

# UNITED NATION'S RECOMMENDATIONS ON STRENGTHENING GENDER EQUALITY IN THE DRAFT REVISED LAW ON ELECTION OF DEPUTIES TO THE NATIONAL ASSEMBLY AND TO THE PEOPLE'S COUNCILS



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## Preamble

The United Nations has been supporting the National Assembly of Viet Nam through initiatives of legislative strengthening and capacity development that bring to bear international experience and best practices. This is in recognition of the vital role of the National Assembly in developing quality legislation that responds to the needs and aspirations of Vietnamese citizens.

The target of a minimum of 35 percent women represented in elected office has been set in Resolution 11-NQ/TW of the Political Bureau of the Communist Party of Vietnam dated 27/4/2007 on the Work for Women in the Period of Accelerating Industrialization and Modernization. It states that "Efforts to be made so that by year 2020, the percentage of female participants in the party committees will reach 25% or over; female members in the National Assembly and the People's Councils at different levels will reach 35% to 40%." Complimenting this is the National Strategy on Gender Equality which sets a target under Objective 1 that "Efforts to be made so that the rate of women representing in the Party's committees at different levels will reach 25% and above for the term of office between 2016 and 2020; the rates of female members of the National Assembly and People's Councils at different levels will reach 30% and above for the term of office between 2011 and 2015 and more than 35% for the term of office between 2016 and 2020."

Against this backdrop, the United Nations in Viet Nam has developed recommendations in relation to gender equality and participation based on the latest version of the draft Law of Elections of Deputies to the National Assembly and People's Councils. These recommendations are restricting in focus to the key gender equality and women's rights issues that this law touches upon. The review has not undertaken a comprehensive analysis of all aspects of the law and should not be seen as an endorsement of any other provisions of the law.

The revision of the Election Law provides a critical opportunity to promote gender balance in elected representatives. The last two national elections in 2011 and 2007 saw a worrying decrease in the number of women elected to the National Assembly. In the People's Councils there has been a small increase in women's representation however both at the national and sub-national level, the target of 30 percent representation was not met in 2011. In the National Assembly, only 24 percent of the elected deputies are women. Sub-nationally, women's political representation is at 26 percent (combined provincial, district and commune). A review of the 2011 candidates who ran in the election found that only 31 percent of candidates were women and only 12 percent of the centrally nominated candidates were women in the elections to the 12<sup>th</sup> and 13<sup>th</sup> term.

The implementation of a legislated gender quota in Viet Nam would promote a stronger gender balance of political participation and representation by ensuring both men and women hold a minimum percentage of elected positions. In addition to a possible reflection of this measure, the review also presents a unique occasion to introduce progressive policies towards curbing multiple voting, guaranteeing the impartiality of members of the electoral organizations, and ensuring gender-balanced membership of electoral organizations.

Ensuring that the revised legislation is aligned with Viet Nam's international commitments, particularly the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), is essential. Moreover, alignment with key national legislation and policies such as the Law on Gender Equality, the National Strategy on Gender Equality and Resolution 11-NQ/TW of the Politburo are key to meeting Viet Nam's commitments on gender equality and specifically Millennium Development Goal 3 on promoting gender equality and empowering women.

A legal gender quota has proven to be an efficient method to move towards a gender balance in political institutions. Electoral gender quotas are used in more than half of the world's countries as the most effective

mechanism for increasing women's political representation.

It is strongly recommended to use principles of inclusion and transparency in the development of the revised law. Viet Nam has demonstrated some progressive steps towards making the electoral process more open for self-nominated candidates. The UN encourages these steps and supports the elimination of all barriers to self-nominated candidates. Self-nomination represents a potential avenue for entry by women, who are currently underrepresented in elected positions. We encourage the drafting committee to review articles related to voting for others and the sanctions in cases of non-compliance. This is a key element of transparent and fair elections and there needs to be robust clauses to ensure the practice of one vote per person. The impartiality of members of the electoral organizations is paramount for the transparency of the elections. It is recommended to have clear provisions to eliminate any possibility of members of the NEC or electoral management organizations being candidates in elections.

