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**PROMOTING DIVERSITY AND EQUAL RIGHTS FOR ALL THROUGH UNIVERSAL
DEMOCRATIC AND ELECTORAL STANDARDS**

Draft report submitted by the co-Rapporteurs

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Introduction

1. The protection and promotion of diversity and equality are the prerequisites for a democratic and parliamentary polity. The term "diversity" connotes cultural, social, linguistic and economic plurality which is characteristic of a democratic polity. As no society or polity can be expected to be consistently homogeneous and uniform, it is incumbent upon government to foster and promote diversity and equality through constitutional, legal and institutional means and mechanisms. "Diversity" also refers to an inclusive society and polity, in which the electoral standard is universal adult suffrage without any discrimination whatsoever, except that specified by the constitution and the law, and with regular and periodic elections to representative bodies as prescribed by law.
2. The establishment of a system conducive to the maintenance of diversity and promotion of equality has always been one of the main concerns of every democratic society, and there is no country or civilization in which freedom, human rights and equality are not of major importance. It is nevertheless no surprise that our multifaceted world has produced different perceptions of these basic and all-important issues.
3. While the world is interdependent and has become "one world", it is in no way homogeneous; this constitutes its beauty and richness. Although various branches of rationalist and formative thought alternatively tend to promote a global super-society with similar or equal norms and perceptions, too many universally cherished human values are subject to distinct interpretations. Many contradictory religion-based and rationalist concepts determine different paradigms for man's relationship to God and matter, his fellow man and society, nature and the Universe. In response, people have created systems of ethics based on what they consider sin and virtue, right and wrong, good and evil, just and inspiring, so as to leave an ethical and moral stamp on history.
4. Different civilizations have generated different concepts of honour and duty, given differing substance to categories of freedom and rights, developed their own codes of ethics between men and women, parents and children, and constructed their own interpretation of the rule of law and the State. As a result, various legal systems (consisting of positive law, under which the concept that what is not prohibited is allowed tends to predominate, and natural law, which defines sin and crime and is founded on religious canons) or moral foundations now underpin economic activity, labour, wealth and riches, and national and State concepts and institutions.

5. But in today's interdependent world, no society has remained homogeneous. In this situation, democracy has proven to be the best mechanism for coexistence, allowing societies that no longer have one single philosophical foundation to develop. Democracy is indispensable to maintain understanding, peace and fruitful interaction, within countries, between civilizations and internationally. It must be maintained and promoted nationally and internationally so as to secure the noble principle of mutual respect within societies and between civilizations and States.

6. Human rights and liberties are of great importance to modern societies, and it is for this reason that they are inevitably manipulated for political ends or used to treat countries unfairly and as a means of political pressure. Genuine democracy is an ideal yet to be achieved in international relations. Stereotypes and political prejudices are formed against certain countries and civilizations, whereas others are deemed to be quasi-infallible and act as self-appointed mentors.

7. Chapter 1 of the United Nations Charter, entitled "Purposes and Principles", considers no religion or philosophy, no social or political system as superior to any other. It does not define what democracy is, but clearly states that all international players have sovereign equality. This means that all States – whether republics or monarchies, religious or secular-liberal (societies of the Western type) - are equal in status. All are absolutely equal under international law and the United Nations Charter and their relations are not as between superior and inferior, or progressive and backward States.

8. Contrary to popular opinion, there exists no integrated and comprehensive list of universally recognized criteria on all aspects of human rights and liberties. This leaves ample room for discriminatory use of human rights. The United Nations Charter combines recognition and protection of human rights with such fundamental principles of international law as non-interference in the domestic affairs of countries and recognition of their sovereign equality. It contains an agreed list of basic human rights but refrains from giving them a meaningful interpretation. Obviously, there is a profound reason for this, namely that the interpretation of the content of human rights depends too strongly on the axiological criteria inherent in specific civilizations.

9. On 15 March 2006, the United Nations General Assembly adopted resolution 60/251 on the establishment of the Human Rights Council. This resolution, however imperfect, is the outcome of an intricate process of compromise without which United Nations human rights activities cannot make radical progress towards the elimination of double standards, selectivity and polarization in this field.

