



NATIONAL CITIZENS' MOVEMENT FOR FREE ELECTIONS (NAMFREL)

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On the postponement of the May 2020 Barangay and Sangguniang Kabataan (BSKE) Elections

The National Citizens' Movement for Free Elections (NAMFREL) encourages Congress to allow the conduct of the May 2020 BSKE as scheduled. To do otherwise contravenes the principle of regularity in the conduct of an election and deprives the electorate of seeking accountability from elected officials by submitting themselves to a fresh mandate.

Moving the date of elections set by law can only be justified when any of the conditions mentioned in Section 5 of the Philippine Omnibus Election Code exist: any serious cause such as violence, terrorism, loss or destruction of election paraphernalia or records, force majeure, and other analogous causes of such a nature that the holding of a free, orderly and honest election should become impossible in any political subdivision. It is the task of the Commission on Elections (Comelec) to make such determination, which in turn should be through public hearings.

The planned deferment of the May 2020 BSKE to May 2022 (Sen. Go version) / May 2023 (Sen. Marcos version), unwittingly or not, extends the term of incumbent barangay and SK officials without a clear mandate from their constituents.

Periodic elections are an institutionalized governance feature in countries that have chosen democracy as their form of government. Upholding the conduct of periodic and genuine elections becomes an obligation under international law. These are articulated in both Article 21 of the *1948 Universal Declaration of Human Rights (UDHR)*, and Article 25 of the *1966 International Covenant on Civil and Political Rights (ICCPR)*. Both can be described as foundational legal commitments that require free and fair elections to be held on a regular basis.

Regular and periodic elections are part of universal principles and guidelines to promote genuine democratic election processes. These international election standards can be traced back to the cardinal principle that citizens have a right to take part in the governance and public affairs of their countries. Article 21, Section 3 of the United Nations (UN) UDHR enshrines this cornerstone precept: "The will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine

elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures.”

Further, the ICCPR stipulates that every citizen must be provided the right and opportunity, without discrimination, based on distinctions of “race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status” and without unreasonable restrictions, to “vote and to be elected at genuine periodic elections.”

Thus, the regularity of elections is important to establish the mandate, legitimacy and moral authority of elected leaders. Not holding elections regularly could undermine the democratic process of ensuring the citizens’ right to choose their leaders and make them accountable.

Meanwhile, NAMFREL commends the Comelec for pushing through with the continuing registration of voters and for actively promoting citizens’ participation in the electoral process. NAMFREL urges the public, especially the youth, to heed the calls to register or to have their registration records updated or transferred before the deadline. As of today, the Barangay and SK Elections are still scheduled to take place on May 11, 2020: ensure that your registration records are in order to avoid disenfranchisement. ###