

Democracy must not become the silent victim of the coronavirus pandemic

While governments everywhere struggle to contain the COVID-19 pandemic and do all they can to protect public health, democracy is at risk in many places around the world. Hard-won rights are being swept aside by emergency measures, elections postponed indefinitely, or held under problematic conditions, and essential freedoms eroded.

Since the beginning of March, the International Institute for Democracy and Electoral Assistance (IDEA) has noted that more than 50 countries and territories have postponed elections because of the crisis. Though ostensibly legitimate in the midst of a pandemic, some countries have put off their elections using health emergency laws, instead of through appropriate political channels as stipulated by their constitutions and international standards, and without agreeing to a consensual process for fixing a new date.

In the same period, nineteen countries and territories have gone ahead with their elections in difficult circumstances, some of which could undermine their democratic integrity, if not their legality. Indeed, an election with few poll workers, closed polling stations, very low turn-out, and little or no independent observation could potentially be as compromised as one delayed indefinitely.

Countries due to hold elections in the coming months do face a tremendous challenge. They must take draconian measures to prevent the spread of the virus, but also enable citizens to meaningfully participate in the electoral process. Campaign rallies, voter registration, face-to-face debate and election-day gatherings are all complicated by the situation.

The citizens and leaders of such countries face many challenging questions: Can the election – and the processes that precede it – still be held without endangering lives? Will extra precautions at polling stations be sufficient, or should more profound, and sometimes controversial, changes be made to the way we vote?

These are complex issues involving our fundamental rights, the integrity of democracy, and the legitimacy of our governments. The answers will depend on the legal, political and public health context of individual states, and will probably involve difficult trade-offs.

International norms and obligations provide a vital compass, however. **For this reason, we advocate that electoral processes during the COVID-19 pandemic should reflect and respect the following key principles:**

- ***A firm grounding in the law.*** The adoption of emergency measures, including changes to elections, should conform to constitutional provisions and electoral laws. Where the national legal framework does not anticipate such a situation, necessary changes should be formally adopted, consistent with international obligations.

- **Broad political support.** Even where the law is clear, a consultative approach building agreement across the political landscape is crucial. Without this, measures may be perceived as a strategy for political gain by incumbents, which can subvert the public trust that is essential to address the health crisis.
- **Clear and transparent communication to the public.** Citizens will need to understand what measures are being considered, by whom, and on what grounds. The media and civil society have a crucial role to play in preventing democratic erosion by monitoring policy, fostering or enabling debate, and shining a light on critical issues.
- **Proportionality.** Any measures taken – from adjustments at the polling station to more profound changes in how voters are registered, ballots are cast, or votes are tabulated - should be reasonable and proportionate to the risk posed by the coronavirus.
- **Based on the best available technical information.** Choosing suitable, proportionate measures requires not only legal certainty and political buy-in but also subject matter expertise. The relevant experts, including electoral experts, should be consulted as early as possible.
- **Time-bound.** The horizon for any emergency measures should be clearly set out. This is particularly relevant in the case of a postponement of elections, which should not be open-ended. Where it is not possible to set a new date, there should be clarity and agreement on how to determine when risks have been overcome.
- **Mindful of particularly affected groups.** Some citizens will require special consideration at this time to ensure free, fair, and safe elections. These include those who are in hospitals or isolation due to the virus; health care workers; law enforcement and military personnel assisting in the crisis; and traditionally marginalized groups, such as women, persons with disabilities, the elderly, refugees and migrants, minority groups, and others who might otherwise be disenfranchised.

Virtually every country in the world will be affected by the pandemic. It is critical, therefore, that we face this common challenge together. In protecting the health and safety of our citizens, we must also be sure that protection measures safeguard the integrity of elections and the legitimacy of democratic political systems.

We urge all leaders and governments to implement decisions in a manner that reflects these principles and respects fundamental rights. That way, we will emerge from this crisis stronger, protecting precious democratic freedom, as well as national health.

See next page for list of signatories

This letter is signed by:

ALBRIGHT, Madeleine K. - Former U.S Secretary of State; Chair of the National Democratic Institute (NDI); Member of the Kofi Annan Elections Integrity Panel of Senior Figures.

