

Building Consensus on Principles for International Election Observation

December 2006

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The Carter Center strives to relieve suffering by advancing peace and health worldwide; it seeks to prevent and resolve conflicts, enhance freedom and democracy, and protect and promote human rights worldwide. Building Consensus on Principles for International Election Observation

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Acknowledgments

The Carter Center is grateful for support from the following donors, which enabled the Center to collaborate with other organizations to adopt the Declaration of Principles for

INTRODUCTION

In the past two decades, the number of countries undergoing transitions toward multiparty democracy has risen dramatically. These countries have received significant levels of electoral assistance in the form of election finance, material supplies, skills development, and institutional capacity building.

International and domestic election observation have been especially important elements of such assistance, providing both independent evaluations of the effectiveness and fairness of electoral processes and assessments of what these processes reveal about the quality of democratic governance in countries around the world. Observer mission reports often generate political momentum for government and opposition parties to make commitments for democratic reform. In the decades ahead, election observation missions will continue to play a crucial role as countries around the world attempt to build solid foundations for good governance and democratic development.

Nevertheless, international election observation activities have come under criticism in recent years for a number of reasons, including the varying standards used by different observer groups and the perception that high-cost international observer missions have only a limited impact on democratization.

Professionalism and Varying Standards

As the number of democracy assistance programs has risen over the last two decades, so has the number of election observer groups. These groups employ varying methods and criteria for assessment and exhibit different levels of professionalism. As a result of these variances, the likelihood of individual missions arriving at different conclusions has increased, with some organizations severely criticizing an electoral process, while others praise the same election as largely "free and fair." Host governments sometimes issue open invitations to international observer groups. However, host governments facing difficult elections often selectively invite observer groups they perceive as more sympathetic to their interests. Instances in which election observation reports are inconsistent among different organizations generate doubts about the methods, professionalism, and credibility of international observation as a whole. Variation in methods and conclusions breeds confusion about the meaning of "free and fair," the underlying criteria by which the integrity of elections is assessed, and the value of observers' reports and recommendations.

Cost and Impact of International Election Observation

International observation also has been criticized for being too costly and making only a limited, shortterm impact on democratization. Host countries and international donors therefore have favored programs that support the activities of local observers.

Although support to local observers is indeed essential over the long term for democratic consolidation, the vital role of international election observation during transitional or especially controversial elections is at times overlooked and undervalued. Unlike most local observer groups, international observers have extensive comparative experience and high-level visibility. Consequently, their assessments often have a much larger impact on domestic and international public opinion and public judgments about the quality of elections. In addition, international observer missions often play a critically important support role for local observers by amplifying the voice and credibility of their efforts, thereby increasing their impact and long-term sustainability.

INTRODUCTION

Building Consensus on Principles for International Election Observation

To address some of these issues, The Carter Center, NDI, and UNEAD began a multiyear project in 2003 to help establish professional standards and to increase the effectiveness and credibility of international election observation, thereby increasing public confidence in the work of international observers. The project built on the existing work of many organizations involved in election observation, including a related initiative undertaken by NDI and UNEAD and involving the Organization of American States, and previous work by The Carter Center.

This brief report outlines the consensus-building process that led to the endorsement of the Declaration of Principles for International Election Observation and the Code of Conduct for International Election Observers and highlights some of the continuing challenges facing the election observation community as a whole.

International Election Observation



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In addition, both the domestic observer and the electoral management body representatives at the meeting stressed that international observers should be accurate, impartial, and honest; the methodology of the election observation organization and the code of conduct to which they hold themselves should be clear; and there should be greater consistency between the findings of different election observation organizations.

The representatives of both the domestic observation groups and the electoral management bodies underscored the importance of long-term observation, particularly observers arriving well in advance of election day to observe pre-election preparations and remaining through the postelection phase to observe complaints procedures. In addition, participants noted that long-term observation helps strengthen the relationship between domestic and international observer groups, enabling improved coordination of their efforts.