10. The new Human Rights Council acknowledges that there may be various interpretations of human rights and that the social and economic conditions in which those rights are implemented in various parts of our diverse world beggar comparison. The establishment of regional groups of countries – West European and North American, East European (including Russia), Latin American, Asian and African – is a manifestation of this.

11. It would be most appropriate for the IPU to play a more active role, since it is the most universal organization, one that represents, through elected members of parliament, all civilizations worldwide, from the remotest village in a theocratic country to cosmopolitan mega cities with their secular-liberal populations.

12. It is universally recognized that democracy cannot survive and sustain itself without respect for diversity and equality and that genuine efforts therefore need to be made to promote and protect those qualities. Democracy cannot be promoted domestically and at the same time neglected or overlooked internationally. The initial universal call for nations to promote basic freedoms and human rights is set forth in the United Nations Charter. Ever since, governments have had to agree that such obligations are binding on them in respect of their own citizens in order to gain full international acceptance. Ensuring human rights and basic liberties has become a priority for modern States. Although diversity and equality can, in theory, be nurtured and enhanced within various political systems, history has convincingly proven that they can be better guaranteed when those in positions of power make decisions in conditions of the greatest possible transparency.

13. The tenets of equality are intertwined with human rights and can be traced back to the Magna Carta of 1215, which propounded the rule of law and laid the foundations for respect for fundamental liberties. The Magna Carta was followed by the British Bill of Rights in 1689, the American Declaration of Independence in 1776, the French Declaration of the Rights of Man and of the Citizen in 1789 and the American Bill of Rights in 1791. All these developments, in one way or another, emphasized the importance of diversity and equality. The United Nations Charter, which very clearly articulates the principles and ideals of diversity and equality, was yet another landmark document in this field. It was the first to express the concept that generally recognized international standards applied in relations not only between countries but also between individuals. Recognition of these standards became a condition for membership of the international community and has become a basic principle of international law.

1. The Universal Declaration of Human Rights, 1948

14. The adoption of the Universal Declaration of Human Rights in 1948 marked a milestone in the promotion and protection of human rights, in particular the principles of equality and diversity enshrined in those rights. Since then, the basic premise that human rights and fundamental freedoms are the birthright of all human beings has won widespread acceptance and been expressed in many international instruments.

15. The Declaration's underlying premise is that all human beings are born free and equal, are endowed with reason and conscience and should act towards one another in a spirit of brotherhood. The rights and freedoms it sets forth are to be enjoyed by everyone without discrimination.

16. While Article 1 of the Universal Declaration of Human Rights states that all human beings are born free and equal in dignity and rights, Article 2 stipulates that everyone is entitled to all the rights and freedoms set forth therein without distinction of any kind, such as race, colour, gender, language, religion, political or other opinion, nationality or social origin, property, birth or other status.

2. International legal framework

17. The principles and ideals of diversity and equality are expressed in a number of other international instruments, such as the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, and the International Convention on the Elimination of All forms of Racial Discrimination.

3. The role of the IPU

18. As the international organization of parliaments of sovereign States, the IPU is committed to the principles and ideals of diversity and equality as enshrined in various United Nations instruments and resolutions. It has adopted a number of resolutions upholding the principles and ideals set out in United Nations resolutions having a bearing on diversity and equal rights. For example, the resolution on ensuring lasting democracy by forging close links between Parliament and the people, adopted at the 98th Inter-Parliamentary Conference (Cairo, September 1997) stressed inter alia that the principles of democracy may be applied differently, according to the culture, history and constitution of each nation.

4. The position as it obtains in India

19. In India, the concept of human rights, which, in turn, denotes the underlying principles and goals of diversity and equality, stretches back to Antiquity. The pivotal position of the individual citizen has been an inherent component of the various religious philosophies that have flourished in India since time immemorial. During the struggle for independence, the leaders of the National Freedom Movement sought to stress the primacy of equality while framing the Constitution. Accordingly, many of the basic rights giving expression to diversity and equality are enshrined in the Preamble to the Constitution: social, economic and political justice; liberty of thought, expression, belief, faith and worship, and equality of status and of opportunity. Several human rights-related commissions and committees have also been set up and over the years and remain operational. The Indian Parliament has also been an instrument of social change, having enacted several laws safeguarding the interests of the deprived and the downtrodden.

