;
- Size of displaced group(s);
- Locations and accessibility;
- Degree of impact that Refugee participation/exclusion would have to the outcome of elections;
- Political interests;
- Existing legal framework;
- Eligibility criteria for OCV;
- Access to information;
- Host Government agreement;
- Capacity of EMB;
- Voting options;
- Electoral system;
- Financial requirements;
- Timelines;
- Security considerations;
- Electoral observation;
- Integrity of process; challenge balancing between inclusiveness and not opening doors to potential fraud and manipulation.



# UN involvement in OCV

- In its electoral assistance to Member States, the UN has supported successful electoral processes that have involved OCV components.
- UN' s involvement has been mostly in conflict and post-conflict situations (IOM, and OHCHR, UNDP usually support). UN integrated teams were involved in supporting almost all major post-conflict elections that included large scale out of country voting operations.
- For example, the UN engaged the IOM to implement the OCV component of the 1999 Referendum in East Timor and 2004 Presidential Elections in Afghanistan, where the UN was supporting the organization and conduct of the elections.
- In coordination with the UN, the IOM implemented OCV in the electoral assistance provided to national EMBs during the Iraqi National Assembly Elections (2005), South Sudan Independence Referendum (2011) and the three transitional Elections in Libya 2012-2014.
- The most recent examples: The UN supported EMBs and other national stakeholders to plan and prepare elections that had a significant OCV component in Tunisia, Mali and Central African Republic.



# Some closing thoughts:

- The importance of inclusive elections: *The right and opportunity of all citizens to vote and be elected without unreasonable restriction and discrimination.*
- Except for persons governed by the International Convention on the Protection of the Rights of All Migrant Workers, the international normative framework does not guarantee the exercise of voting rights by those who have left or fled their country.
- Nevertheless: making provisions for citizens abroad *could* be a factor in *strengthening* the credibility of a process. In the context of a peace process, the empowerment of a large refugee population can be a critical factor in bringing an end to conflict.
- Any arrangements for the exercise of political rights abroad are best decided by the Member State concerned, after thorough national consultations, and taking into consideration a range of factors -population in question, costs, agreements with host countries and security and operational challenges.
- *UN support to OCV and other electoral operations* – any potential UN support must be within the framework of UN electoral assistance (request or mandate from the UN Security Council/General Assembly, followed by a electoral needs assessment).



Thank you!!!