To build on the enhancements already included in the draft revision the following recommendations regarding the promotion of gender balance as well as transparency in the electoral process are hereby presented for consideration as part of the finalization of the legislation.

## Recommendations on Strengthening Gender Equality in the Draft Revised Law on Election of Deputies to the National Assembly and to the People's Councils



Articles of the draft law (dated 13 Feb 2015)	Recommendations and Rationale
<p><b>Article 2. Eligible age for voting and standing for election</b></p> <ol style="list-style-type: none"> <li>1. All citizens of the Socialist Republic of Vietnam who are full 18 years old or more shall have the right to vote, and who are full 21 years old or more shall have the right to stand for election to the National Assembly and People's Councils of various levels in accordance with the law</li> </ol>	<p><a href="#">Recommendation #1</a> It is recommended to include reference to inclusion, fair treatment and non-discriminatory practices in Article 2.</p> <p><a href="#">Rationale</a> The addition of a clause such as “irrespective of ethnicity, sex, social standing, belief, religion, education level, occupation and length of residence” would ensure the Article is in line with Viet Nam’s Constitution (2013) as well as the International Covenant on Civil and Political Rights (ICCPR) and the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW) of which Viet Nam has ratified.</p>
<p><b>Article 4. Responsibilities of agencies</b></p> <ol style="list-style-type: none"> <li>1. The National Assembly shall determine and publicize the date for election of deputies to the National Assembly and the date for election of deputies to People's Councils; establish the National Election Council.</li> <li>2. The National Election Council shall organize the election of deputies to the National Assembly; and give instructions and guidelines for the election of deputies to the People’s Council of various levels.</li> <li>3. The Standing Committee of the National Assembly (“NASC”) shall propose the proportion, composition and number of deputies to the National Assembly; shall oversee the election of deputies to the National Assembly and deputies to People’s Councils of all levels to ensure that the election is organized in a democratic, lawful, safe and economical manner.</li> <li>4. The Government shall direct ministries, ministerial-level agencies, Government agencies and people’s committees of all levels to perform the election work in accordance with the law.</li> <li>5. The Vietnam Fatherland Front shall organize consultations to select and nominate candidates for the deputies to the National Assembly and People’s Councils, and shall participate in</li> </ol>	<p><a href="#">Recommendation #2</a> It is recommended to include a clause regarding the role and responsibility of Viet Nam Women’s Union (VWU) in the NEC and electoral process including its role of identifying and training potential women candidates.</p> <p><a href="#">Rationale</a> VWU is a national and sub-national organization with a mandate to protect and promote the rights of women, including the right to vote and stand for election. The addition of this clause will support the VWU at central and local level to develop mechanisms to work with relevant agencies, organizations and units to develop and propose the list of potential women as candidates for the NA and PC elections.</p> <p>If these recommendations are adopted, then Articles 11 and 17 will need to be strengthened and aligned with this Article.</p>

