



HAUT-COMMISSARIAT AUX DROITS DE L'HOMME • OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS

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REFERENCE:

Study on best practices, experiences and challenges and ways to overcome them with regard to the promotion, protection and implementation of the right to participate in public affairs in the context of the existing human rights law (Resolution 27/24 of the Human Rights Council)

The Office of the High Commissioner for Human Rights presents its compliments to Permanent Missions to the United Nations Offices at Geneva and in New York and has the honour to refer to resolution 27/24 of the Human Rights Council on “Equal participation in political and public affairs”. The resolution is attached for ease of reference.

Paragraph 6 of the resolution requests “the Office of the High Commissioner, with the participation of States, relevant United Nations agencies, intergovernmental organizations, the treaty bodies, the special procedures, national human rights institutions, non-governmental organizations and other relevant stakeholders, to prepare a study on best practices, experiences and challenges and ways to overcome them with regard to the promotion, protection and implementation of the right to participate in public affairs in the context of the existing human rights law, with a view to identifying possible elements of principles guiding this implementation, and to present it to the [Human Rights] Council at its thirtieth session for further consideration.”

The Office would welcome the input of Member States with respect to **best practices, experiences, challenges and ways to overcome them** relating to the right to participate in political and public affairs, as enshrined in article 25 of the International Covenant on Civil and Political Rights (ICCPR) and other international human rights treaties, such as the Convention on the Elimination of All Forms of Discrimination against Women (article 7) and the Convention on the Rights of Persons with Disabilities (article 29). In particular, information is requested on the following issues:

Participation in the conduct of public affairs

1. Do the Constitution and/or other laws of your country provide for the right of individuals to participate in the conduct of public affairs? Please provide information on relevant legislation and constitutional provisions.
2. What is the scope and content of the right to political and public participation as provided in national law?
3. How does the State guarantee that all individuals take part in the conduct of public affairs? Which concrete measures (including legislation) does the State take in order to enable the full and equal political and public participation by members of all groups? How does the State monitor and enforce legislation adopted to enable the full and equal political and public participation by members of all groups?



4. To what extent are all individuals consulted during the legislative and policy-making processes? Please describe best practices or experiences of representative structures, processes or any other means to encourage participation prior to reaching a political decision.
5. Are there any outreach efforts in place to effectively involve women, indigenous peoples, persons with disabilities, members of minorities and other groups requiring special attention in participatory processes?

Right to vote and to be elected

6. Is there universal and equal suffrage in your country? Are the rights of article 25 b) of ICCPR guaranteed by law? If yes, please make reference to such legislation.
7. Which obstacles have been identified as preventing individuals from exercising the right to vote and which measures have been adopted to overcome them?
8. Is information on voter registration and on the electoral process (e.g. voting sheets) available in formats and languages, including minority languages, that render them accessible to all? Please provide examples.
9. If voter registration is required, how is it facilitated? Are education and registration campaigns organized prior to major elections?
10. With respect to the right to vote and to be elected, how are the rights and needs of members of specific groups (women, persons with disabilities, minorities, indigenous peoples, first-time voters, etc.) taken into account?
11. What are the legal restrictions to the right to stand for election in your country, if any? Which practical obstacles have been identified in relation to the right to be elected? Which measures have been put in place to overcome these obstacles?
12. What positive measures have been taken to ensure that women, members of minorities, indigenous peoples, persons with disabilities and members of other disadvantaged groups are able to stand for elective office?
13. What measures (including legislative measures) are in place to ensure that candidates for elective office are not faced with discrimination, harassment, and violations of their rights to freedom of opinion, expression, assembly and association?
14. Please explain how possible interferences with the electors' will and with voter or candidate registration are avoided. Is undue interference prohibited by law? How does the State ensure effective access to judicial and other remedies in case of violations?

Equal access to public service

15. What are the conditions for access to public service in your country? Do any restrictions apply? How is the requirement for equal access met?
16. How does the State ensure that recruitment processes used by government authorities and political associations are transparent, objective and reasonable? Which measures (e.g. temporary special measures, quotas, etc.) are in place to ensure the equal recruitment of women, minorities, persons with disabilities and members of other disadvantaged groups?

Other

17. Please state if there are restrictions imposed on the rights contained in art. 25 of ICCPR in your country. If so, how does the State ensure that these restrictions are non-discriminatory, exceptional and based on reasonable and objective criteria?
18. The full enjoyment of the rights protected in article 25 of ICCPR requires respect for the rights guaranteed in articles 19, 21 and 22 of ICCPR. In this regard, what legislation is in place to ensure an independent and pluralistic media? Are journalists, human rights defenders and civil society organizations able to freely pursue their activities? Please provide information on restrictions to freedom of association, in particular the right to form and join associations concerned with political and public affairs? If there are any conditions to the exercise of the rights guaranteed in articles 19, 21 and 22 of ICCPR, are they prescribed by law, necessary and proportionate?
19. Please provide information on measures taken to ensure that information and education materials on human rights, in particular on rights and opportunities relating to participation in public and political affairs, are available and accessible to all.
20. Please provide information on how your country ensures that its public institutions are accountable for their policies on public and political participation.

The Office of the High Commissioner for Human Rights would be grateful if any information Member States may wish to provide could be sent by 20 February 2015 to:

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Inputs received from stakeholders will be made available for consultation on the Office's website at www.ohchr.org.

The Office of the High Commissioner for Human Rights avails itself of this opportunity to renew to the Permanent Missions to the United Nations Office at Geneva and in New York the assurances of its highest consideration.

16 January 2015

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