While recognizing that this issue would not be explicitly addressed in the Declaration of Principles, the representatives of both domestic observer groups and electoral management bodies agreed that there was a need for greater clarity about the criteria that international observer groups use to assess the degree to which elections are genuinely democratic.

The Carter Center and EISA noted the comments of both groups of stakeholders for the drafting process

leading to the Declaration of Principles and the Code of Conduct. Many of their concerns and comments are reflected in the final text of the documents.

Brussels 2004

In September 2004, the European Commission hosted a half-day meeting on "Building Consensus for International Election Observation," in which representatives of 14 intergovernmental and international nongovernmental organizations discussed an early draft of the Declaration of Principles for International Election Observation and the Code of Conduct for International Election Observers.

The conversations during the meeting focused less on substantive issues of election observation and more on the process and technical details involved in refining the draft of the Declaration of Principles and Code of Conduct to adequately reflect the institutional politics of the international election observation organizations involved.

Participants agreed that the Declaration of Principles for International Election Observation and the attached Code of Conduct would not be legally binding on endorsers but serve as guidelines for best practices that could become customary over time. In addition, participants felt that the documents should be viewed as technical documents that would remain open for endorsement after official endorsement by the participating organizations. As a result of the



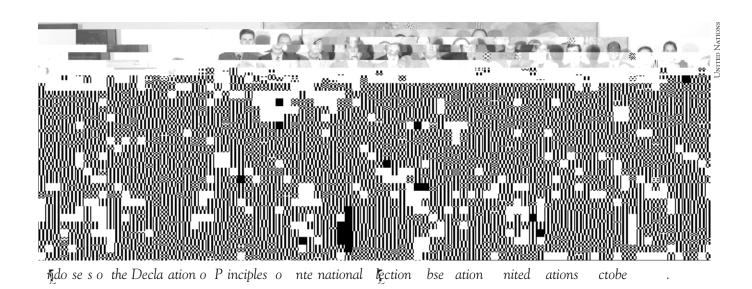
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LONDON 2006

In the summer of 2006, two meetings were convened in London by the Commonwealth Secretariat, UNEAD, The Carter Center, and NDI to address issues regarding the implementation of the Declaration of Principles for International Election Observation and the Code of Conduct for International Election Observers. These were the first in a series of meetings to follow up on the working session held at the United Nations on Oct. 27, 2005.

Participants at the New York meeting had agreed on the need to maintain the momentum of the Declaration of Principles process, in particular by focusing on the challenge of implementing the standards put forth in the documents.

The first meeting was held on May 31, 2006, under the theme "Facilitating Donor Involvement in Ensuring the Integrity and Effectiveness of International Election Observation" and was attended by representatives of a number of donor agencies, including USAID, Irish Aid, and Canada Corps/Canadian International Development Agency; representatives from the governments of Norway, Switzerland, Japan, and Germany; and several of the observer organizations involved in drawing up the Declaration and Code.

On June 1, this group was joined by representatives of several other organizations that endorsed the Declaration and Code. Through the discussions, it became clear that an unexpected but welcome development sparked by the Declaration process was the gradual emergence of a professional community of observation organizations.

Endorsing organizations agreed on several key conclusions:

- Election observation needs to be more closely tied to a broader spectrum of democracy-promotion activities.
- There needs to be more systematic tracking of implementation of observer mission recommendations, including possible joint follow-up trips and reports.
- It is desirable, where possible, to have "democratic dialogue" with host countries so that observer organizations can use observation activities as part of longer term support for democratization.

Strong statements and several proposals were made by endorsing groups on how coordination and collaboration among groups could be maintained.

Challenges for International Election Observation

uring the three years of the project "Building **Consensus on Principles for International** Election Observation," participants identified four key challenges facing the community of international election observation organizations: (1) the need to improve coordination and cooperation among observer groups, (2) the need to ensure that recommendations and findings of election observation missions are implemented by host governments and linked to broader efforts of democracy promotion, (3) the need to develop new methodologies appropriate for assessing electronic voting technologies, and (4) the need to develop commonly shared criteria for assessing democratic elections. These challenges were recurring topics of discussion during the meetings, and observer groups will continue to collectively explore these issues as they seek to develop common approaches.

