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

Revised 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 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, 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 peaceful transfer of 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 a free media in addition to an active citizenry,
- (4) *Considering* that different 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) *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,
- (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, etc.,

(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, impartiality, integrity, transparency, financial probity, accountability, professionalism, equal access, sustainability, and cost effectiveness,

(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,

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

(10) *Noting* that holding 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,

(11) *Welcoming* the IPU Declaration on Criteria for Free and Fair Elections and the Universal Declaration on Democracy, which underscore the need to ensure transparency of the electoral process, promoting good governance and the rule of law,

(12) *Acknowledging* the 2005 Declaration and Code of Conduct for International Election Observation 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,

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

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 and fair elections that includes the adoption of electoral systems that provide for representative and inclusive outcomes, and the smooth transfer of power;
2. *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 in the electoral process;
3. *Also urges* parliaments to ensure that independent and impartial election management bodies are put in place, with due emphasis on ensuring accountability, integrity 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 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;
5. *Urges* parliaments to enact legislation giving strong regulatory, investigative and prosecutorial powers to 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;
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;
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 political environment, including through the application of harsh sanctions against perpetrators of such violence;
8. *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 exercise of citizens' right to vote;
9. *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, internally displaced persons and other vulnerable groups;
10. *Encourages* parliaments in countries with large diasporas to consider good practices and modalities in order to ensure the participation of citizens living abroad in the political process of their home countries;
11. *Urges* parliaments and governments to put in place appropriate legislation and mechanisms to provide for an independent, fair, transparent, expeditious and accessible electoral dispute settlement mechanism that has the confidence of election stakeholders and the wider public;
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;
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;

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 results are announced;
15. *Also encourages* enhanced cooperation among election monitoring and observation missions from different national, regional and international organizations;
16. *Urges* parliaments in countries with a history of electoral violence to enact specific legislation to restrict 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;
17. *Appeals* to civil 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;
18. *Urges* parliaments and governments to promote among citizens, in particular youth, a culture of respect for the rule of law and a sense of political tolerance for diverse and opposing views;
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 information and free expression, and the right to peaceful public demonstration;
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;
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;
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, thereby encouraging appropriate electoral reforms, and promoting better voter and civic education, particularly in emerging democracies;
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.