ANNAN, Nane - Member of the Kofi Annan Foundation Board.

BANBURY, Anthony - President and Chief Executive Officer of the International Foundation for Electoral Systems (IFES); Member of the Kofi Annan Elections Integrity Core Group.

CARTER, Jason J. – Chair of The Carter Center Board of Trustees.

CHINCHILLA, Laura - Vice-President of the Club of Madrid; Former President Costa Rica; Chair of the Kofi Annan Commission on Elections and Democracy in the Digital Age; Member of the Kofi Annan Elections Integrity Panel of Senior Figures.

CLARK, Joe - Former Prime Minister of Canada; Member of the Kofi Annan Elections Integrity Panel of Senior Figures.

DOSS, Alan - President of the Kofi Annan Foundation.

DREIFUSS, Ruth - Former President of the Swiss Confederation and Federal Councillor; Member of the Kofi Annan Elections Integrity Panel of Senior Figures.

GASPARD, Patrick - President of the Open Society Foundation (OSF).

HEYZER, Noeleen - Former Executive Secretary of the United Nations Economic and Social Commission for Asia and the Pacific (ESCAP); Member of the Kofi Annan Commission on Elections and Democracy in the Digital Age.

IBRAHIM, Mo – Founder of the Mo Ibrahim Foundation.

ILVES, Toomas Hendrik - Former President of Estonia; Member of the Kofi Annan Commission on Elections and Democracy in the Digital Age.

JONATHAN, Goodluck - Former President of Nigeria; Chair of the Goodluck Jonathan Foundation; Member of the Kofi Annan Elections Integrity Panel of Senior Figures.

KOENDERS, Bert - Former Foreign Minister of the Netherlands; Member of the Kofi Annan Elections Integrity Panel of Senior Figures.

LETERME, Yves - Former Secretary-General of International IDEA; Former Prime Minister of Belgium; Member of the Kofi Annan Commission on Elections and Democracy in the Digital Age.

LEUTHARD, Doris - Former President of the Swiss Confederation; Former member of the Swiss Federal Council; Member of the Kofi Annan Foundation Board.

MACHEL, Graça - Minister for Education and Culture of Mozambique; Former First Lady of Mozambique and South Africa; Member of the Kofi Annan Foundation Board.

MALCORRA, Susana - Former Foreign Minister of Argentina; Former United Nations Under-Secretary-General for Field Support; Former chief operating officer and Deputy Executive Director of the World Food Programme; Member of the Kofi Annan Foundation Board.

MITCHELL, Derek (Amb.) - President of the National Democratic Institute (NDI).

MOLLER, Michael - Former Under-Secretary-General of the United Nations and the 12th Director-General of the United Nations Office at Geneva; Member of the Kofi Annan Foundation Board.

PETERS, Mary Ann Amb. (ret.) - Chief Executive Officer of The Carter Center.

SALAMÉ, Ghassan – Former UN Special Envoy for Libya; Member of the Kofi Annan Foundation Board.

STEDMAN, Stephen - Secretary-General of the Kofi Annan Commission on Elections and Democracy in the Digital Age.

SY, Elhadj As - Chair of the Kofi Annan Foundation Board; Co-Chair of The Global Preparedness Monitoring Board (GPMB); Former Secretary-General of the International Federation of Red Cross and Red Crescent Societies (IFRC).

WIECZOREK-ZEUL, Heidemarie - Former Minister for Economic Cooperation and Development of Germany; Member of the Kofi Annan Elections Integrity Panel of Senior Figures.

will.i.am - Musician and entrepreneur; Member of the Kofi Annan Foundation Board.

YUDHOYONO, Susilo Bambang - Sixth President of the Republic of Indonesia; Member of the Kofi Annan Elections Integrity Panel of Senior Figures.

ZEDILLO, Ernesto - Former President of Mexico; Member of the Kofi Annan Elections Integrity Panel of Senior Figures; Member of the Kofi Annan Commission on Elections and Democracy in the Digital Age.

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