20. The principles and goals of diversity are articulated in no uncertain terms in the constitutions of most democratic countries, and India's Constitution is no exception. In Part III, on Fundamental Rights, Article 14, for example, states that the State shall not deny to any person equality before law or equal protection of the laws within the territory of India. Similarly, Article 15 provides that the State shall not discriminate against any citizen on grounds only of religion, race, caste, sex, place of birth or any of them. Article 16 stipulates that there shall be equality of opportunity for all citizens in matters relating to employment or appointment to any office under the State.

21. As regards diversity, Article 29 of the Constitution provides that any section of the citizens residing in the territory of India or any part thereof having a distinct language, script or culture of its own shall have the right to conserve the same. Article 30 further provides that all minorities, whether based on religion or language, shall have the right to establish and administer educational institutions of their choice.

22. The Constitution of India does not treat the concept of equality mechanically, for equality is possible and desirable under equal circumstances. In recognition of this Article 46 of the Constitution provides that the State shall promote with special care the educational and economic interests of the weaker sections of the people, and, in particular, of the Scheduled Castes and the Scheduled Tribes, and shall protect them from social injustice and all forms of exploitation. The government has endeavoured to implement the provisions of the Constitution, and institutional mechanisms have been established for that purpose. An alert and vigilant judiciary, the media and civil society also keep an constant vigil on the implementation of and compliance with constitutional provisions.

5. The position as it obtains in the Russian Federation

23. The principles and ideals of equality and diversity are also mentioned in the Constitution of the Russian Federation adopted on 12 December 1993, Article 13 which stipulates that:

- ideological diversity shall be recognized in the Russian Federation;
- no ideology shall be proclaimed as State ideology or as obligatory;
- political diversity and the multiparty system shall be recognized in the Russian Federation;
- public associations shall be equal before the law;
- the establishment and activities of public associations whose goals and activities are aimed at forcibly changing the constitutional order and at violating the integrity of the Russian Federation, at undermining its security, at creating armed units, or at instigating social, racial, national or religious strife shall be prohibited.

Similarly Article 19 stipulates as follows:

- all people shall be equal before the law and in the courts;
- the State shall guarantee equality of rights and liberties regardless of sex, race, nationality, language, origin, property or employment status, residence, attitude to religion, convictions, membership of public associations, racial, national, linguistic or any other circumstance;
- men and women shall have equal rights and liberties and equal opportunities for their pursuit.

Article 13 provides that ideological plurality, political plurality and the multiparty system shall be recognized in the Russian Federation.

6. Imperatives of democratic and electoral standards

24. There cannot be a better way to promote diversity and equal rights than through universal democratic and electoral standards. The provisions of the constitution alone do not suffice. Regular and periodic elections to representative bodies such as assemblies, national parliaments and provincial legislatures are essential for the promotion of diversity and equal rights. Periodic elections, in turn, underscore the importance of better electoral standards. Of particular significance in this respect is the draft Convention on Election Standards, Electoral Rights and Freedoms approved by the 11th annual conference of the Association of Central and Eastern European Election Officials, which was held in Moscow from 26 to 28 September 2002. The draft convention provides, inter alia for observance of the principle of free elections whereby voters and other election participants shall choose, without coercion, threat of coercion or any other unlawful influence, whether or not to participate in elections in the forms allowed by law and by lawful methods, without fear of punishment, influence or compulsion.

7. Upholding election standards: the system in India

25. Like other countries, India has a system to ensure the highest election standards for promoting diversity and equal rights. Periodic elections to representative bodies are a regular feature of Indian political life, and the institutional mechanism that ensures transparency and builds public credibility has earned accolades not only in India but also abroad. Indeed, the Election Commission is responsible for conducting and superintending elections to the two Houses of Parliament, to state legislatures throughout the country, and to the offices of the President and the Vice-President of India. It has taken several major initiatives, as described in the following paragraphs.