COORDINATION AND COOPERATION

The process of developing the Declaration of Principles for International Election Observation and the Code of Conduct for International Election Observers was important not only because it established common guidelines for professionalism and integrity in election observation, but also because it provided an unprecedented opportunity for observer groups to collectively reflect on 20 years of election observation experience and to recognize the commonalities of methodology and approach that already exist among organizations. However, observer organizations also recognize that the practice of election observation can be strengthened further by even greater coordination and cooperation.

Participants in all of the meetings agreed that observer groups would benefit from continuing to share their methodologies and approaches with one another and that observation missions, once in the host country, should try to ensure greater collaboration through information exchange and formal meetings. This has proven successful in recent election observation missions.

Observer organizations use a variety of criteria to decide whether to observe an election, one of which may be whether other international observer organizations plan to observe a given election. However, it is not always easy to know this information in advance. Some groups have included information about upcoming election missions on their Web sites, while others have made a concerted effort to coordinate pre-election assessment missions or brief other organizations on the findings of their assessment teams.

At the London meeting, participants agreed that the momentum created by the process of developing the Declaration and Code should not be lost. To that end, it was suggested that annual meetings be held to review the status and implementation of the Declaration and Code. In addition, observer groups recognized the benefit of continued consultations on topical issues such as electronic voting.

Follow-up and Recommendations

Election observation should be understood in the context of, and closely linked to, broader efforts to promote democracy, with elections as unique opportunities to assess how well a country's political institutions serve its citizens. Election observation experience has demonstrated that success on election day is often undermined by democratic rollbacks on other fronts. Where possible, election observation should provide for long-term monitoring of a wide range of processes and issues, possibly in some cases spanning an entire election-to-election cycle. Broadly

CHALLENGES

focused monitoring and assessments should be used to identify priorities and set the agenda for postelection follow-up work on a range of democratization and governance issues.

A recurring topic of conversation throughout the meetings on the Declaration and Code was the need for more systematic and thorough follow-up on the recommendations for reform made by observer organizations. Observer groups agreed that one alternative step that could be used more routinely would be to organize early follow-up visits or round-table discussions with stakeholders. In addition, participating organizations agreed that political will for follow-up and ongoing assessments throughout the electoral cycle were critical. While capacity building might legitimately form part of the follow-up, the key concerns would more often involve political and electoral reform. It was suggested that followup should encompass action on the full range of observer recommendations and specific visits targeting particular areas.

Observer organizations agreed that follow-up activities should not take the form of an exclusive dialogue with the authorities. Rather, roundtables and visits should also include civil society because it is important to involve all critical local stakeholders. Political parties, nongovernmental organizations, and domestic observers all should be part of the process. Many domestic observer groups are active throughout the electoral cycle, and some also act as pressure groups for democratic change. A related suggestion on this issue was that domestic observers might Several endorsing organizations, including The Carter Center, are embarking on initiatives to better understand electronic electoral technologies and to determine how to best observe them. Observer groups have agreed to coordinate their efforts, so that the community as a whole might benefit.

CRITERIA FOR ASSESSING Democratic Elections

The joint initiative of The Carter Center, UNEAD, and NDI on the Declaration and Code focused narrowly on general principles for international observation. While clearly a critically important milestone, the joint initiative did not address the issue of the need to develop a common international understanding about what constitutes democratic elections. As a result, there remains an urgent need for observer organizations to establish clear benchmarks and build international consensus on detailed criteria for assessing elections. A collective effort aimed at developing specific standards and criteria for assessing democratic elections and building consensus around common international standards would be an important next

