

# Chapter 13. Voter Registration

## Overview

Voter registration is often the most controversial and expensive component of an electoral process. No voter register is completely current and accurate, thus all voter lists remain exposed to complaints and objections, both of technical and political nature. Despite the central role played by voter registration activities in the electoral cycle and its significant costs, its relevance for EMB strategic planning and democracy support capacity-building programming has only fully emerged in recent years. Voter registration processes, regardless of the registration model or technology applications chosen to support them, touch upon broader issues related to the state's administrative structure and social contracts. Voter eligibility rules are examined in Chapter 12.

The general international obligations that affect voter registration are the Right to Vote and the State Must Take Necessary Steps to Give Effects to Rights. The right to vote is violated if the legal framework makes it unreasonably difficult for a person to register to vote, as a person who is not registered can generally not vote. The right to vote is also violated if the legal framework fails to ensure accuracy in voter registers, or fails to enable the detection of fraudulent registration, compromising the obligation to guarantee Equal and Universal Suffrage by diluting the weight of legitimate votes. States are thus required to ensure that voter registers are comprehensive, inclusive, accurate and up to date, and that the registration process and voter register are fully transparent.

The legal framework may place the responsibility to register to vote on the individual, an approach referred to as active voter registration. This option requires the individual applicant to proactively seek registration with the competent authorities. Alternatively, the legal framework may hold the

state responsible for deriving voter lists from the civil register, an approach known as passive voter registration. Another passive registration approach tasks the EMB or other competent body with compiling voter registers, either by sending official enumerators from house to house to register voters or by extrapolating eligible voter data from the civil registry. Some frameworks may also split the responsibility between the state and citizens. In all cases, however, the final responsibility for the voter register lies with a local or central state authority or EMB, which must ensure that voter registers are maintained in an accurate, current, complete, transparent and secure manner, in full respect of the Freedom from Discrimination and Equality under the Law.

Regardless of the approach chosen, the voter registration process aims to facilitate the registration of eligible voters while safeguarding against the registration of ineligible persons. Hence, the legal framework for elections is called on to define:

- types of citizenship and proof of age documentation;
- types of residency documentation;
- methods of voter registration;
- processes for dealing with objections and appeals;
- voter identification; and
- documentation required by voters.

All of the above must be clearly stated in the law, objectively determinable and not be subject to arbitrary decision. The obligations of Transparency and the Right to Information require that voter registers are public documents that can be monitored and made available for inspection at no cost to the requester. In order to guarantee respect for the underlying treaty obligations, the legal framework ideally specifies who may access voter registers, how the inspection will take place and when voter registers are available for public inspection. Transparency and accuracy of the process also require the law to specify who is permitted to request registration changes, additions and deletions. The framework must also detail the procedure for making such requests and the time period during which such requests may be made. Requests for changes, additions and deletions in voter registers should be cut off by a minimum time period before an election in order to finalize and close registers. Persons may be entitled to make requests that relate to other people in addition to themselves. When a person is permitted to make a request that affects another person, the other person must be notified of the request and be permitted to respond to the request.

Changes, additions and deletions require regulation to ensure that they are only made upon the presentation of specific documentation and in accordance with the procedure identified in the legislation. Before finalizing voter registers, all registered political parties can be given notice of (and provided

access to) the registers so that they may verify, object to or seek to add such names as they wish. To abide by its obligations, states are required to ensure that decisions on requests are made expeditiously within a set time period provided by law. Decisions can be subject to administrative and judicial appeal, to be determined within a similarly established and expeditious timeframe, so as to ensure that registered voters are able to exercise their article 25 rights on election day.

Legal frameworks often require applicants to disclose certain information to authorities when registering as a voter. In order to protect the ICCPR-enshrined right to privacy, legislation related directly to voter registration is required to regulate and prevent the collection, use or dissemination of such personal data or information for any purpose other than the exercise of suffrage rights. This includes provisions that relate to iris recognition, fingerprints, photographs and personal identification numbers, as well as to ethnicity or other factors that could lead to discrimination, compromise the secrecy of the vote or place the voter at risk of political reprisal.