26. In the past, the national radio and television broadcasters were largely at the service of the Government of India. The Election Commission decided that, since the national radio and television were assets of the entire people of India, they must be fairly shared, at election time, by the recognized political parties. It prepared a comprehensive scheme, invited the political parties to discuss and comment on it, and then issued a directive to the Doordarshan and All India Radio to allocate time to all recognized political parties during election periods as per the Commission's formula and direction. This highly valued prime time is free and in fact amounts to indirect funding of elections, since it is worth a great deal of money. What is more, this indirect state funding of elections cannot be misused. Since 1998, it has become standard practice to allocate free broadcasting time on national television and radio to recognized political parties, and this is now a statutory obligation at all parliamentary and state general elections.

27. The Election Commission's model code of conduct, which was agreed to by all parties in early 1960s, has been effectively put to use as a major instrument for ensuring fair elections and for providing a level playing field for all political parties and candidates. It contains guidelines to be followed by the candidates and political parties during elections. Those guidelines pertain to general conduct, rules to be followed relating to election meetings, processions, guidelines for the party in power at the time of election, do's and don'ts during polling day and at the polling booth, etc. In the last few years, the Election Commission has worked hard to frame a comprehensive set of guidelines and directions for the electoral machinery at all levels and for the code of conduct's application, in order to ensure that it serves the true purpose of democracy in a fair and balanced manner. The Commission has also framed comprehensive guidelines for the work of central observers.

28. The criminalization of politics is another matter of concern. The Election Commission has made every effort to curb and control this phenomenon. Although "criminalization of politics" is a broad term, it basically refers to persons with criminal antecedents joining in the electoral fray and the role of money and brawn in the electioneering and electoral process. The Commission has promoted the strict and effective application of Section 8 of the Representation of the People Act, 1951, which deals with the disqualification of those convicted of criminal offences, and has even devised an affidavit on which all candidates must list their criminal antecedents (if any), assets and liabilities and educational qualifications, to help the electors make an informed choice.

29. A clean and accurate electoral roll is the basis for fair elections. The Commission has worked intensively to improve the electoral system. The introduction of photo identity cards for electors is another important means of promoting better electoral standards, and the Election Commission ordered the making of photo identity cards for all voters in the country in August 1993. Electors are required to produce the cards in order to be able to vote. The

latest recommendation by the Election Commission in this direction is the generation of electoral rolls bearing the photographs of electors.

Reservation of seats for a level playing field

30. In India, equality and diversity are also promoted through established electoral standards that reserve seats for representative bodies for certain sections of society. Articles 330 and 332 stipulate that seats shall be reserved in the House of the People and state legislative assemblies for the Scheduled Castes and the Scheduled Tribes as per the provisions of the Constitution. Pursuant to the 73rd and 74th amendments to the Constitution, seats are also reserved on representative bodies at the grassroots level. The Constitution (Seventy-third Amendment) Act, 1992, provides for the reservation of seats for the Scheduled Castes and Scheduled Tribes and women in every *panchayat*, the representative body at the local level. The Act further provides that the state legislature may provide for reservation of seats for any backward class of citizens. Similar provisions are made in the Constitution (Seventy-fourth Amendment) Act, 1992, for *nagar panchayats*/municipal councils and municipal corporations. A bill seeking to reserve seats for women in Parliament and the state legislatures is likely to be introduced by the Government, which is trying to build a consensus across the political spectrum with regard to the appropriate formula.

Conclusion

31. The principles of equality and diversity must benefit every citizen in the country, irrespective of status, rank, creed or occupation. No one would disagree that equality and diversity can be better obtained through a universal democratic and electoral standards that provide for a universal adult suffrage enabling all citizens to take part and vote in elections without any fear or coercion. Enabling citizens to take part in the electoral process requires that the States actively participate in making conditions right for citizens to exercise their choice in a democratic and equal manner. It is only by ensuring that every citizen can choose freely and democratically that national diversity can be promoted enabling every citizen to have equal rights. Election standards are but one aspect of the broader democratic picture which may also include the executive branch, the legislature, a vigilant and vibrant judiciary, the media and civil society. All have to work in tandem to protect and promote diversity and equal rights for all through universal democratic and electoral standards.