<p>overseeing the election of deputies to the National Assembly and People's Councils.</p> <p>6. The Standing Body of the People's Council shall propose the proportion, composition and number of deputies to the People's Council of the same level; the Standing Body of the People's Council and People's Committee of all levels, within the scope of their respective duties and power, are responsible for organizing the election work in accordance with the law.</p> <p>7. State agencies, political organizations, socio-political organizations, social organizations, and units of people's armed forces shall provide favorable conditions for the election-managing organizations to perform their tasks and exercise their powers</p>	
<p><b>Article 7. Proposed proportion, composition and allocation of deputies to the National Assembly</b></p> <p>1. Based on the number of deputies to the National Assembly and after consultation with the Standing Board of the Central Committee of the Vietnam Fatherland Front and representatives of socio-political organizations, within no more than one hundred and five days before the election, NASC shall propose the proportion and composition of deputies to the National Assembly; the deputies to the National Assembly to be elected from political organizations, socio-political organizations, social organizations, units of people's armed forces, State agencies at central and local levels and ensure a reasonable percentage of representation of all classes of people in the National Assembly.</p> <p>2. NASC shall propose a number of deputies to the National Assembly to be elected at each province or city under central authority on the following bases:</p> <ol style="list-style-type: none"> <li>Each province or city under central authority shall have at least three deputies residing and working in its locality;</li> <li>The remaining number of deputies is determined based on the number of population and characteristics of each locality but not exceed 500 deputies;</li> <li>An adequate number of deputies shall be allocated to the Hanoi Capital.</li> </ol> <p>3. The number of deputies to the National Assembly being people of ethnic minorities shall be proposed by NASC at the proposal of the Council for Ethnic Affairs of the National Assembly where an adequate number of deputies shall be ensured for various groups of ethnic minority.</p>	<p><a href="#">Recommendation #3</a></p> <p>It is recommended:</p> <ul style="list-style-type: none"> <li>- that a provision be included that, with the objective of having a minimum of 35% of either gender as elected delegates, each list of candidates shall include both male and female candidates, who are equally represented. Equal gender representation exists when one of the sexes is represented by at least 45-50% of the total number of candidates in the list. The candidates of the underrepresented gender shall be distributed on the candidates list in the following manner: At least 1 candidate of the underrepresented gender amongst the first 2 candidates, 2 candidates of the underrepresented gender amongst the first 5 candidates, and 3 candidates of the underrepresented gender amongst the first 8 candidates etc.</li> <li>- that the NASC have full responsibility for ensuring the gender quota is met</li> <li>- that sanctions be in place in situations of non-compliance with the gender quota.</li> </ul> <p>If these recommendations are adopted, then Articles 8, 14, 35, 37, 38, 39, and 45 will need to be strengthened and aligned with this Article. Moreover, to ensure compliance with the quota, Chapter X on Dealing with Violations during Election requires an additional Article discussing the sanctions in the case of the gender quota not being met.</p> <p><a href="#">Rationale</a></p> <p>The rationale for a gender quota is that a legally binding gender quota addresses Viet Nam's current situation of an under representation of women in elected office. The legislated quota is an assured measure to increase women's representation in parliaments.</p> <p>Legal gender quotas in electoral legislation are viewed as an effective measure to bring about substantive equality for women and men in a speedy and consistent manner. The target of a minimum of 35 % is complimentary and underscores the set targets in the National Strategy on Gender Equality (NSGE) and in Resolution 11-NQ/TW. Using a legislated quota is in line with CEDAW, CEDAW General Recommendations and Beijing Platform for Action.</p> <p>International experience demonstrates that gender quotas are meaningful and effective when it</p> <ol style="list-style-type: none"> <li>1) includes a measureable numerical target,</li> <li>2) includes specifications on how candidate names are placed on the ballot, and</li> <li>3) ensures sanctions for non-compliance. Gender quotas are</li> </ol>

4. The number of female deputies to the National Assembly shall be proposed by NASC at the request of the Presidium of the Central Executive Committee of the Women Union of Vietnam to ensure there are an adequate number of women deputies.

being used in over 100 countries and 60 countries are including gender quotas in their legislation. The rationale for quotas is that real equal opportunity does not exist just because formal barriers are removed. In many countries, women experience direct discrimination and a complex pattern of hidden barriers that prevent them from being selected as candidates. Positive measures, such as quotas, are a means towards equity of outcome not just equality of opportunity. If women are not being nominated as candidates at the same rates as men, it demonstrates that barriers exist. It is argued therefore that compensatory measures must be introduced as a means to reach equality of result. Quotas are compensatory measures to counteract structural barriers that women meet in the electoral process.