In their voter registration procedures, states are called upon to specify what personal information and data will be publicly listed on the voter register. Similar safeguards must also be in place where voter lists are based on civil registration data. Clearly stating the permitted uses of information obtained from cross-checking voter and civil registers, and whether the information can be used for purposes other than challenging the registration of a particular voter, will also contribute to protecting citizen rights. Laws can regulate whether such information can be used for the campaign activities of political parties and candidates, police investigations, or commercial or other purposes. National legal frameworks are also entrusted with determining sanctions for the misuse of information obtained from voter registers.

Overall, UN jurisprudence addresses voter registration fairly exhaustively, although it has not expressly called for the continuous or sufficiently periodic update of voter registers, to ensure that they are accurate and up-to-date. International treaties and jurisprudence do not determine what voter registration method is preferable, and consider this choice to be context driven, even if case law advocates sustainable and locally owned solutions. The specific issue of voter list transparency and accessibility is expressly referenced in the ECOWAS Supplementary Protocol, which calls upon states to ‘prepare voter lists in a transparent and reliable manner’, with the collaboration of political parties and voters.<sup>1</sup> Furthermore, the ECOWAS Supplementary Act A/SA.1/01/10 on Personal Data Protection recognizes the progress made in the area of Information and Communication Technologies (ICT) and the subsequent challenges in protecting personal data. The document equally identifies the rights of individuals whose personal data are being processed (Chapter VI) as well as the obligations of personal data controllers (Chapter VII).<sup>2</sup>

## Table of Jurisprudence

### 13. Voter Registration

#### 13.1 Are there provisions requiring an accurate, inclusive and updated voter register?

##### Universal Suffrage

ICCPR, Art. 25: Every citizen shall have the right and the opportunity, without any of the distinctions mentioned in article 2 and without unreasonable restrictions: (a) To take part in the conduct of public affairs, directly or through freely chosen representatives; (b) To vote and to be elected at genuine periodic elections which shall be by **universal** and equal **suffrage** and shall be held by secret ballot, guaranteeing the free expression of the will of the electors; (c) To have access, on general terms of equality, to public service in his country.

UNSC Res. 1944, Haiti (2010): Acknowledging the continued support of the Organization of American States to modernize the Haitian voter registry and stressing the **importance of updating the voter list** following the devastation caused by the earthquake of 12 January 2010.

CCPR, GC 25, p. 11: **States must take effective measures to ensure that all persons entitled to vote are able to exercise that right. Where registration of voters is required, it should be facilitated and obstacles to such registration should not be imposed.** If residence requirements apply to registration, they must be reasonable, and should not be imposed in such a way as to exclude the homeless from the right to vote. Any abusive interference with registration or voting as well as intimidation or coercion of voters should be prohibited by penal laws and those laws should be strictly enforced. p. 12: Positive measures should be taken to overcome [...] impediments to freedom of movement which prevent persons entitled to vote from exercising their rights effectively.

A/HRC/12/15 (UPR, 2009), The Former Yugoslav Republic of Macedonia, p. 77: Conclusions and/or Recommendation, No. 37: [...] **Compile a new voter registration list to ensure full participation** of the electorate in future elections.

A/HRC/17/30/Add.2 (SR on the independence of judges and lawyers, 2011), p. 120 (b): The Special Rapporteur recommends that the Government of Mozambique, with the assistance of the international community: [Recommends to] (iii) undertake the necessary steps to **provide Mozambicans with national identification cards** to allow them to be fully recognized as persons before the law.

#### 13.2 Are there provisions requiring that the voter registration process is transparent and accessible?

##### Transparency and the Right to Information

ICCPR, Art. 19(2): Everyone shall have the right to freedom of expression; this right shall include **freedom to seek, receive and impart information and ideas of all kinds**, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.

UNCAC, Art. 13(1): Each State Party shall take appropriate measures, within its means and in accordance with fundamental principles of its domestic law, to **promote the active participation of individuals and groups** outside the public sector, [...] in the prevention of and the fight against corruption and to raise public awareness regarding the existence, causes and gravity of and the threat posed by corruption. This participation should be strengthened by such measures as: (b) **Ensuring that the public has effective access to information.**

ICCPR, Art. 2(2): Where not already provided for by existing legislative or other measures, **each State Party to the present Covenant** undertakes to take the necessary steps, in accordance with its constitutional processes and with the provisions of the present Covenant, to **adopt such laws or other measures as may be necessary to give effect to the rights recognized in the present Covenant.**