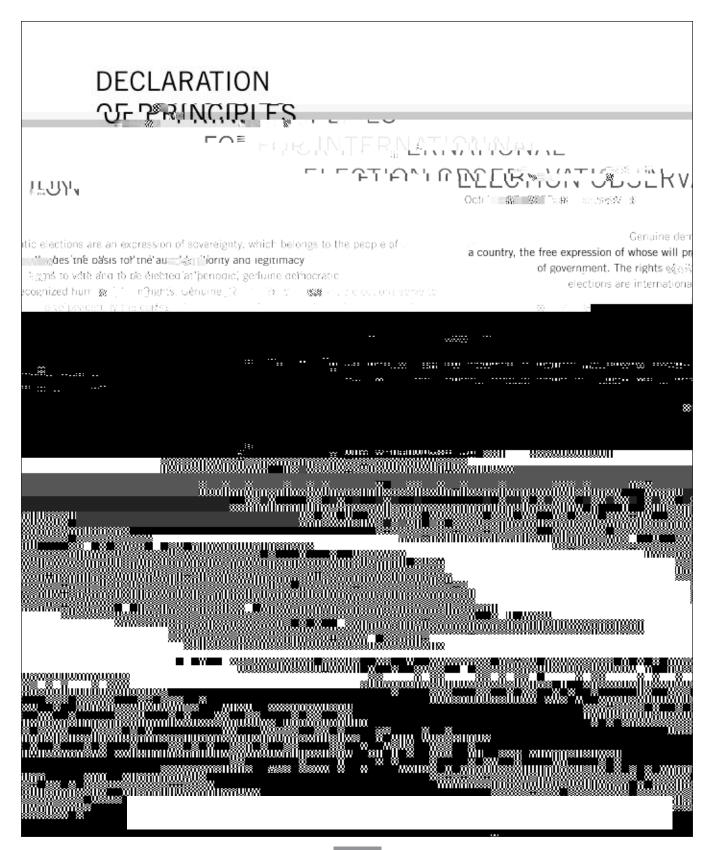
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Declaration of Principles





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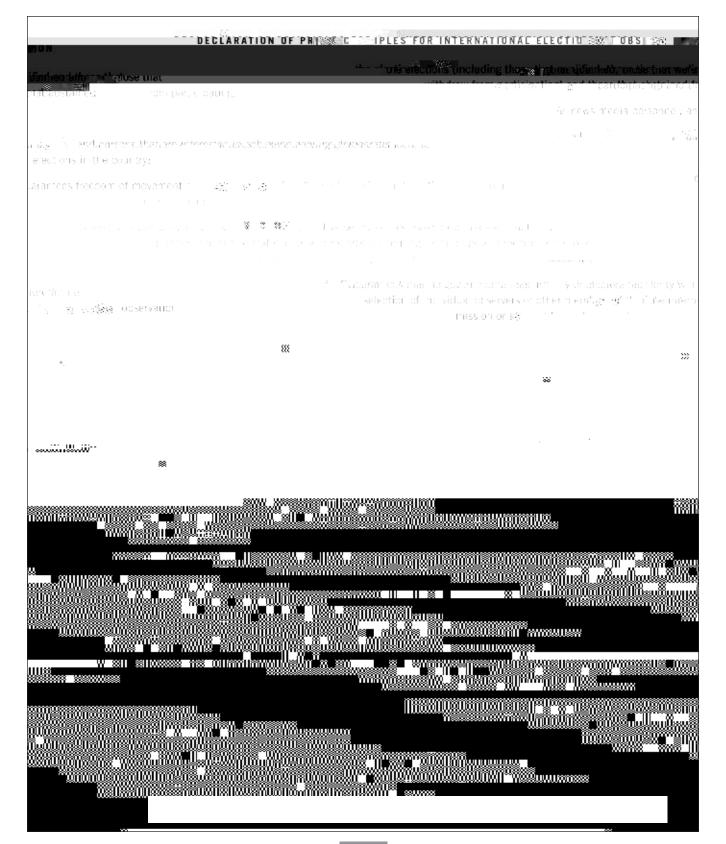
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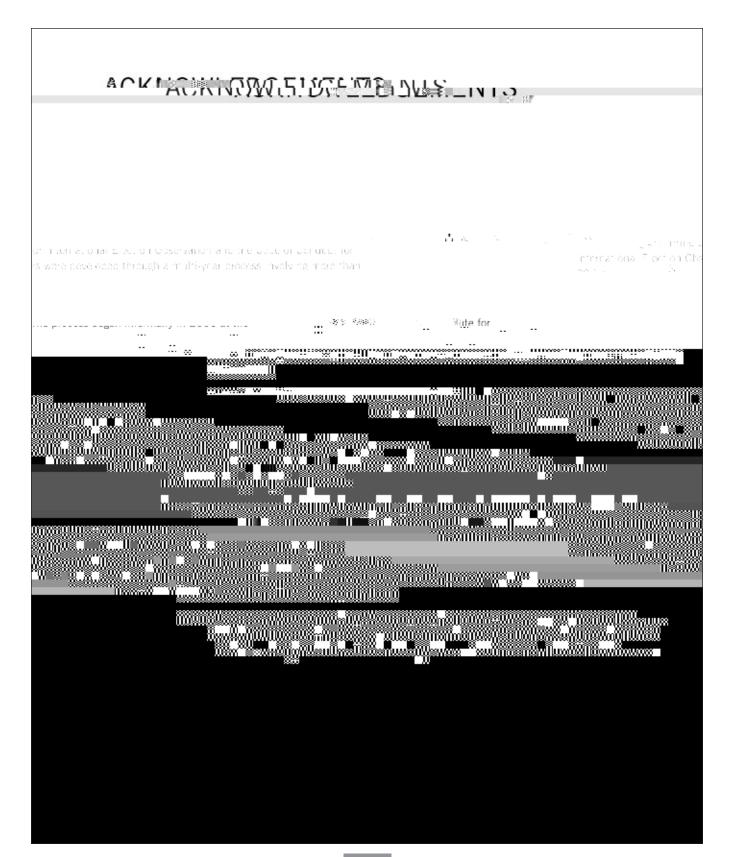


