



COVID-19 and Elections: Protecting Citizens Should Not Trump Fundamental Rights

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As the world continues to face the severe outbreak of COVID-19, states across Asia are taking measures to tackle the epidemic and protect the health of their population, which is obviously the foremost concern. At the same time, while everyday life is disrupted, elections and democratic processes are also affected.

So far, Sri Lanka is the only Asian country that has decided to postpone a ballot, adjourning legislative elections initially scheduled to be held on 26 April. However, as the crisis continues and other elections are slated to take place, for instance in Mongolia, Singapore, Indonesia or Hong Kong, we can expect more delays to be announced in the future.

In light of the current situation, and out of concern for the health and safety of everyone, the Asian Network for Free Elections (ANFREL) regards postponements of elections as reasonable measures, as long as they take place within a well-defined legal framework, and last no longer than necessary. Any decisions to change an electoral calendar should also be transparent, based upon the opinion of medical professionals, and agreed upon by state agencies, civil society, and political actors.

Some states may also decide to move forward with their electoral processes, in which case ANFREL recommends conducting a thorough risk assessment and subsequently taking steps to mitigate the transmission of the virus among both voters and polling staff¹. Citizens should never have to choose between exercising their franchise and keeping their families safe.

Governments and election management bodies should also strive to make their elections as inclusive as possible and enhance voter turnout, while at the same time taking into consideration the special needs of vulnerable populations. Commendably, the National Election Commission of South Korea has already taken such steps ahead of the country's upcoming parliamentary elections².

Other areas of concern are the exceptional measures and states of emergency decreed by governments across the region. While some restrictions to fundamental rights such as freedom of movement or freedom of assembly can be legitimate in light of the ongoing pandemic, their scope should be limited to preventing the physical spread of the disease. On the other hand, restricting freedom of speech is not warranted by the current situation and would be detrimental to the foundations of democratic régimes. Governments who request additional powers should also voluntarily surrender them as soon as the sanitary crisis has subsided.

Therefore, we invite civil society, media, and all political stakeholders to remain vigilant, watch out for any unreasonable restrictions on fundamental rights, and hold elected officials to a high standard of

¹ Both IDEA and IFES have published recommendations for election management bodies in this regard; see <https://www.idea.int/news-media/news/elections-during-covid-19-considerations-how-proceed-caution> and <http://www.electionguide.org/digest/post/17592/>

² https://www.nec.go.kr/engvote_2013/04_news/02_02.jsp?num=575

accountability. We also call on all states to honor their commitments to human rights and electoral democracy. This crisis should not be exploited to redefine constitutional mandates or to suppress dissent, but instead to encourage solidarity and constructive dialogue.

May everyone remain safe and healthy.