UNCAC, Art. 5(1): **Each State Party shall**, in accordance with the fundamental principles of its legal system, develop and implement or maintain effective, coordinated anti-corruption policies that **promote the participation of society** and **reflect the principles** of the rule of law, proper management of public affairs and public property, integrity, **transparency and accountability.**

CCPR, GC 25, p. 11: **Voter education and registration campaigns are necessary to ensure the effective exercise of article 25 rights by an informed community.**

CCPR/C/CPV/CO/1, *Cape Verde (2012)*, p. 17: The Committee notes the lack of information on the measures taken by the State party to implement the recommendation of the National Electoral Commission to amend the provisions of its Electoral Code in order to ensure greater security and transparency in the conduct of elections. The Committee also notes the **lack of information on the measures taken to review the voter identification and registration processes** (art. 25). The State party should provide information on the concrete measures taken to implement the recommendations of the National Electoral Commission to amend the Electoral Code in order to ensure greater electoral security and transparency, and to review the voter identification and registration processes.

A/HRC/21/63 (SR *Cambodia, 2012*), p. 78: The electoral process, including the **voter registration process**, and the manner in which electoral disputes are dealt with should be **transparent** and conform to international standards. For example, the National Electoral Committee should make public the names of polling officers [...].

### 13.3 Are there any direct or indirect fees for the issuance of documents necessary to register?

#### Freedom from Discrimination and Equality under the Law

ICCPR, Art. 26: **All persons are equal before the law and are entitled without any discrimination to the equal protection of the law.** In this respect, the law shall prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin, **property**, birth or **other status**.

ICCPR, Art. 2(2): Where not already provided for by existing legislative or other measures, **each State Party to the present Covenant** undertakes to take the necessary steps, in accordance with its constitutional processes and with the provisions of the present Covenant, to **adopt such laws or other measures as may be necessary to give effect to the rights recognized in the present Covenant**.

CCPR, GC 25, p. 12: **Positive measures should be taken to overcome specific difficulties, such as illiteracy, language barriers, poverty, or impediments to freedom of movement which prevent persons entitled to vote from exercising their rights effectively.**

A/HRC/21/63 (SR *Cambodia, 2012*), p. 73: There should be a more **effective, impartial and non-discriminatory procedure for the registration of voters** in Cambodia. Accordingly, the government should expeditiously provide necessary documents, Khmer nationality identity cards, passports and other necessary civil registration documents to all citizens for nominal fees and should reregister voters using the data from those cards as a basis to establish a new electoral roll. p. 74: **Any Cambodian citizen eligible to vote should be entitled to request registration with the electoral and/or local authorities at any point during the year.**

CCPR/C/BIH/CO/1, *Bosnia and Herzegovina (2006)*, p. 22: [...] **The State party should remove administrative obstacles and fees in order to ensure that all Roma are provided with personal documents, including birth certificates**, which are necessary for them to have access to health insurance, social security, education and other basic rights.

### 13.4 Are there provisions allowing for positive measures to include women in the voter register?

#### States Must Take Necessary Steps to Give Effect to Rights; Equality Between Men and Women

ICCPR, Art. 2(2): Where not already provided for by existing legislative or other measures, **each State Party to the present Covenant** undertakes to take the necessary steps, in accordance with its constitutional processes and with the provisions of the present Covenant, to **adopt such laws or other measures as may be necessary to give effect to the rights recognized in the present Covenant**.

ICCPR, Art. 3: **The States Parties to the present Covenant undertake to ensure the equal right of men and women to the enjoyment of all civil and political rights set forth in the present Covenant.**

CEDAW, Art. 7: **States Parties shall take all appropriate measures to eliminate discrimination against women in the political and public life of the country and, in particular, shall ensure to women, on equal terms with men, the right:** (a) **To vote in all elections and public referenda** and to be eligible for election to all publicly elected bodies; (b) To participate in the formulation of government policy and the implementation thereof and to hold public office and perform all public functions at all levels of government; (c) To participate in non-governmental organizations and associations concerned with the public and political life of the country.