Code of Conduct



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President Carter, Secretary Albright, distinguished guests, Excellencies, ladies and gentlemen, and my dear friends,

It is a pleasure to welcome you all to the United Nations, particularly the representatives of the two dozen organizations that are today endorsing the Declaration of Principles for International Election Observation.

I am honored to be joined by two dear friends who have been tireless champions of democracy during their distinguished public careers — former U.S. President Jimmy Carter and former Secretary of State Madeleine Albright.

We are here to signal our endorsement of a pioneering initiative that should strengthen the role of the international community in supporting democratic elections around the world.

Just last month at the World Summit, the member states of the United Nations reaffirmed that democracy is a universal value. The spread of democracy around the world has been one of the signal transformations of our times. Elections observed by the international community or assisted in other ways by it — are at the heart of this inspiring story.

It is a story interwoven with that of the United Nations itself. Our organization was first called upon to observe elections in 1947 on the Korean Peninsula. Through the era of trusteeship and decolonization, the United Nations supervised and observed plebiscites, referenda, and elections worldwide. U.N.-monitored elections were key elements of the transitions to peace in places such as Namibia, Cambodia, and Central America — and in helping bring about the end to apartheid.

Today, the United Nations rarely fields its own observers. This task is more commonly carried out

by regional organizations and international NGOs, frequently in conjunction with national groups. But electoral assistance remains a strategic and highprofile activity for the United Nations, particularly in nations emerging from conflict or undergoing fragile political transitions — from Afghanistan to Burundi to Iraq, and just a few weeks ago in Liberia where President Carter participated.

Credible elections can be a crucial step in the transition from war to peace. However, unfair or fraudulent elections can become detonators of conflict. Elections can also be misused by those wanting to create an appearance of democracy without permitting its substance.

The presence of international election observers fielded always at the invitation of sovereign states can make a big difference in ensuring that elections genuinely move the democratic process forward. Their mere presence can dissuade misconduct, ensure transparency, and inspire confidence in the process. The public statements made by observer missions, both before and after an election, can have enormous political significance.

