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DRAFT REPORT

on a European Parliament recommendation to the Council and the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy concerning strengthening the right to participate: legitimacy and resilience of electoral processes in illiberal political systems and authoritarian regimes
(2022/2154(INI))

Committee on Foreign Affairs

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**to the Council and the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy concerning strengthening the right to participate: legitimacy and resilience of electoral processes in illiberal political systems and authoritarian regimes
(2022/2154(INI))**

The European Parliament,

- having regard to the Universal Declaration of Human Rights, in particular Article 21(3) thereof,
- having regard to the International Covenant on Civil and Political Rights and General Comment No 25 thereto on the right to participate in public affairs, voting rights and the right of equal access to public service,
- having regard to Article 3 of the First Protocol to the European Convention for the Protection of Human Rights and Fundamental Freedoms,
- having regard to Article 5(c) of the International Convention on the Elimination of All Forms of Racial Discrimination,
- having regard to the UN Declaration of Principles for International Election Observation,
- having regard to Commission communication of 11 April 2000 on EU election assistance and observation (COM(2000)0191),
- having regard to the UN Guidelines for States on the effective implementation of the right to participate in public affairs,
- having regard to the joint communication from the Commission and the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy of 25 March 2020 entitled ‘EU Action Plan on Human Rights and Democracy 2020-2024’ (JOIN(2020)0005),
- having regard to Rule 118 of its Rules of Procedure,
- having regard to the report of the Committee on Foreign Affairs (A9-0000/2023),
- A. whereas the right of citizens to vote and to be elected in periodic, genuine democratic elections are fundamental, internationally recognised human rights;
- B. whereas Article 21 of the Universal Declaration of Human Rights states that everyone has the right to take part in the government of their country and that the people’s will, expressed through periodic, genuine and universal elections, must be the basis of government; whereas this message is reiterated by the International Covenant on Civil and Political Rights;

- C. whereas according to the Office of the UN High Commissioner for Human Rights, the right to participate in free and fair elections is intrinsically linked to other basic rights, such as the rights to freedom from discrimination, freedom of expression and freedom of peaceful assembly and association;
- D. whereas genuine democratic elections are an indispensable aspect of inclusive governance, as they provide a mandate to the authorities from citizens;
- E. whereas over 75 % of people live in non-democratic countries, which limits their basic human rights; whereas shrinking space for civil society negatively influences the right to participate in genuine elections;
- F. whereas the right to participate in genuine elections is not respected in autocratic and illiberal regimes, which conduct sham elections with the goal of entrenching their power; whereas such elections are not free and fair, lack real political contestation and place undue restrictions on the right to both vote and be elected;
- G. whereas autocratic and illiberal regimes are increasingly crafting a narrative presenting their undemocratic elections as genuine in order to gain international and domestic legitimacy, which is unwarranted because of the undemocratic conduct of the elections; whereas this legitimacy is then used domestically to strengthens people's compliance and support for the regime and its right to govern, and to decrease and delegitimise any opposition against the regime;
- H. whereas the weakening of judicial independence and the rule of law and the overall democratic backsliding in autocratic and illiberal regimes enable these regimes' legitimisation strategies;
- I. whereas autocratic and illiberal regimes have developed new ways and mock-compliance strategies to overcome the costs of fully complying with international election observation standards without overtly denouncing them; whereas they are becoming increasingly well organised in their efforts to provide international legitimacy to each other's fake elections;
- J. whereas the severity and scale of attacks against non-partisan election observers – including harassment, defamation, threats, violations of rights and physical violence – have intensified in recent years, creating an environment of uncertainty and insecurity with regard to their important work; whereas the EU considers election observers to be human rights defenders;
- K. whereas tensions between democracies and authoritarian regimes are becoming more geopolitical; whereas this trend requires the EU to raise its democratic concerns to the highest political level, including by building more strategic alliances for democracy and by considering democracy as a strategic interest and as a key part of its geo-economic and trade strategies;
- L. whereas the EU should adopt a systematic approach concerning the right to participate, including by demonstrating its strong link with human rights, democracy and the rule of law;

1. Recommends that the Council and the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy:

Awareness of the right to participate in genuine elections

- (a) design and implement more decisive EU actions to promote and protect the right to participate, as part of a much broader strategy on human rights and democracy support;
- (b) underline the intrinsic interconnection between the right to participate in genuine elections and other fundamental freedoms, in particular the freedoms of movement, opinion and expression, assembly and association, as well as the right to be free from discrimination, without all of which the effective enjoyment of the right to participate in genuine elections is impossible; underlines, in addition, the crucial role of the rule of law in this;
- (c) streamline the right to participate in the EU's external action toolbox;
- (d) acknowledge the severity of the difficulties that people living under autocratic and illiberal regimes have in accessing unbiased election-related information and discerning it from among regime-sponsored propaganda, including reliable information on candidates, voting preferences and the conduct of the election process, which inhibits their ability to understand whether elections are truly competitive and whether citizens' preferences are reflected in the results;