CEDAW, GR 25 (2004), p. 35: The Committee draws attention to and reiterates its General Recommendation No. 9, on statistical data concerning the situation of women, and recommends that States parties provide statistical data disaggregated by sex **in order to measure the achievement of progress towards women's de facto or substantive equality and the effectiveness of temporary special measures.**

CEDAW/A/57/38, Yemen (2002), p. 402: While welcoming the State party's plans to ensure women's participation in the upcoming electoral registration process, the Committee is **concerned about the low rate of registration of women as voters and their low representation on electoral lists and in political decision-making bodies.** p. 403: The Committee requests the State party to **take measures to increase the political representation of women as voters and as candidates at all levels [...].**

CEDAW/C/PAK/CO/4 Pakistan, (2013), p. 26: The Committee calls upon the State party to establish a **procedure for filing complaints in cases of forced disenfranchisement of women** and adopt the draft bill submitted by the Election Commission of Pakistan, **advocating re-polling where less than 10 per cent of women's votes were polled.**

### 13.5 Does the legal framework provide effective measures to include minorities on the voter register?

#### States Must Take Necessary Steps to Give Effect to Rights; Right and Opportunity to Vote

ICCPR Art. 2(2): Where not already provided for by existing legislative or other measures, **each State Party to the present Covenant** undertakes to take the necessary steps, in accordance with its constitutional processes and with the provisions of the present Covenant, to **adopt such laws or other measures as may be necessary to give effect to the rights recognized in the present Covenant.**

ICCPR, Art. 25: **Every citizen shall have the right and the opportunity**, without any of the distinctions mentioned in article 2 and without unreasonable restrictions: (b) **To vote** and to be elected at genuine periodic elections which shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electors.

ICCPR, Art. 26: **All persons are equal before the law and are entitled without any discrimination to the equal protection of the law.** In this respect, the law shall prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

ICERD, Art. 5: [...] **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 equality before the law, notably in the enjoyment of the following rights:** (c) **Political rights, in particular the right to participate in elections—to vote** and to stand for election—on the basis of universal and equal suffrage, to take part in the Government as well as in the conduct of public affairs at any level and to have equal access to public service; (d)(iii) **The right to nationality.**

A/HRC/13/25 (Forum on Minority Issues, 2010), p. 26: Where citizenship is a requirement for voting, election to political office or appointment to a position in the public service, there should be a **reasonable process for attaining such citizenship that is clearly defined, widely communicated and non-discriminatory with regard to race, ethnicity or religion.** The **process should not be prohibitive or present deterrents**, such as being unduly lengthy, costly or otherwise burdensome for persons who meet the requirements.

A/HRC/7/19/Add.5 (SR on contemporary forms of racism, racial discrimination, xenophobia and related forms of intolerance, 2008), p. 110: Measures undertaken by the government and implemented by the central electoral board, including via **the establishment of a separate birth registration regime for newborns** of Haitian descent, onerous requirements for late registration of births, or denial or revocation of *cédulas* belonging to people born in the Dominican Republic, **constitute acts which deny constitutionally granted citizenship to persons belonging to this minority group, along with their children, thus rendering them stateless [...].**

CCPR/C/NIC/CO/3, Nicaragua, (2008), p. 20: While the Committee notes that the State party has partly complied with the ruling by the Inter-American Court of Human Rights in the YATAMA case, it regrets that it has not undertaken the necessary legislative reform to introduce a simple legal remedy ensuring that indigenous and ethnic communities in the autonomous regions **can take effective part in elections with due regard for their traditions, conventions and customs** (Arts. 25 and 27).

CCPR/C/ALB/CO2, Albania (2013), p. 23: (e) Ensure that all Roma people have **identity cards so as to facilitate their right to vote**.

CERD/C/COG/CO/9, Congo (2009), p. 17: The Committee notes with concern that the **level of registration of births among indigenous people is low and that some indigenous people lack identity documents**. The Committee recommends that the State party redouble its efforts to ensure that **all births among indigenous peoples are registered and that such registered individuals are provided with personal identity documents**. The Committee encourages the State party to **bring civil status registration centres closer to the communities where indigenous people live** (Art. 5(d)).

CCPR/C/HUN/CO/5, Hungary (2010), p. 21: The Committee is concerned at the **administrative shortcomings of the minority election register**, and the self-government system, **which**, inter alia, **renders it obligatory for minorities to register their ethnic identity**, and, therefore, **deters those who do not wish their ethnic identity to be known, or have multiple ethnic identities, from registering in particular elections**. (Arts. 2 and 25). The State party should adopt measures to address the shortcomings of the minority election register, and the minority self-government system in general, in order to ensure that it does not deter and disenfranchise minorities from participating in minority self-government elections.

