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Strengthening the right to participate: legitimacy and resilience of electoral processes in illiberal political systems and authoritarian regimes

European Parliament recommendation of 9 November 2023 to the Council and the Vice-President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy concerning the strengthening of the right to participate: legitimacy and resilience of electoral processes in illiberal political systems and authoritarian regimes (2022/2154(INI))

(C/2024/2837)

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 Article 7(a) of the Convention on the Elimination of All Forms of Discrimination against Women,
 - having regard to the UN Declaration of Principles for International Election Observation,
 - having regard to the Declaration of Global Principles for Nonpartisan Election Observation and Monitoring by Citizen Organizations, endorsed by several election monitoring networks, including the Global Network of Domestic Election Monitors,
 - 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 (A9-0323/2023),
- A. whereas the rights of citizens to participate in the management of public affairs, including the right to vote, to stand for and to be elected in free, transparent, verifiable, periodic and 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 Article 25 of the International Covenant on Civil and Political Rights;

- C. whereas Article 5(c) of the International Convention on the Elimination of All Forms of Racial Discrimination states that 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 equally before the law enjoy political rights, in particular the right to participate in elections, to vote and to stand for election; whereas, nevertheless, some social groups such as minorities, persons with disabilities, non-residents and homeless populations face additional challenges and discrimination;
- D. 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; whereas for the right to vote and to be elected to be genuinely exercised, a climate must prevail in which civil, political, economic, social and cultural rights are respected and enjoyed by all, including the rights to equality and non-discrimination, education, freedom of opinion and expression, freedom of peaceful assembly and association, freedom of religion and belief, security, and an effective remedy; whereas ensuring the participation of women is key for guaranteeing free and fair elections;
- E. whereas long-established liberal democracies all around the world are witnessing worrisome trends of deterioration in their democratic structures, leading to democratic backsliding and autocratisation, as exemplified by the rise in illiberalism, decreasing levels of participation in elections, growing disillusionment with mainstream political parties and leadership, and the growth of extremist parties; whereas the increasing hate speech promoted by these extremist parties and targeting vulnerable communities, including ethnic minorities and migrants, creates a climate of violence and prevents the conditions needed for people to exercise their right to political participation; whereas worrying trends of erosion of the fundamental principles of the rules-based international order are currently being seriously aggravated by Russia's illegal, unprovoked and unjustified war of aggression against Ukraine;
- F. whereas genuine democratic elections are an indispensable aspect of inclusive and accountable governance, as they provide a mandate to the authorities from citizens;
- G. whereas, according to Freedom House, 80 % of people live in countries that are not free or are partly free, which limits their basic human rights; whereas more than one third of the global population lives under authoritarian rule;
- H. whereas the right to participate in genuine elections is obstructed in autocratic and illiberal regimes by, among other things, the creation of legal and administrative barriers preventing the will of the people from being reflected, shrinking space for civil society, voter intimidation and the conducting of fake elections with the goal of entrenching the regimes' power; whereas such elections are not free, transparent, verifiable, pluralistic or fair, lack real political contestation and place undue restrictions on the right to vote, stand for election and be elected; whereas arbitrary and politically fabricated disqualifications of opposition candidates are also tools traditionally used by autocratic regimes to interfere in electoral processes;
- I. 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 strengthen people's compliance and support for the regime and its right to govern, and to decrease and delegitimise any opposition against the regime;
- J. whereas the EU should pay careful attention when choosing where to observe elections in order to avoid being seen as a legitimising force that supports the outcomes of undemocratic elections;
- K. 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, including by removing effective checks on the enforcement of repressive laws, control of the media and malign interference in digital communication channels;