For the international community, the opportunity to assist carries with it a great responsibility. And that, in essence, is the spirit of today's initiative —For the istep in

Remarks of Former U.S. President Jimmy Carter at Endorsement Ceremony

New York, October 27, 2005

Thank you very much. We are assembled here, as election observers, in what is one of the fastest growing enterprises in the world. As the field of election observation has expanded in recent years, we have been able to accomplish a great deal by exchanging information among ourselves and identifying best practices. The Declaration of Principles and Code of Conduct that our organizations have jointly endorsed today is an important milestone in our efforts to improve election observation. This is a great achievement and was long overdue.

It has been increasingly difficult for host nations to engage with the various monitoring organizations, especially when we speak a different language and utilize different principles, methodologies, and procedures. Host countries confront many serious challenges in administering credible elections without also having to face a cacophony of approaches and principles from the observer organizations. So, it is very good that this group is assembled here and that we have committed ourselves to adhering to the practices and approaches set forth in the Declaration of Principles and Code of Conduct.

I want to thank Secretary-General Kofi Annan for welcoming us here at the United Nations and for the great contributions the United Nations has made to this process over the last several years. I also want to thank the National Democratic Institute, which has been at the forefront of our joint initiative, in particular Ken Wollack and Patrick Merloe for their efforts and commitment, as well as Secretary Madeleine Albright for her leadership.

Looking around the table, I see many organizations that The Carter Center has had the particular privilege and opportunity of working with, including the African Union, the Commonwealth, the European Union, IFES, the International Republican Institute, the OAS, the Organization for Security and Cooperation in Europe, and others. We have had excellent working relationships with these and others in various election observation efforts and look forward to continued partnerships.

There have been a few occasions in our election work when The Carter Center had to leave a country in a hurry after we determined that the electoral process was very likely to be fraudulent. Either we condemned the election and departed before election day, or we concluded that we could not undermine our reputation by issuing a statement that might be interpreted as endorsing the election. I hope that these cases will be fewer in the future.

As the secretary-general noted, The Carter Center and NDI were in Liberia the week before last. Over the years, the Center has been involved in over 60 elections, and we have cooperated with many of your organizations in some of these elections. Through this experience, we have learned how important it is for us all to share experiences with one another and to improve the methods, practices, and principles that guide our efforts. The Carter Center has been eager to form such partnerships and to work closely with you.

The collaborative efforts among our organizations that led to this meeting should be continued in the future so that we can jointly address a range of new challenges that confront the community of international election observation organizations. One major development we need to be concerned with is the increasing use of automated voting systems.

Other key challenges include the need to develop better methods for observing and assessing campaign finance and media access. In addition, we need to continue to improve our techniques of assessing voter registration processes and electoral dispute resolution

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And looking ahead, I believe the Declaration and Code will be indispensable to the observer delegations we assemble, the governments with whom we deal, the media with whom we interact, and the publics whose interests we exist to serve.

We all know that elections, in themselves, are not sufficient to produce democracy, but we also know that free elections are the essential first step.

And I fully expect the monitoring of elections to remain a growth industry for years to come—I hope ahead of security, Mr. President—and I am pleased that we will go forward with this Declaration and Code of Conduct in place.

Before closing, I would like to recognize all of the regional and pro-democracy organizations that participated in this effort. I want especially to acknowledge the leading role played by the United Nations, and particularly the secretary-general, who has been a steadfast champion of democracy, and Carina Perelli, who directs the U.N.'s Electoral Assistance Division and who is taking care of business in Baghdad.

I also have to, with all great humility and love, praise President Carter for the trailblazing record he and The Carter Center have established in this field. I am proud of many things in my life, but serving in his administration is right up there; NDI has been proud to work with him and with the Center as partners on many elections, going back to Panama in 1989.

Thanks are due, as well, to all those at NDI who have worked so hard on this project: Pat Merloe, one of my traveling companions who has been superb and represents us so well and who directs our electoral programs and was one of the initiators of this entire process, and my friend and partner in all of this, Ken Wollack as president of NDI. I think we have all worked together with all the organizations represented here and, I hope, been helpful in providing leadership.