CERD/C/IND/CO/19, India (2007), p. 17: The Committee notes with concern reports that Dalit candidates, especially women, are frequently forcibly prevented from standing for election or, if elected, forced to resign from village councils or other elected bodies or not to exercise their mandate, that many Dalits **are not included in electoral rolls or otherwise denied the right to vote**, and that public service posts reserved for scheduled castes and scheduled tribes are almost exclusively filled in the lowest category [...]. The Committee recommends to the State party to **effectively enforce reservation policy; to ensure rights of members of scheduled castes and scheduled and other tribes to freely and safely vote and stand for election and to fully exercise their mandate** if elected to their reserved seats [...].

### 13.6 Does the legal framework facilitate voter registration for persons with disabilities?

#### States Must Take Necessary Steps to Give Effect to Rights; Right and Opportunity to Vote

ICCPR, Art. 2(2): Where not already provided for by existing legislative or other measures, **each State Party to the present Covenant** undertakes to take the necessary steps, in accordance with its constitutional processes and with the provisions of the present Covenant, to **adopt such laws or other measures as may be necessary to give effect to the rights recognized in the present Covenant**.

ICCPR, Art. 25: **Every citizen shall have the right and the opportunity**, without any of the distinctions mentioned in article 2 and without unreasonable restrictions: (b) To vote and to be elected at genuine periodic elections which shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electors.

ICCPR, Art. 26: All persons are equal before the law and are entitled without any discrimination to the equal protection of the law. In this respect, **the law shall prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground** such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

CRPD, Art. 5: (3) In order to promote equality and eliminate discrimination, States Parties shall take all appropriate steps to ensure that reasonable accommodation is provided. (4) **Specific measures which are necessary to accelerate or achieve de facto equality of persons with disabilities shall not be considered discrimination** under the terms of the present Convention.

CRPD, Art. 29: States Parties shall guarantee to persons with disabilities political rights and the opportunity to enjoy them on an equal basis with others, and shall undertake: a) **To ensure that persons with disabilities can effectively and fully participate in political and public life** on an equal basis with others, directly or through freely chosen representatives, including the right and opportunity for persons with disabilities to vote and be elected, inter alia, by: (i) **Ensuring that voting procedures, facilities and materials are appropriate, accessible and easy to understand and use**.

CCPR, GC 25, p. 11: **States must take effective measures to ensure that all persons entitled to vote are able to exercise that right. Where registration of voters is required, it should be facilitated and obstacles to such registration should not be imposed**. [...] Any abusive interference with registration or voting as well as intimidation or coercion of voters should be prohibited by penal laws and those laws should be strictly enforced [...].

CRPD/C/PER/CO/1, Peru (2012), p. 45: The Committee recommends that the State party: (a) restore voting rights to all people with disabilities who are **excluded from the national voter registry**, including people with disabilities subject to judicial interdiction.

### 13.7 Are there provisions to register IDPs?

#### States Must Take Necessary Steps to Give Effect to Rights; Freedom from Discrimination and Equality under the Law

ICCPR, Art. 2(2): Where not already provided for by existing legislative or other measures, **each State Party to the present Covenant** undertakes to take the necessary steps, in accordance with its constitutional processes and with the provisions of the present Covenant, to **adopt such laws or other measures as may be necessary to give effect to the rights recognized in the present Covenant**.

ICCPR, Art. 26: **All persons are equal before the law and are entitled without any discrimination to the equal protection of the law.** In this respect, the law shall prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

ICCPR, Art. 25: **Every citizen shall have the right and the opportunity**, without any of the distinctions mentioned in article 2 and without unreasonable restrictions: (b) To vote and to be elected at genuine periodic elections which shall be by **universal and equal suffrage** and shall be held by secret ballot, guaranteeing the free expression of the will of the electors.

UNSC Res. 1582 (2005), p. 17: [The Security Council] reaffirms the unacceptability of the demographic changes resulting from the conflict, reaffirms also the **inalienable right** of all refugees and **internally displaced persons** affected by the conflict to return to their homes in secure and dignified conditions, in accordance with international law and as set out in the Quadripartite Agreement of 4 April 1994 (S/1994/397, annex II) and the Yalta Declaration.

