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PROVIDING A SOUND LEGISLATIVE FRAMEWORK AIMED AT PREVENTING ELECTORAL VIOLENCE, IMPROVING ELECTION MONITORING AND ENSURING A SMOOTH TRANSITION OF POWER

Amendments to the revised preliminary draft resolution submitted within the statutory deadline by the delegations of Canada, France, Germany, India, Indonesia, Italy, Japan, Morocco, Sweden, Venezuela and the Latin American Parliament

PREAMBLE

Preambular paragraph 1

Amend to read as follows:

(1) Recalling the Universal Declaration of Human Rights of 1948, the United Nations International Covenant on Civil and Political Rights, and the African Charter on Human and Peoples' Rights, which, inter alia, provide that every citizen, **regardless of gender, religion, and race** has a right to take part in the conduct of public affairs directly or through chosen representatives, and that the will of the people should be **represented and** expressed through free and fair elections so as to constitute the basis for legitimate and credible authority of government,

(Indonesia)

Amend to read as follows:

(1) Recalling the Universal Declaration of Human Rights of 1948, the United Nations International Covenant on Civil and Political Rights, and the African Charter on Human and Peoples' Rights, which, inter alia, provide that every citizen has a right to take part in the conduct of public affairs directly or through chosen representatives **by voting**, and that the will of the people should be expressed through free and fair universal, secret and direct elections in the full exercise of sovereignty so as to constitute the basis for legitimate and credible authority of government,

(Venezuela)

Preambular paragraph 2

Amend to read as follows:

(2) Recognizing that free and fair elections as a means of prerequisite for the peaceful transfer of power are the cornerstone of democratic practice,

(Morocco)

(2) Recognizing that free, and fair universal, secret, and direct elections as a means of peaceful transfer of power are the cornerstone of democratic practice,

(Venezuela)

Preambular paragraph 3

Amend to read as follows:

(3) Aware that the smooth transfer of power requires respect for the rule of law, transparent political and electoral institutions, a strong civil society and a free media in addition to an active citizenry participation of the citizenship,

(Latin American Parliament)

Amend to read as follows:

(3) Aware that the smooth transfer of power requires respect for the rule of law, transparent political and electoral institutions, a strong civil society and a free and impartial media in addition to an active citizenry to wide, open participation of the people in all its forms and groupings,

(Venezuela)

Preambular paragraph 4

Amend to read as follows:

(4) Considering that different countries are at different stages of democratic consolidation, and that all countries need to continue to strive for electoral frameworks to establish laws that provide optimal conditions for the holding of free and fair elections,

(Morocco)

Amend to read as follows:

(4) Considering that different countries are at different stages of democratic consolidation, and that all countries need to continue to strive **for their own** electoral frameworks that provide optimal conditions for the holding of free, and fair universal, direct and secret elections,

(Venezuela)

Preambular paragraph 5

Amend to read as follows:

(5) Underscoring that an effective electoral framework should contain a series of basic elements, including the periodic holding of free and fair elections, a competitive electoral process, equal access to State resources for all political parties, broad-based voting rights, a reliable voter registration process, and an effective, independent and impartial election management body, and an effective system and mechanism for expeditious dispute resolution,

(India)

(5) Underscoring that an effective electoral framework should contain a series of basic elements, including the periodic holding of free and fair elections, **the principle of the secret ballot,** a competitive electoral process, equal access to State resources for all political parties, broad-based voting rights, a reliable voter registration process, and an effective, independent and impartial election management body,

(Italy)

Amend to read as follows:

(5) Underscoring that an effective electoral framework should contain a series of basic elements, including the periodic holding of free and fair elections, a competitive electoral process, equal **and balanced** access to **the media and to** State resources for all political parties, broad-based voting rights, a reliable voter registration process, and an effective, independent and impartial independent and impartial election management body entrusted with organizing free and transparent elections,

(Morocco)

Amend to read as follows:

(5) Underscoring that an effective electoral framework should contain a series of basic elements, including the periodic holding of free and fair elections, a competitive universal, secret, direct and fair electoral process, equal access to State resources for all political parties during the electoral process, broad-based universal voting rights, a reliable and permanent voter registration process, and an effective, independent and impartial election management body,

(Venezuela)

Preambular paragraph 6

Amend to read as follows:

(6) Expressing deep concern over an increase in electoral violence in several countries in recent years due to a variety of reasons, such as socio-economic disparities, weak governing institutions, lack of adequate or appropriate power-sharing mechanisms, electoral systems that create real or perceived inequalities or marginalization, abuses perpetrated by military and or security forces, lack of sound statutory and regulatory frameworks, lack of transparency, insufficient civic and voter education, poor transitional mechanisms, absence of sound electoral laws, lack of trust and confidence in election management bodies, lack of adequate measures to enfranchise eligible voters, lack of a level playing field, lack of fair, expeditious and accessible dispute resolution systems, widespread corruption, uncontrolled proliferation of firearms, polarization of communal, ethnic or religious identities, etc.,

(India)

Amend to read as follows:

(6) Expressing deep concern over an increase in electoral violence in several countries in recent years due to a variety of reasons, such as socio-economic disparities, **ideological differences**, weak governing institutions, lack of adequate or appropriate power-sharing mechanisms, electoral systems that create real or perceived inequalities or marginalization, abuses perpetrated by military and security forces, lack of sound statutory and regulatory

frameworks, lack of transparency, insufficient civic and voter education, poor transitional mechanisms, absence of sound electoral laws, lack of trust and confidence in election management bodies, lack of adequate measures to enfranchise eligible voters, lack of a level playing field, lack of fair, expeditious and accessible dispute resolution systems, widespread corruption, uncontrolled proliferation of firearms, polarization of communal, ethnic or religious identities, etc.,

(Latin American Parliament)

Amend to read as follows:

(6) Expressing deep concern over an increase in electoral violence in several countries in recent years due to a variety of reasons, such as socio-economic disparities, weak governing institutions, lack of adequate or appropriate power-sharing mechanisms, electoral systems that create real or perceived inequalities or marginalization, abuses perpetrated by military and security forces, lack of sound statutory and regulatory frameworks, lack of transparency, insufficient civic and voter education, poor transitional mechanisms, absence of sound electoral laws, lack of trust and confidence in election management bodies, lack of adequate measures to enfranchise eligible voters, lack of a level playing field, lack of fair, transparent, expeditious, effective and accessible dispute resolution systems, widespread corruption, uncontrolled proliferation of firearms, polarization of communal, ethnic or religious identities, etc.,

(Morocco)

Amend to read as follows:

(6) Expressing deep concern over an increase in electoral violence in several countries in recent years due to a variety of reasons, such as socio-economic disparities, weak governing institutions, lack of adequate or appropriate power-sharing mechanisms, electoral systems that create real or perceived inequalities or marginalization, abuses perpetrated by military and security forces, lack of sound statutory and regulatory frameworks, lack of transparency, insufficient civic and voter education, poor transitional mechanisms, absence of sound electoral laws, lack of trust and confidence in election management bodies, lack of adequate measures to enfranchise eligible voters, lack of a level playing field, lack of fair, expeditious and accessible dispute resolution systems, widespread corruption, uncontrolled proliferation of firearms, polarization of communal, ethnic or religious identities, **international interference in internal electoral process**, etc.,

(Venezuela)

Preambular paragraph 7

Amend to read as follows:

(7) Noting the importance of credible and effective election management bodies, which have the confidence of election stakeholders and the wider public, and which operate according to the principles of independence of action, **functional autonomy, political** impartiality, integrity, transparency, financial probity, accountability, professionalism, equal access, sustainability, and cost effectiveness, **cooperation, transparency and celerity in all acts and decisions**,

New preambular paragraph (7bis)

Add a new paragraph after preambular paragraph 7 to read as follows:

(7bis) Reaffirming that it is up to each State to organize free and fair elections and to guarantee that they are conducted by guarding against disruptive acts of violence, and recalling that States may request necessary assistance from the international community to strengthen their election mechanisms, notably through election observer missions,

(France)

Preambular paragraph 8

Amend to read as follows:

(8) Underscoring the crucial role played by national and international election observers and monitors wherever the law so provides in encouraging participation and providing an independent assessment of an election and a measure of transparency and accountability to the process,

(India)

Amend to read as follows:

(8) Underscoring the crucial role played by national and international election observers and monitors in encouraging participation and providing an independent assessment of an election and a measure of transparency and accountability to the process, without undermining the respective countries' national integrity and sovereignty,

(Indonesia)

Amend to read as follows:

(8) Underscoring the crucial role played by national and international election observers and monitors in encouraging participation and providing an independent assessment of an election and a measure of transparency and accountability to the process, respecting the principle of sovereignty and relevant national legislation,

(Latin American Parliament)

Amend to read as follows:

(8) Underscoring the crucial role played by national and international election observers or accompanying electoral monitors in encouraging participation and providing an independent assessment of an election and a measure of transparency and accountability to the process, taking into account the principles of sovereignty, territorial integrity and inviolability, self-determination of peoples, non-interference, impartiality, transparency and respect for the rules and electoral authorities of each State,

New preambular paragraphs (10bis) and (10ter)

Add two new paragraphs after preambular paragraph 10 to read as follows:

(10bis) *Underscoring*, however, that during the peace-building process, only national political will, expressed at free and regular elections, can lend its full legitimacy to permanent national institutions,

(10ter) Stating the need for sustainable financing for newly established or strengthened institutions in situations where countries are emerging from crisis,

(France)

Preambular paragraph 12

Amend to read as follows:

(12) Acknowledging the 2005 Declaration and Code of Conduct for International Election Observation wherever the law provides, and endorsed by a host of organizations, including the United Nations, the International Institute for Democracy and Electoral Assistance (IDEA) and others in addition to the IPU,

(India)

New preambular paragraph 13bis

Add a new paragraph after preambular paragraph 13 to read as follows:

(13bis) Underscoring that the period between elections is critical to maintaining a viable electoral framework that contributes to legitimate electoral outcomes and avoids violence, enabling electoral management bodies, election monitors and civil society groups to plan future elections, train election officials, update voter registries, educate voters, as well as review the electoral machinery and electoral legislation to determine where deficiencies might lie and how to correct them,

(Canada)

OPERATIVE PART

Operative paragraph 1

Amend to read as follows:

1. Calls upon parliaments, where necessary, to undertake constitutional and legislative reform, building on international obligations and commitments and taking into account local realities, so as to provide a sound legal framework for **transparent**, free and fair elections that includes the adoption of electoral systems that provide for representative and inclusive outcomes, and the smooth transfer of power;

(Morocco)

Amend to read as follows:

1. Calls upon parliaments, where necessary, to undertake constitutional and legislative reform, building on international obligations and commitments and taking into account local realities, so as to provide a sound legal framework for free, **universal**,

secret and direct fair elections that includes the adoption of electoral systems that provide for representative and inclusive outcomes, and the smooth transfer of power;

(Venezuela)

New operative paragraph 1bis

Add a new paragraph after paragraph 1 to read as follows:

1bis. Invites all IPU Member Parliaments to elaborate laws that make it mandatory for candidates and political parties to conduct election campaigns in conformity with international standards that guarantee respect for the will of the people;

(Morocco)

Operative paragraph 2

Amend to read as follows:

 Urges parliaments to conduct such electoral reform through a comprehensive, inclusive and open debate that fosters the broadest possible involvement of all stakeholders, authorities, political parties, media, and civil society organizations organizations and social movements in the electoral process;

(Latin American Parliament)

Amend to read as follows:

 Urges parliaments to conduct such electoral reform through a comprehensive, inclusive and open debate that fosters the broadest possible involvement of all stakeholders, authorities, political parties, media, and all popular organizations civil society organizations in the electoral process;

(Venezuela)

Operative paragraph 4

Amend to read as follows:

4. Encourages national election management bodies to make greater efforts to ensure sustainability and cost-effectiveness, as well as the use of appropriate cutting-edge technologies, in particular information and communication technology, so as to make the electoral process "people-friendly", efficient and safe from malpractice, while ensuring transparency and public confidence;

(Venezuela)

Operative paragraphs 3 and 5

Combine and amend operative paragraphs 3 and 5 into a new paragraph 5 to read as follows:

5. Urges parliaments to enact legislation giving strong regulatory, investigative and prosecutorial powers to independent and impartial election management bodies so that they can effectively deal with safeguard the integrity and transparency of the electoral process by preventing instances of electoral fraud, intimidation and other improprieties committed in the course of an election and reporting them to the competent authorities;

(Italy)

Operative paragraph 5

Amend to read as follows:

5. Urges parliaments to enact legislation giving strong regulatory, investigative and prosecutorial powers to **organizations such as** election management bodies so that they can effectively deal with instances of electoral fraud, intimidation and other improprieties committed in the course of an election;

(Japan)

Amend to read as follows:

5. Urges parliaments to enact legislation giving strong regulatory, investigative and prosecutorial powers to election managements bodies, if the need is not met by law enforcement authorities, so that they can effectively deal with instances of electoral fraud, intimidation and other improprieties committed in the course of an election;

(Sweden)

Operative paragraph 6

Amend to read as follows:

6. Encourages parliaments, election management bodies, election monitors, civil society groups and international agencies to work together between elections to plan for future elections, evaluate the outcomes and experiences of previous elections, identify weaknesses in a given country's electoral apparatus and election legislation, and to take steps to redress such weaknesses, train election officials, update and strengthen voter registries, and educate voters;

(India)

Amend to read as follows:

6. Encourages parliaments, election management bodies, election monitors, civil society groups and international agencies, while respecting the sovereignty of each country, to work together between elections to plan for future elections, evaluate the outcomes and experiences of previous elections, identify weaknesses in a given country's electoral apparatus and election legislation, and to take steps to redress such weaknesses, train election officials, update and strengthen voter registries, and educate voters;

(Latin American Parliament)

Amend to read as follows:

6. Encourages parliaments, election management bodies, election monitors, civil society groups and international agencies to work together between elections to plan for future elections, evaluate the outcomes and experiences of previous elections, identify weaknesses in a given country's electoral apparatus and election legislation, and to take steps to redress such weaknesses, train election officials observers and voters, and update and strengthen voter registries, and educate voters;

(Morocco)

6. Encourages national parliaments, election management bodies, and accompanying election monitors and accompanying, civil society groups groupings of social organizations and international agencies to work together to plan futures elections, evaluate the outcomes and experiences of previous elections, identify weaknesses in a given country's electoral apparatus and election legislation, and to take steps to redress such weaknesses, train election officials, update and strengthen voter registries, and educate voters;

(Venezuela)

Operative paragraph 7

Amend to read as follows:

7. Calls upon parliaments to enact legislation to ensure that political parties and candidates conduct their election campaigns according to prescribed norms, and that the election machinery functions in a non-partisan and professional manner to encourage a level playing field for political contestants as well as a violence-free electoral and political environment, including through the application of harsh sanctions against perpetrators of such violence;

(Morocco)

Operative paragraph 8

Amend to read as follows:

8. Also calls upon parliaments to consider formulating a model code of conduct legislative framework with regard to the funding of political parties and electoral campaigns, as well as to the conduct of the electoral campaign itself, in order to ensure that a climate conditions of safety, order and transparency prevails with maximum public participation in the exercise of citizens' right to vote;

(France)

Delete the existing paragraph.

(Italy)

Operative paragraph 9

Amend to read as follows:

 Urges all governments to redouble their efforts to ensure active and wider participation of the citizens in elections through an inclusive voter registration process that effectively accommodates both women and men, the disabled, national minorities, indigenous people, internally displaced persons and other vulnerable groups;

(Japan)

 Urges all governments to redouble their efforts to ensure active and wider participation of the citizens in elections through an inclusive voter registration process that effectively accommodates both women and men, national minorities, indigenous people, citizens living abroad, internally displaced persons and other vulnerable groups;

(Morocco)

Amend to read as follows:

9. Urges all governments to **safeguard democracy by** redouble **redoubling** their efforts to ensure active and wider participation of the citizens in elections through an inclusive voter registration process **based on national registration** that effectively accommodates both women and men, national minorities, indigenous people, internally displaced persons, **the homeless** and other vulnerable groups;

(Sweden)

Operative paragraph 10

Amend to read as follows:

Encourages parliaments in countries with large diasporas to consider, where
necessary, good practices and modalities in order to ensure the participation of
citizens living abroad in the political process of their home countries;

(France)

New operative paragraph 11bis

Add a new paragraph after paragraph 11 to read as follows:

11bis. *Invites* IPU Member Parliaments to organize study, awareness and discussion days on political rights and violence-free politics, in particular during election periods;

(Morocco)

New operative paragraph 12

Replace the existing paragraph with the following text:

12. *Invites* the parliaments of countries experiencing violent political crises that paralyze their government to seek a national consensus with a view to emerging from the crisis;

(France)

Amend to read as follows:

12. Also urges parliaments to develop legislation which, as appropriate, can regulate and guide the implementation of election results and the peaceful transition to a new government and/or to a government of national unity;

(Latin American Parliament)

12. Also urges parliaments to develop legislation which, as appropriate, can regulate and guide the implementation of election results and the peaceful transition to a new government and/or to a government of national unity;

(Morocco)

Amend to read as follows:

12. Also urges parliaments to develop legislation which, as appropriate, can regulate and guide the implementation of election results and the peaceful transition to a new government and/or to a government of national unity;

(Venezuela)

New operative paragraph 12bis

Add a new paragraph after paragraph 12 to read as follows:

12bis. Further urges all parties concerned in situations where countries are emerging from a crisis or from violent community, ethnic or religious tensions, to conclude an inclusive political accord to allow the peaceful conduct of free and fair elections in the framework of institutions that are respectful of minority interests;

(France)

Operative paragraph 13

Amend to read as follows:

13. Calls upon parliaments and governments to ensure unrestricted access by election observers and monitors, both national and international, to observe national elections, in keeping with international standards, obligations, commitments and principles whenever their country makes such a request;

(France)

Amend to read as follows:

13. Calls upon parliaments and governments to ensure unrestricted access by election observers and monitors, both national and international, **depending on local needs** and the provisions of the law, to observe national elections, in keeping with international standards, obligations, commitments and principles;

(India)

Amend to read as follows:

13. Calls upon parliaments and governments to ensure unrestricted access by election observers and monitors, both national and international, to observe national elections, in keeping with international standards, obligations, commitments and principles;

(Latin American Parliament)

Amend to read as follows:

13. Calls upon parliaments and governments to ensure unrestricted—access by election observers and accompanying electoral observers and monitors, both national and international, to witness that the national election is held under the current electoral framework in each country; in keeping with international standards, obligations, commitments and principles;

New operative paragraphs 13bis and 13ter

Add two new paragraphs after operative paragraph 13, to read as follows:

- 13bis. Urges parliaments to draw up electoral regulations establishing primary elections as part of the internal elections of political parties with a view to lending greater legitimacy to the selection of candidates;
- 13ter. Also urges parliaments to draw up regulations establishing equal access to the mass media both public and private during election campaigns;

(Latin American Parliament)

Operative paragraph 14

Amend to read as follows:

14. Encourages election observation and monitoring missions from national, regional and international organizations, wherever required and where the provisions of local laws so provide, to be deployed well in advance of elections and to remain in the country for as long as possible after election results are announced;

(India)

Amend to read as follows:

14. Encourages election observation and monitoring missions from national, regional and international organizations to be deployed well-in advance of elections and to remain in the country for as long as possible after election until the results of the elections are announced known;

(Latin American Parliament)

Amend to read as follows:

14. Encourages election observation and monitoring missions from national, regional and international organizations to be deployed well-in advance of elections and to remain in the country in accordance with the electoral provisions in force in each country For as long as possible after election results are announced;

(Venezuela)

Operative paragraph 15

Amend to read as follows:

15. Also encourages enhanced cooperation among election monitoring and observation missions from different national, regional and international organizations, **depending on the provisions of the local laws**;

(India)

Amend to read as follows:

15. Also encourages enhanced cooperation among accompanying election monitoring and observation missions from different national, regional and international organizations;

New operative paragraph 15bis

Add a new paragraph after paragraph 15, to read as follows:

15bis. Invites the United Nations and other international organizations and partners concerned to incorporate in their peace-building strategies from the outset human and financial assistance measures aimed at strengthening or establishing a set of democratic institutions, and in particular a parliament elected through free and regular elections;

(France)

Operative paragraph 16

Amend to read as follows:

16. Urges parliaments in countries with a **recent** history of electoral violence to enact specific legislation to restrict limit and prohibit the use of firearms and live ammunition, and guarantee that military and security institutions and agents remain neutral and are not subject to manipulation for electoral purposes during the electoral process;

(Italy)

New operative paragraph 16bis

Add a new paragraph after paragraph 16, to read as follows:

16bis. *Invites* parliaments and governments to elaborate strict and stringent laws prohibiting any attempt to destabilize the electoral process and providing for the prosecution of the perpetrators of acts of violence;

(Morocco)

Operative paragraph 17

Amend to read as follows:

17. Appeals to eivil society organizations, media groups, experts, academic institutions, human rights agencies and international organizations to sensitize citizens to their constitutional rights and obligations regarding elections, including through comprehensive civic and voter education programmes;

(Venezuela)

Operative paragraph 19

Combine and amend operative paragraphs 19 and 7 into a new paragraph 1bis to read as follows:

19. Calls upon parliaments to enact appropriate legislation to guarantee the fundamental rights of citizens in the political process, including the right of individuals to cast a secret ballot, the right to open **and multiple sources of** information and free expression, and the right to peaceful public demonstration **as well as freedom of organization for political parties and the freedom for candidates to conduct their election campaigns on an equal footing and in a violence-free political environment;**

(Italy)

New operative paragraph 19bis

Add a new paragraph after paragraph 19 to read as follows:

19bis. Urges parliaments to amend their election laws so as to incorporate reforms that provide for genuine mechanisms for free, transparent and fair elections that conform to international democratic standards;

(Morocco)

Operative paragraph 20

Amend to read as follows:

20. Calls upon Member Parliaments to ensure that, until political violence against women is eliminated and women are empowered both economically and politically, at least 30 per cent of parliamentary seats are reserved for women;

(Germany)

Amend to read as follows:

20. Calls upon Member Parliaments to ask political parties, until political violence against women is eliminated and women are empowered both economically and politically, to consider various approaches to increase the proportion of women candidates for parliamentary elections to at least 30 per cent, by such means as providing incentives, setting numerical targets and introducing quota systems that apportion a certain percentage of candidates to women at least 30 per cent of parliamentary seats are reserved for women;

(Japan)

Amend to read as follows:

20. Calls upon Member Parliaments to ensure that, until political violence against women is eliminated and women are empowered both economically and politically, women's representation should account for at least 30 per cent of parliamentary seats are reserved for women;

(Sweden)

Operative paragraph 21

Amend operative paragraph 21 as follows and move to the beginning of the operative part:

21. Urges parliaments and governments to ensure that electoral laws are stable and predictable by codifying them or enacting them in statute law and by entrenching the basic principles of electoral democracy **and the right to vote and to run for elections** in the national constitution so as to prevent manipulation of election rules by parties in power;

(Italy)

21. *Urges* parliaments and governments to ensure that electoral laws are stable and predictable by codifying them or enacting them in statute law and by entrenching the basic principles of electoral democracy in the national constitution so as to prevent manipulation of election rules by parties in power;

(Venezuela)

Operative paragraph 22

Amend to read as follows:

22. Appeals to the United Nations, other relevant international organizations and development partners to provide the necessary support and sustainable, cost-effective technical assistance for building the capacity of national election management bodies, including improved working conditions for their staff, thereby encouraging appropriate electoral reforms, and promoting better voter and civic education, particularly in emerging democracies;

(Japan)

Operative paragraph 23

Amend to read as follows:

23. Calls for greater cooperation between the United Nations and the IPU in the prevention of electoral violence and in ensuring a smooth and peaceful transition of political power, as well as in the implementation throughout the electoral cycle of relevant recommendations made by election observation missions wherever they are deployed.

(India)

Amend to read as follows:

23. Calls for greater cooperation between the United Nations and the IPU in the prevention of electoral violence and in ensuring a smooth and peaceful transition of political power, as well as in the implementation throughout the electoral cycle of relevant recommendations made by election observation and **accompanying** missions;

(Venezuela)

New operative paragraph 24

Add a new paragraph after paragraph 23, to read as follows:

24. Urges governments to ensure a distribution of constituencies that is predictable, transparent and not subject to change close to elections so as to avoid manipulation of the electoral systems.

(Sweden)