It has been said that anything worth doing is done in faith. The development of this Declaration and Code of Conduct was done in faith that it would be a living document, a document that reflects our shared commitment to the integrity of the electoral process and our belief in the validity of democratic principles and our conviction that freedom is the path to a world more peaceful, prosperous, and just than it has ever been. And it is a great honor and pleasure to work with all of you on this continuing project.

Thank you very much.

INTERNATIONAL MONITORS SAY ELECTION OBSERVER GUIDELINES NEEDED U.N. Electoral Assistance Division, written by Serena Parker April 30, 2005

population of the province. To me — and I'm not a professional election observer — that's kind of a red flag. That tells me something is not quite right there."

The West African nation of Togo has been rocked by violent protests after election officials announced that Faure Gnassingbe, the son of the country's longtime ruler, was the winner in highly disputed presidential elections.

Mr. Lewis was one of the panelists who participated in a recent conference on international election observers, held at the Woodrow Wilson Center in Washington. The panelists said international election observers face many challenges, for example, governments that reject international monitors on the grounds that they may be highly critical of the voting process.

Such was the case in Zimbabwe, where a handpicked group of observers from South Africa was invited in and said the election results reflected the will of the people. Meanwhile, traditional observers from the West were barred from monitoring the election, and the British, United States, and other Western governments said the poll was neither free nor fair.

Professor Lewis says the biggest challenge is how to ensure monitoring teams' observations and recommendations are implemented.

"What is the strategic role of election observers?" he asked. "Are they there to encourage an ongoing process of election reform, a so-called work in progress, whereby you note the flaws that you see žII

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global standards of conduct and are there to issue essentially a certification of whether those standards were honored and upheld?"

One way to encourage governments to adopt the recommended reforms is to have them sign an agreement beforehand with the international organization that is sending the observers. The Organization for Security and Cooperation in

United Nations, Other Intergovernmental Bodies, and NGOs Adopt Standards for Election Monitoring

U.S. Newswire October 26, 2005

ational Democratic Institute Chairman and former U.S. Secretary of State Madeleine Albright will join former U.S. President Jimmy Carter, U.N. Secretary-General Kofi Annan, and OAS Secretary-General Jose Miguel Insulza and others on Oct. 27 to unveil a Declaration of Principles for International Election Observation. Together with representatives of more than 20 participating intergovernmental and nongovernmental organizations, both regional and international, they will launch the Declaration at a ceremony at U.N. headquarters in New York.

International election observation has become central to helping nations around the world consolidate peace and strengthen democracy. The 12-page Declaration of Principles and its accompanying Code of Conduct bring participating observer groups for the first time under a common set of standards for professional, impartial, and effective observation. They are intended to establish consensus on key principles, to provide guidelines for best practices for the growing field of election observation, to protect the integrity of democratic elections, and help advance democratic transitions. This initiative was started by the U.N. Electoral Assistance Division, the National Democratic Institute, and The Carter Center, which served as the secretariat for the project.

The full text of the Declaration may be read at http://www.ndi.org or http://www.cartercenter.org.

"Our hope is that the Declaration will enable consistency among observer groups and ensure the effectiveness and credibility of observation missions worldwide," said former U.S. President Jimmy Carter.

"This Declaration brings together an unprecedented group of international organizations in support of the principles of international election observation," said NDI Chairman and former U.S. Secretary of State Madeleine Albright. "It is a major landmark in developing an international consensus on the standards for election observation."

Endorsing organizations commit themselves, for example: to act impartially; monitor all stages of the election process; and accept no funding from the host government. The common standards also establish prerequisites for observation, such as freedom of movement, freedom to make public statements and free access to information. They are also specific about the principle of ensuring that sending monitors not be done in a way that lends undue legitimacy to undemocratic elections.