Commission on Human Rights, E/CN.4/1998/53 Add.2, UN Guiding Principles on Internal Displacement, Art. 22(d): Internally displaced persons, whether or not they are living in camps, shall not be discriminated against as a result of their displacement in the enjoyment of the following rights: (d) **The right to vote and to participate in governmental and public affairs, including the right to have access to the means necessary to exercise this right.**

CCPR/CO/80/COL, Colombia (2004), p. 19: [...] The Committee also expresses its concern regarding the **difficulties experienced by internally displaced persons in exercising their civic rights, especially the right to vote.** The State party should intensify programmes aimed at providing economic and social assistance to internally displaced persons so that they may, in conformity with article 26 of the Covenant, enjoy as many of the benefits provided by State institutions as possible. **It should also take the necessary steps to ensure that displaced persons are able to exercise the rights guaranteed in article 25.**

A/HRC/10/59 (Joint Report on technical assistance and capacity building, 2009) Democratic Republic of the Congo, p. 108: There is a risk that internally displaced persons cannot exercise their right to vote and be elected if the local elections planned for 2009 would take place before they can return. The national election commission, in cooperation with Monuc and other partners, should **ensure registration of the displaced as voters** and be supported to find ways **to ensure (e.g. through provisions on absentee voting) that the displaced can in fact exercise their political rights.** p. 109: In addition, and also to build a more inclusive society generally, the government should launch a campaign in the eastern DRC to **provide national identification and electoral cards** to anyone qualifying for DRC nationality under the new nationality law of 12 November 2004. Implementation should be guided by a rebuttable presumption that those who currently live or prior to the armed conflict have lived in the DRC are considered nationals of the DRC [...].

A/HRC/4/38/Add.2 (SRSG on human rights of IDPs, 2006), p. 67: The Representative of the Secretary-General recommends that the government authorities should: (h) **ensure the full participation of displaced persons at every stage of the electoral process** now under way, including by making a concerted effort to identify people—the attention of the independent electoral commission should be drawn to this question.

### 13.8 Are there provisions to register refugees?

#### States Must Take Necessary Steps to Give Effect to Rights; Freedom from Discrimination and Equality under the Law

ICCPR, Art. 2(2): Where not already provided for by existing legislative or other measures, **each State Party to the present Covenant** undertakes to take the necessary steps, in accordance with its constitutional processes and with the provisions of the present Covenant, to **adopt such laws or other measures as may be necessary to give effect to the rights recognized in the present Covenant**.

ICCPR, Art. 26: **All persons are equal before the law and are entitled without any discrimination to the equal protection of the law.** In this respect, the law shall prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

UNSC Res. 1536 (2004), p. 4: [The Security Council] encourages Afghan authorities to enable an electoral process that provides for **voter participation that is representative of the national demographics including women and refugees** and calls upon all eligible Afghans to fully participate in the registration and electoral processes.

UNSC Res. 1100 (1997), p. 8: [The Security Council] also stresses the importance of **assisting with the prompt repatriation of refugees who are willing to return to Liberia in time to participate in the registration and voting process.**

UNSC Res. 1582 (2005), p. 17: [The Security Council] reaffirms the unacceptability of the demographic changes resulting from the conflict, reaffirms also the **inalienable right of all refugees** and internally displaced persons **affected by the conflict to return to their homes** in secure and dignified conditions, in accordance with international law and as set out in the Quadripartite Agreement of 4 April 1994 (S/1994/397, annex II) and the Yalta Declaration.

CERD/C/JOR/CO/13-17, Jordan (2012), p. 13: The Committee is further concerned that, as non-citizen residents, Jordan's large **refugee population remains unable to participate** in the political processes and decision-making in the State party.

### 13.9 Are there measures to facilitate the registration of nomadic communities?

#### States Must Take Necessary Steps to Give Effect to Rights; Freedom from Discrimination and Equality under the Law

ICCPR, Art. 2(2): Where not already provided for by existing legislative or other measures, **each State Party to the present Covenant** undertakes to take the necessary steps, in accordance with its constitutional processes and with the provisions of the present Covenant, to **adopt such laws or other measures as may be necessary to give effect to the rights recognized in the present Covenant**.