- L. whereas media freedom and pluralism are crucial components of the right to freedom of expression and information, as well as enablers of democratic, free and participative societies; whereas transparency of media ownership and funding and safeguards to ensure media pluralism and avoid the risk of a concentration of power in media, platform operators and internet intermediaries are essential for the media to fulfil its role; whereas it is crucial that citizens have access to independent and reliable information; whereas the spread of false information, propaganda and disinformation creates a climate of global scepticism that threatens freedom of information and democratic debate;
- M. 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 such strategies include undertaking domestic and international observation activities that do not comply with the international standards, such as deploying fake election observers who help to steer the post-electoral discourse in support of autocratic and illiberal regimes; whereas citizens in such regimes have limited opportunities to observe elections, and if they do, the regimes do everything in their power to discredit observers or sideline their efforts;
- N. whereas autocratic and illiberal regimes are becoming increasingly well organised in their efforts to provide international legitimacy to each other's fake elections through fake international observation activities; whereas these regimes contribute to the erosion of global trust in democratic institutions by copying, developing and spreading fraudulent practices unchallenged; whereas autocratic and illiberal regimes also use international institutions for their own benefit, including for the promotion of rival norms within global governance institutions and the legitimisation of fraudulent elections;
- O. whereas EU Election Observation Missions aim to strengthen confidence in elections, deter fraud and provide an informed and factual assessment of election processes;
- P. whereas the severity and scale of attacks against non-partisan election observers –including harassment, defamation, threats, violations of rights, expulsions, physical violence and even killings – 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;
- Q. 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, by considering the promotion and defence of democracy as a strategic interest and as a key part of its geo-economic and trade strategies and by finding innovative ways to support civic voices speaking out against autocracies and their legitimisation strategies;
- R. 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 and by addressing electoral shortcomings in a consistent manner, including when they occur in close partner countries; whereas, in doing so, the EU should focus not only on the electoral processes themselves, but also on the surrounding context and the underlying causes of authoritarian legitimisation; whereas European actors should not contribute to legitimising elections in illiberal and autocratic regimes;
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 and effective EU actions to promote and protect the right to participate, which is a universal human right, as part of a much broader strategy on human rights and democracy support; ensure that these actions mainstream gender perspectives and the inclusion of groups in vulnerable situations;
- (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) address in a systematic and robust manner the attempts by non-EU countries to restrict the enjoyment of the right to participate of minorities, including ethnic and religious minorities, and of youth, women, indigenous groups and other social groups; call, in particular, on the authorities of non-EU countries to monitor hate speech by public authorities and elected officials and to adopt strong and concrete measures and sanctions against it in order to advance towards a zero-tolerance approach to racism and discrimination;
- (d) engage with non-EU countries to ensure an accessible and enabling environment for persons with disabilities, which allows them to participate in the political and public life of their communities; highlight, in particular, the need to address legal and administrative barriers to political participation by making voting procedures, facilities and election materials more accessible, by expanding opportunities for participation in political and public life and by raising awareness of the right to political participation of persons with disabilities and collecting data to measure this political participation;
- (e) streamline the right to participate in the EU's external action toolbox, which needs to be implemented by the European Union's delegations in non-EU countries in very close cooperation with the embassies of the Member States;
- (f) acknowledge and address shortcomings in the enjoyment of the right to participate within the EU, with a view to strengthening the legitimacy and credibility of the EU's external action in this area;
- (g) acknowledge the severity of the difficulties that people living under autocratic and illiberal regimes have in accessing factual, uncensored 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 restricts their resources to assess whether elections are truly competitive and whether citizens' preferences are reflected in the results, and work to prevent the misuse of public resources and vote-buying; take into consideration the erosion of the morale of the civilian population caused by manipulated, non-transparent and illegitimate elections, as they create mistrust in both national and international government institutions;
- (h) acknowledge the importance of access to universal and free education that empowers people to make free choices in elections;

EU tools and procedures

- (i) 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, including from EU Member States and EU institutions, such as some Members of the European Parliament, in the place of standardised international missions; ensure that this strategy goes beyond dialogue and statements of concern by the EU, and is geared towards improving the standards of democracy and the rule of law in the countries concerned; work with democratic countries to strengthen international institutions in order to prevent autocratic and illiberal regimes from infiltrating them and using them for their own ends;
- (j) strengthen the link between election observation work and the EU's wider support for human rights and democracy using political, commercial and cooperation tools; consider authoritarian electoral legitimisation strategies as early symptoms of underlying non-democratic trends and react accordingly; counter authoritarian narratives that put security and democracy in contrast, thus limiting fundamental liberties under the pretext of state security, and the attempts of autocratic and illiberal regimes to exploit policy areas such as climate, sport and international development to falsely reinforce their legitimacy;
- (k) 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' abuses of information and communication technology and artificial intelligence in relation to election manipulation, 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;