The enforcement of sanctions for non-compliance is necessary to ensure full implementation of the quota. It is important to consider what sanctions are effective and who should have responsibility to ensure the sanctions are enforced. The most common sanctions for non-compliance of candidate/nominee gender quota used are 1) the rejection of the list, or 2) rejection of the section/candidates on the list which disagree with the provisions of the law. In many cases, those at fault are given a short opportunity to revise the list of nominees to comply with the law.

#### **Article 11. Organizational structure of the National Election Council**

1. The National Election Council is set up by the National Assembly and consists of between fifteen and twenty one people including a Chair, vice chair and members representing NASC, the Government, the Fatherland Front, and concerned organizations.
2. The Chair of the National Election Council shall be selected and dismissed by the National Assembly at the proposal of NASC. Vice chair and members of the National Election Council shall be ratified and dismissed by the National Assembly at the proposal of the Chair of the National Election Council. ~~The term of office of the Chairman, vice chairmen and members of the National Election Council is five years.~~
3. The National Election Council shall set out different divisions in charge of specific areas of expertise

#### Recommendation #4

It is recommended to include Viet Nam Women's Union as a member of the National Election Council.

#### Rationale

The membership of the NEC and local election managing organizations would benefit from the inclusion of the Viet Nam Women's Union. The rationale is that the VWU should legally have a position on the Council to strengthen their role in advocating for an equal non-discriminatory process. This is in line with section 3.5 of Resolution No. 11-NQ/TW

#### Recommendation #5

It is recommended that a provision be included stating that:

- the leadership positions (Chair and Vice Chair) of the NEC are held by both women and men.
- membership of the NEC include a minimum of 35% of either gender

#### Rationale

Ensuring membership of the NEC and local election managing organizations has a balance of men and women's participation is in line with target 2 of objective 1 of NSGE section 3.4 of Resolution No.11-NQ/TW. Historically, very few women have been members of the NEC and do not hold leadership positions and therefore concrete legislated measures are needed to ensure full participation of women on the NEC and local election managing organizations. Furthermore, having visible gender balance in the leadership and management of the electoral process will send a positive message, in particular to women candidates who otherwise may feel under-confident engaging in a system where they are visibly underrepresented.

The legislation would benefit from the inclusion of a clause that states that the positions of Chair and Vice Chair of the NEC be held by both women and men. Having a woman and a man hold the Chair and Vice Chair positions is in line with target 2 of NSGE and Resolution 11 No.