ICCPR, Art. 26: **All persons are equal before the law and are entitled without any discrimination to the equal protection of the law.** In this respect, the law shall prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

A/HRC/13/25, (Forum on Minority Issues, 2010), p. 25: States should also consider what **special arrangements are necessary to guarantee the right to effective political participation for persons belonging to nomadic communities** who are least likely to have traditional documentation or proof of long-term residency in electoral districts.

A/HRC/13/23, Add. 1 (IE on Minority Issues) Kazakhstan, 2010, p. 92: **Groups**, including Roma and *Luli* (or *Lyuli*), were generally **described as nomadic or itinerant** and with livelihoods solely in the informal sector. Such groups **are not represented in the Assembly of the People or other State institutions.** They **often lack identification documents** required to secure services and may be vulnerable with regard to access to health care, education, housing and the effects of extreme poverty. Women and children belonging to these groups may be particularly at risk. The Government is urged to constructively engage with such communities in order to assess their needs and address discrimination against them. **Sustainable solutions should be developed to improve access to their rights.**

CCPR/C/HUN/CO/5, Hungary (2010), p. 22: The Committee is concerned at the legal requirement provided by Act LXXVII of 1993 on the Rights of National and Ethnic Minorities which prescribes that only those groups of people who represent a numerical minority and have lived in the territory of the State party for at least one century will be considered a minority or ethnic group under the terms of this Act. (arts. 26 and 27). The State party should consider repealing the condition that a minority group should be able to demonstrate that it has lived in the territory of the State party for at least a century in order to be recognized as a national or ethnic minority group. The State party should **ensure that the conditions for State recognition of minority groups are in line with the Covenant**, particularly, article 27 as expounded by General Comment No. 23 of the Committee, so that **nomadic and other groups that do not satisfy the requirement due to their lifestyle are not excluded from the full protection of the law**.

### 13.10 Are there provisions for timely amendments, corrections, claims or challenges to the voter register?

#### Right to an Effective Remedy

ICCPR, Art. 2(3): Each State Party to the present Covenant undertakes: (a) **To ensure that any person whose rights or freedoms as herein recognized are violated shall have an effective remedy**, notwithstanding that the violation has been committed by persons acting in an official capacity; (b) To ensure that any person claiming such a remedy shall have his right thereto determined by competent judicial, administrative or legislative authorities, or by any other competent authority provided for by the legal system of the State, and to develop the possibilities of judicial remedy; (c) **To ensure that the competent authorities shall enforce such remedies when granted**.

UNCAC, Art. 10: Taking into account the need to combat corruption, each State Party shall, in accordance with the fundamental principles of its domestic law, take such measures as may be necessary to enhance transparency in its public administration, including with regard to its organization, functioning and decision-making processes, where appropriate. Such measures may include, inter alia: (a) **Adopting procedures or regulations allowing members of the general public to obtain, where appropriate, information on the organization, functioning and decision-making processes of its public administration** and, with due regard for the protection of privacy and personal data, on decisions and legal acts that concern members of the public; (b) **Simplifying administrative procedures, where appropriate, in order to facilitate public access to the competent decision-making authorities**; and (c) Publishing information, which may include periodic reports on the risks of corruption in its public administration.

CCPR, GC 31, p. 15: Article 2, paragraph 3 requires that in addition to effective protection of Covenant rights, States Parties must ensure that **individuals also have accessible and effective remedies to vindicate those rights**.

CCPR, GC 32, p. 27: An important aspect of the fairness of a hearing is its **expeditiousness**. While the issue of undue delays in criminal proceedings is explicitly addressed in paragraph 3 (c) of article 14, delays in civil proceedings that cannot be justified by the complexity of the case or the behaviour of the parties detract from the principle of a fair hearing enshrined in paragraph 1 of this provision. Where such delays are caused by a lack of resources and chronic under-funding, to the extent possible supplementary budgetary resources should be allocated for the administration of justice.

CCPR, GC 34, p. 18: [...] **Every individual should have the right to ascertain in an intelligible form, whether and, if so, what personal data is stored in automatic data files, and for what purposes**. Every individual should also be able to ascertain which public authorities or private individuals or bodies control or may control his or her files. If **such files contain incorrect personal data or have been collected or processed contrary to the provisions of the law, every individual should have the right to have his or her records rectified**.