EU tools and procedures

- (e) counter the narrative promoted by autocratic and illiberal regimes that they have mandates from their citizens as a result of genuine elections; formulate, in this regard, a comprehensive EU global strategy to counter the tools that these regimes use to legitimise elections, such as fake observers and shadow election observation groups in the place of standardised international missions;
- (f) strengthen the link between election observation work and the EU's wider support for human rights and democracy using both political and cooperation tools; consider authoritarian electoral legitimisation strategies as early symptoms of underlying non-democratic trends and react accordingly;
- (g) counter autocratic and illiberal regimes' efforts to create false internal perceptions of the genuineness of their fake elections; pay particular attention to autocratic and illiberal regimes' election-related abuses of information and communication technology, which they are increasingly carrying out in order to negatively affect participation by disseminating propaganda and disinformation and by implementing restrictions on access to information about the opposition's ideas and candidates;
- (h) recognise the crucial role of civil society in delegitimising fake elections in the eyes of local populations; support civil society organisations, human rights defenders and the media, including through capacity building and communications strategies, and by gathering data on violations of the right to

participate in genuine elections; support, in particular, local elections observers, whose activities increase people's belief that their right to participate in genuine elections will be respected;

- (i) mainstream information about genuine elections and people's right to participate in them, in the context of support for human rights and democratisation in the projects under the Neighbourhood, Development and International Cooperation Instrument – Global Europe and the Instrument for Pre-Accession Assistance, including support for election observers as human rights defenders; support the Global Campus of Human Rights to that end;
- (j) make use of the EU's cultural diplomacy and international cultural relations toolbox to strengthen the right to participate, to counter autocratic and illiberal regimes' narratives attempting to legitimise fake elections and to strengthen democratic culture in non-EU countries;
- (k) give more support to initiatives related to election observation training and knowledge building;
- (l) explore the possibility of introducing a standing invitation for election observation within the democratic clause in EU agreements, the Generalised Scheme of Preferences and equivalent mechanisms, given the current reluctance of many countries to send election observation invitations to the EU; support Parliament's Democracy Support and Election Coordination Group and its work, especially in the framework of election observation;
- (m) include the outcomes of the EU's election observation missions as an essential part of the overall framework for relations between the EU and the country concerned;
- (n) address the right to participate in non-EU countries through EU human rights dialogues;
- (o) use the EU Global Human Rights Sanctions Regime for persons responsible for serious breaches of the right to participate and of democratic election standards;
- (p) recognise the role of the EU's election observation missions in providing evidence on whether elections are genuine and further improve this tool, including by strengthening its visibility;

EU actions in international forums

- (q) forge a coalition of democratic countries and multilateral institutions, such as the OSCE Office for Democratic Institutions and Human Rights and the Council of Europe, to counter the legitimisation of fake elections more effectively in international forums, in particular the UN;
- (r) advance the idea of developing guidelines on the right to participate in elections in the UN Human Rights Council, with the greater involvement of local civil society organisations; assess the feasibility of further developing and systematising

General Comment No 25 to Article 25 of the International Covenant on Civil and Political Rights to evidence the link between the right to participate and human rights and democracy in order to deal with new challenges, including online disinformation and the rise of authoritarianism;

- (s) condemn the undermining of internationally developed standards as part of election legitimisation efforts; pay particular attention to the narratives advancing alternative values as the source of legitimacy for non-genuine elections, such as the normative supremacy of national legislation over internationally developed standards, religious and traditional values, cultural idiosyncrasies or development-first agendas;
 - (t) lead the efforts to give more visibility to the UN Declaration Of Principles For International Election Observation and the work of those organisations that signed it and are active in election observation; consider calling for the list of signatories to the Declaration Of Principles For International Election Observation to be updated, with a view to reinforcing its credibility and establishing a clear-cut way of differentiating between genuine observation groups and fake observers; explore ways to undermine the legitimacy of shadow organisations and fake observers;
 - (u) promote the explicit identification of international and national non-partisan election observers as human rights defenders within the relevant multilateral forums and as part of the EU's contact with other international organisations and insist on requisite protections for non-partisan election observers, so that they can carry out their duties independently and safely;
2. Instructs its President to forward this recommendation to the Council and the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy.