



INTER-PARLIAMENTARY UNION
124th Assembly and related meetings
Panama City (Panama), 15 – 20 April 2011



First Standing Committee
Peace and International Security

C-I/124/DR-Pre
13 December 2010

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

***Preliminary draft resolution submitted by the co-Rapporteurs
Mr. J.D. Seelam (India) and Mr. W. Madzimore (Zimbabwe)***

The 124th Assembly of the Inter-Parliamentary Union,

- (1) *Recalling* the Universal Declaration of Human Rights of 1948, the 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, and that the will of the people should be expressed through free and fair elections so as to constitute the basis for legitimate and credible authority of government,
- (2) *Recognizing* that free and fair elections, as a means of peacefully transferring power, are the cornerstone of democratic practice,
- (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 free media, in addition to an active citizenry,
- (4) *Considering* that countries are at different stages of democratic consolidation and that all countries need to continue to strive for electoral frameworks that provide optimal conditions for the holding of free and fair elections,
- (5) *Expressing deep concern* over the increasing trend of electoral violence in several countries for a variety of reasons, including socio-economic disparities, weak governance institutions, abuses perpetrated by the military and security forces, a lack of sound statutory and regulatory frameworks, an absence of transparency, insufficient civic and voter education, poor transitional mechanisms, a lack of sound electoral laws, ineffective electoral management systems, widespread corruption, and the polarization of communal, ethnic or religious identities,
- (6) *Noting* the importance of credible and effective election management bodies operating on the principles of independence, impartiality, integrity, transparency, financial probity, accountability, professionalism, equal access, and sustainability,

(7) *Underscoring* the crucial role played by local, regional and international election monitors and observers in providing an independent account of an election and transparency and accountability to the process,

(8) *Concerned* that women are disproportionately affected by electoral violence and that women candidates are often vulnerable targets or deterred from participating in the political process by a climate of intimidation,

(9) *Noting* that the holding of elections in conditions of instability and political fragility, particularly in post-conflict and post-crisis contexts, has often failed to produce credible and legitimate outcomes,

(10) *Welcoming* the IPU Declaration on Criteria for Free and Fair Elections and the Universal Declaration on Democracy, which underline the need for ensuring transparency of the electoral process and promoting the practices of good governance and the rule of law,

(11) *Acknowledging* the 2005 Declaration of Principles for International Election Observation and the Code of Conduct for International Election Observers endorsed by a host of organizations, including the United Nations, the Inter-Parliamentary Union, and the International Institute for Democracy and Electoral Assistance,

(12) *Underscoring* the role and responsibility of parliaments and parliamentarians in shaping a sound and comprehensive legislative framework aimed at preventing electoral violence and ensuring the smooth transition of power once elections are over,

1. *Calls upon* parliaments, where necessary, to undertake constitutional and legislative reform based on international standards and taking into account local realities so as to provide a sound legal framework for free and fair elections and the smooth transfer of power;
2. *Urges* parliaments to conduct such electoral reform through a comprehensive, inclusive and open debate aimed at fostering the highest possible involvement of all stakeholders - the authorities, political parties, the media and non-governmental organizations - in the electoral process;
3. *Also urges* parliaments to ensure that independent and impartial election management bodies are in put place, with due emphasis on ensuring accountability and transparency of the entire election process so as to organize and conduct elections in a free and fair manner;
4. *Encourages* national election management bodies to make greater use of cutting-edge technologies, in particular information and communication technologies, so as to make the electoral process people-friendly and efficient and safeguard it from malpractice;
5. *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 in order to guarantee a violence-free political environment during elections;

6. *Also calls upon* parliaments to consider formulating a model code of conduct 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 of safety, order and transparency prevails with maximum public participation in the voting exercise;
7. *Urges* all governments to redouble their efforts to guarantee active and wider participation of citizens in elections through an inclusive voter registration process that effectively accommodates national minorities, indigenous peoples, internally displaced persons and other vulnerable groups;
8. *Encourages* parliaments in countries with large diasporas to consider good practices and modalities with a view to ensuring the participation of citizens living abroad in the political process in their native countries;
9. *Urges* parliaments and governments to put in place appropriate legislation and mechanisms to provide for an independent, fair, expeditious and accessible electoral dispute settlement mechanism;
10. *Invites* parliaments to draft legislation which, where appropriate, can regulate and guide the transition to governments of national unity;
11. *Calls upon* parliaments and governments to ensure unrestricted access by national and international election monitors to observe national elections, in keeping with international standards and principles;
12. *Encourages* election monitoring and observation missions from national, regional and international organizations to be deployed well in advance of elections and to remain in the country until election results are announced;
13. *Urges* parliaments in countries with a history of electoral violence to enact specific legislation of a nature to guarantee that military and security institutions and agents remain neutral and are not subject to manipulation for electoral purposes;
14. *Appeals* to civil society organizations, media groups, experts, academic institutions, human rights agencies and international organizations to sensitize citizens to their constitutional rights and duties regarding elections, including through comprehensive civic and voter education programmes;
15. *Urges* parliaments and governments to promote among citizens, and in particular youth, a culture of respect for the rule of law and a sense of political tolerance for diverse and opposing views;
16. *Calls upon* IPU Member Parliaments to ensure that until political violence against women subsides and women are empowered both economically and politically, at least 30 per cent of parliamentary seats are reserved for them;
17. *Calls* for greater cooperation between the United Nations and the IPU in the prevention of electoral violence and in ensuring the smooth transition of political power, as well as in the implementation throughout the electoral cycle of relevant recommendations formulated by election observer missions;
18. *Appeals* to the United Nations and other relevant international organizations and development partners to provide the necessary support and cost-effective technical assistance for applying electoral standards, building the capacity of national election management bodies to effect electoral reforms, and promoting better voter and civic education, particularly in emerging democracies.