Munoz Hermoza v. Peru, Comm. No. 203/1986, UN Doc. Supp. No. 40 (A/44/40) at 200 (1988), p. 11.3: With respect to the requirement of a fair hearing as stipulated in article 14, paragraph 1, of the Covenant, the Committee notes that **the concept of a fair hearing necessarily entails that justice be rendered without undue delay**. In this connection the Committee observes that the administrative review in the Munoz case was kept pending for seven years and that it ended with a decision against the author based on the ground that he had started judicial proceedings. A delay of seven years constitutes an unreasonable delay. [...] However, the delays in implementation have continued and two and a half years after the judgement of the Tribunal of Constitutional Guarantees, the author has still not been reinstated in his post. This delay, which the State party has not explained, constitutes a further aggravation of the violation of the principle of a fair hearing.

### 13.11 Are there provisions that penalize interference with registration?

#### States Must Take Necessary Steps to Give Effect to Rights

ICCPR, Art. 2(2): Where not already provided for by existing legislative or other measures, **each State Party to the present Covenant** undertakes to take the necessary steps, in accordance with its constitutional processes and with the provisions of the present Covenant, to **adopt such laws or other measures as may be necessary to give effect to the rights recognized in the present Covenant**.

UNCAC, Art. 1: The purposes of this Convention are: (a) To promote and strengthen measures to prevent and combat corruption more efficiently and effectively; (c) To **promote integrity, accountability and proper management of public affairs** and public property.

CCPR, GC 25, p. 11: [...] **Any abusive interference with registration or voting as well as intimidation or coercion of voters should be prohibited by penal laws and those laws should be strictly enforced** [...]. p. 20: [...] States should take measures to guarantee the requirement of the secrecy of the vote during elections, including absentee voting, where such a system exists. This implies that **voters should be protected** from any form of coercion or compulsion to disclose how they intend to vote or how they voted, and **from any unlawful or arbitrary interference with the voting process** [...].

### 13.12 Are there measures to protect voter data privacy?

#### States Must Take Necessary Steps to Give Effect to Rights

ICCPR, Art. 2(2): Where not already provided for by existing legislative or other measures, **each State Party to the present Covenant** undertakes to take the necessary steps, in accordance with its constitutional processes and with the provisions of the present Covenant, to **adopt such laws or other measures as may be necessary to give effect to the rights recognized in the present Covenant**.

UNCAC, Art. 10: Taking into account the need to combat corruption, each State Party shall, in accordance with the fundamental principles of its domestic law, take such measures as may be necessary to enhance transparency in its public administration, including with regard to its organization, functioning and decision-making processes, where appropriate. Such measures may include, inter alia: (a) **Adopting procedures or regulations allowing members of the general public to obtain, where appropriate, information on the organization,** functioning and decision-making processes of its public administration and, **with due regard for the protection of privacy and personal data,** on decisions and legal acts that concern members of the public.

ICCPR, Art. 17: (1) **No one shall be subjected to arbitrary or unlawful interference with his privacy,** family, home or correspondence, nor to unlawful attacks on his honour and reputation. (2) Everyone has the right to the protection of the law against such interference or attacks.

CCPR, GC 34, p. 18: [...] **Every individual should have the right to ascertain in an intelligible form, whether, and if so, what personal data is stored in automatic data files, and for what purposes. Every individual should also be able to ascertain which public authorities or private individuals or bodies control or may control his or her files** [...].

CCPR, GC 16, p. 10: **The gathering and holding of personal information on computers, data banks and other devices, whether by public authorities or private individuals or bodies, must be regulated by law.** Effective measures have to be taken by States to ensure that information concerning a person's private life does not reach the hands of persons who are not authorized by law to receive, process and use it, and **is never used for purposes incompatible with the Covenant**. In order to have the most effective protection of his private life, **every individual should have the right to ascertain in an intelligible form, whether, and if so, what personal data is stored in automatic data files, and for what purposes.** Every individual should also be able to ascertain which public authorities or private individuals or bodies control or may control their files. **If such files contain incorrect personal data or have been collected or processed contrary to the provisions of the law, every individual should have the right to request rectification or elimination.**

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