In addition to the United Nations, organizations participating in the meeting include:

- African Union;
- Asian Network for Free Elections;
- The Carter Center;
- Center for Electoral Promotion and Advice of the Inter-American Institute for Human Rights;
- Commonwealth Secretariat;
- Electoral Institute of Southern Africa;
- European Commission;
- European Network of Electoral Monitoring Organizations;
- Electoral Reform International Services;
- la Francophonie;
- IFES, International Institute for Democracy and Electoral Assistance;
- Inter-parliamentary Union;
- International Republican Institute;
- National Democratic Institute;
- Organization of American States;
- Organization for Security and Cooperation in Europe Office of Democratic Institutions and Human Rights;
- Parliamentary Assembly of the Council of Europe;
- Pacific Islands, Australia, and New Zealand Electoral Administrators' Network;
- Pacific Island Forum.

INTERNATIONAL ELECTION OBSERVATION

International Standards for Election Monitoring Slated for Adoption at U.N.

U.N. Press Releases October 26, 2005

more than 20 organizations active in observing elections around the world, including former U.S. President Jimmy Carter of The Carter Center, former U.S. Secretary of State Madeleine Albright, and the secretaries-general of the Organization of American States (OAS), Inter-Parliamentary Union, and Pacific Islands Forum.

The new standards commit endorsing organizations to act impartially, monitor all stages of the election process, and accept no funding from host govern-

STANDARDS FOR INTERNATIONAL ELECTORAL OBSERVATION ENDORSED AT U.N.

U.N. Press Releases October 27, 2005

The presence of international observers can make a dramatic difference in ensuring that elections move a country's democratic process forward, while fraudulent voting can detonate conflict, U.N. Secretary-General Kofi Annan said today at a ceremony in New York to adopt a set of standards in the electoral field.

"The Declaration of Principles for International Election Observation, and its accompanying Code of Conduct, marks an important step forward," he said to representatives of some two dozen organizations, including former U.S. President Jimmy Carter of The Carter Center and former U.S. Secretary of State Madeleine Albright of the National Democratic Institute.

The secretary-general noted that the guidelines serve to enshrine the principle of total impartiality. "They agree also to examine all of the relevant stages of the elections and not simply parachute in on the day of the vote," he noted. "They commit to take no funding from host governments whose elections they are observing and to insist on freedom of movement and full access to information throughout the many stages of the election."

The pioneering initiative setting common standards should strengthen the role of the international community in supporting democratic elections around the world, he said.

The mere presence of international election observers, fielded always at the invitation of sovereign states, "can dissuade misconduct, ensure transparency, and inspire confidence in the process," Mr. Annan said. The spread of democracy around the world is an inspiring story interwoven with that of the U.N. itself, since the world body was first called to observe elections on the Korean Peninsula in 1947, he said.

"Through the era of trusteeship and decolonization, the United Nations supervised and observed plebiscites, referenda, and elections worldwide. U.N.-monitored elections were key elements of the transitions to peace in places such as Namibia, Cambodia, and Central America — and in helping bring about the end to apartheid," he pointed out.

Today the U.N. rarely fields its own observers, he said, but election assistance remains a strategic and high-profile activity for the world body, particularly in nations emerging from conflict or undergoing fragile political transitions — from Afghanistan to Burundi to Iraq, and a few weeks ago in Liberia, where President Carter took part in the process.

The Declaration of Principles for International Election Observation and the Code of Conduct for International Election Observers were drafted by a joint secretariat of the U.N. Electoral Assistance Division, the Carter Center and the National Democratic Institute.

"Genuine democratic elections cannot be achieved unless a wide range of other human rights and fundamental freedoms can be exercised on an ongoing basis without discrimination based on race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status, including among others disabilities, and without arbitrary and unreasonable restrictions," the Declaration says.

It stresses that human rights and democracy cannot be achieved without the protections of the rule of law.

The Carter Center at a Glance

Overview: The Carter Center was founded in 1982 by former U.S. President Jimmy Carter and his wife, Rosalynn, in partnership with Emory University, to advance peace and health worldwide. A nongovernmental organization, the Center has helped to improve life for people in more than 65 countries by resolving conflicts; advancing democracy, human rights, and economic opportunity; preventing diseases; improving mental health care; and teaching farmers to increase crop production.



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