



PRESS STATEMENT

Apia, 1 March 2021 – *Citizens right to free and fair elections*

With the election period drawing near, the Office draws attention to various developments causing concern with regard to the individual's right to properly participate in the forthcoming political elections. Some of these developments include village council activities that may be discriminatory or coercive of the individual in their effect; and campaign committees influencing voters' preference by unscrupulous means including bribery. These activities impact upon the right of voters to choose who they want to represent them in public office. It is incumbent upon all in authority to protect and safeguard the right of the people of Samoa to have free and fair elections.

The Office takes the opportunity to remind, the right to take part in the conduct of public affairs, including the right to vote and to stand for elections is at the core of democratic governance based on the will of the people.

Genuine elections are a necessary and fundamental component of an environment that protects and promotes the human rights of all.

Article 21 of the *Universal Declaration of Human Rights* provides that everyone has the right to take part in the government of his/her country, directly or through *freely chosen* representatives. This right is elaborated further in Article 1 of the *International Covenant on Civil and Political Rights* of which Samoa is a party.

Free and fair elections facilitate the exercise of other associated citizen rights including *freedom of opinion* (Art 19(1) ICCPR) which allows for the authentic assertion of popular will, and also *freedom of expression and information* (Art 19(2) ICCPR) which enables citizens to express partisan ideas and political will.

Samoa's Constitution reflects and protects these rights to ensure that citizens are able to live and participate freely and fully in the democratic society that is Samoa.

Improper actions and conduct during the election period are prohibited by law under Part 12 and Part 13 of the *Electoral Act 2019*. They include among other things, interfering with or unlawfully influencing voters, publishing defamatory matter at election time, bribery, treating, and undue influence.

The absence of adequate protection against these things can compromise the integrity of the electoral process and lead to elections not being free or fair. The Office acknowledges the authority of the Village Fono in village affairs as provided by law. In that Samoa is a democratic country, the individual's right to vote freely in fair political elections must not be hampered in any way.

Accordingly, the Office urges Campaign committees, the Village Fono, and candidates to respect citizen's individual voting rights to ensure that we honour in our country the protections expressed in our domestic law and required by our obligations in human rights under the International Covenant on Civil and Political Rights.

ENDS.