- (l) monitor and denounce the role of private companies that specialise in disinformation campaigns and offer to covertly meddle in elections and manipulate public opinion in non-EU countries; take effective action to ensure that EU-based public affairs, media and online companies do not engage in such behaviour and instead strictly respect the right to privacy and uphold the same level of data protection in partner countries as they are required to uphold in the EU under the General Data Protection Regulation ⁽¹⁾, particularly during election campaigns; ensure that these companies abide by the UN Guiding Principles on Business and Human Rights and are held accountable when they fail to do so;
- (m) address the use of biased election observers to attempt to discredit the work of genuine international and EU election observation missions;
- (n) recognise the crucial role of civil society in denouncing fake elections and delegitimising them in the eyes of local populations; support independent civil society organisations, democratic opposition forces, 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; highlight that transparency regarding media financing and truly free and independent media are key for preventing undue influence;
- (o) support, throughout the electoral cycle, local election observers whose activities increase people's belief that their right to participate in genuine elections will be respected, and condemn in the strongest terms attacks against them; support regional and global networks of citizen observers that provide solidarity, capacity building and exchanges of experience with local groups, which can help counter efforts by autocratic and illiberal regimes to legitimise each other's elections;
- (p) mainstream information about genuine elections and people's right to participate in them, including about the right of all minorities to vote, 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; support programmes aiming to improve the legislative and administrative framework for elections in non-EU countries, including through support to national election commissions;
- (q) 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 a universal democratic culture; build such cooperation on genuine partnerships, especially given that ensuring electoral transparency, stopping foreign interference and improving democracies are a work in progress, requiring bold, innovative and joint solutions;
- (r) provide more support to initiatives related to election observation training and knowledge building at local, regional and international level and to engagement with local media and civil society organisations; highlight the importance of support and capacity building for local election observers in ensuring a more sustainable approach to democracy-building;
- (s) support Parliament's Democracy Support and Election Coordination Group and its work, especially in the framework of election observation; assess how to address the increasingly frequent scenario of countries refusing to invite the EU to observe their elections;
- (t) closely monitor the adoption and implementation of the recommendations of EU and OSCE Office for Democratic Institutions and Human Rights (ODIHR) election observation missions and include them as an essential part of the overall framework for relations between the EU and the country concerned; adequately follow up on the recommendations of EU election observation missions, with greater involvement from Parliament; ensure that EU public statements related to elections in non-EU countries are strictly in line with the EU's values in the fields of democracy, human rights and elections and are consistent with the findings of EU election observation missions;

⁽¹⁾ Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (OJ L 119, 4.5.2016, p. 1).

- (u) address the right to participate and all other aspects related to electoral integrity in non-EU countries through EU human rights dialogues; ensure that those dialogues are complemented by a segment involving independent civil society organisations;
- (v) use the EU Global Human Rights Sanctions Regime (the EU Magnitsky Act) for persons responsible for serious breaches of the right to participate and of democratic election standards, and make further use of the EU's restrictive measures to sanction those who gradually and covertly undermine democracy and the rule of law in non-EU countries; ensure that the suspension of these restrictive measures is conditional on a real improvement in human rights, democracy and the rule of law in the country concerned; consider developing effective and dissuasive measures against persons involved in fake election observation missions, including members of national parliaments, politicians from EU Member States and Members of the European Parliament;
- (w) recognise the role of EU and OSCE ODIHR election observation missions – including the role of Parliament – in providing evidence on whether elections are genuine and further improve this tool, including by strengthening its visibility, condemning fake election observation missions and bolstering the communications strategy both before and after elections; increase support for long-term election observation missions, as some of the most serious violations of electoral processes take place before polling day; equip EU election observation missions with appropriate and up-to-date technical expertise and resources for the adequate monitoring of aspects related to the new risks involved in the use of new electoral information and communication technologies;

EU actions in international forums

- (x) promote close cooperation and coordination between democratic countries, multilateral institutions, such as the OSCE ODIHR and the Council of Europe, and the organisations that endorsed the UN Declaration of Principles for International Election Observation as a means to counter the legitimisation of fake elections and fake observers more effectively in international forums, in particular the UN;
 - (y) 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;
 - (z) 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;
 - (aa) lead the efforts to give more visibility to the UN Declaration of Principles for International Election Observation and the work of those organisations that endorsed it and are active in election observation; consider calling for the list of endorsing organisations to the UN 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; take a similar approach to the Global Network of Domestic Election Monitors; explore ways to undermine the legitimacy of shadow organisations and fake observers;
 - (ab) 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.