	<p>11-NQ/TW.</p> <p>These comments and rationale apply to Article 11 relating to the NEC and Article 20, 21, 22 and 23 relating to the local election managing organizations.</p>
<p><b>Article 14. Duties and powers of the National Election Council in relation to the election of deputies to the National Assembly</b></p> <ol style="list-style-type: none"> <li>1. Decide number of electoral units for election to National Assembly, list of electoral units and number of National Assembly deputies to be elected at each unit.</li> <li>2. Receive and consider the profiles of candidates for deputies to the National Assembly as nominated by political organizations, socio-political organizations, social organizations, units of people's armed forces, or State agencies at the central level; receive profiles and the list of candidates for the deputies to the National Assembly referred to by the Committee for Election of deputies to the National Assembly and the provincial-level People's Council;</li> <li>3. Send the list, curricular vitae and a brief statement of property and income of candidates for deputies to the National Assembly as nominated by political organizations, socio-political organizations, social organizations, units of people's armed forces, or State agencies at the central level to the Standing board of the Central Committee of the Vietnam Fatherland Front for consultations; nominate candidates for deputies to the National Assembly from the central level to stand for election in provinces and cities under central authority;</li> <li>4. Decide and announce the list of candidates for deputies to the National Assembly; delete the names of candidates in the list of candidates for deputies to the National Assembly;</li> <li>5. Settle complaints and denunciations relating to the organization of election of deputies to the National Assembly;</li> <li>6. Receive and examine records on determination of returns of the election of deputies to the National Assembly and People's Councils at the provincial level sent by the Election Board; make records on summing up the election of deputies to the National Assembly nationwide;</li> <li>7. Decide on re-election or election of additional deputies to the National Assembly or cancellation of the election returns of deputies to the National Assembly in a polling station or election unit where serious legal violations occur;</li> <li>8. Publicize the returns of election of deputies to the National Assembly nationwide.</li> <li>9. Submit to the new Legislature of the National Assembly records</li> </ol>	<p><a href="#">Recommendation #6</a></p> <p>Since the NEC is the constitutional institution in charge of organizing/managing National Assembly election it is recommended that this institution also receives and reviews the profiles of self-nominating candidates (in addition to Elections Commissions in candidates' provinces) as well provide education to all citizens, particularly women, on the self-nomination process.</p> <p><a href="#">Rationale</a></p> <p>The provision of the NEC reviewing the self-nominating candidates is suggested as a measure to maintain an overall picture, ensure lawfulness, inclusion, fairness, respect, protection and guarantee of constitutional rights. To be in line with Law on Gender Equality, part of the duties of the NEC could include the active promotion of women to self-nominate and to educate citizens on the self-nomination process.</p> <p><a href="#">Recommendation #7</a></p> <p>It is recommended to include a provision on the minimum percentage of female and male candidates. It is recommended that each list of candidates shall include both male and female candidates, who are equally represented. Equal gender representation exists when one of the sexes is represented by at least 45-50% of the total number of candidates in the list. Importantly, it is recommended that a provision be included on centrally nominated candidates ensuring that 45-50 % of central nominees are of either gender.</p> <p><a href="#">Rationale</a></p> <p>A legal gender quota for candidate nominees and especially the centrally nominated candidates will "even the playing field" to support a fair chance of being elected. If the principle of gender equality is not respected at the selection and nomination stage, then the gender quota of a minimum of 35 % of either gender elected cannot be met.</p>

<p>of the summary of the election of deputies to the National Assembly nationwide and certification of the deputy status of deputies to the National Assembly;</p> <p>10. Transfer to NASC dossiers, complaints and denunciations relating to the elected deputies to the National Assembly;</p> <p>11. Manage and allocate the funds for election of the deputies to the National Assembly.</p>	
<p><b>Article 40. Registration of names in the lists for consultation</b></p> <p>The central agencies, organizations and units that nominate candidates for the National Assembly election shall send the minutes of the conference of voters in the working place of such candidates and the minutes of the conferences of the leadership of the agencies, organizations and units with comments on the nominated persons to the Standing Board of the Central Committee of the Vietnam Fatherland Front. The Standing Board of the Central Committee of the Vietnam Fatherland Front shall register their names in the lists for consultation.</p> <p>The local agencies, organizations and units that nominate candidates for the National Assembly election shall send the minutes of the conference of voters in the working place of such candidates and the minutes of the conferences of the leadership of the agencies, organizations and units with comments on the nominated persons to the Standing Board of the Fatherland Front of the provinces and cities under central authority. The Standing Board of the Fatherland Front shall register their names in the lists for consultation</p>	<p><a href="#">Recommendation #8</a></p> <p>The UN recommends equal participation of men and women in all electoral processes and bodies. As such, the management and conduct of conferences of voters would benefit from taking positive steps to ensure a minimum representation of 35% of both men and women.</p> <p><a href="#">Rationale</a></p> <p>Equal participation of women and men at voter contacting conference will make for better representation of views and be in line with the principles of inclusion. An additional clause ensuring equal participation of both women and men would be aligned with the objective of Resolution 11-NQ/TW and the NSGE which both underscore participation of women in governance structures.</p> <p>These comments relate to all Articles on Voter Contacting Conferences and Consultative Conferences. If this recommendation is accepted, Article 40, 42, 43, 44, 48, 50, 51, 52, and 54 of Chapter V will require revision.</p>
<p><b>Article 55. List of National Assembly's candidates</b></p> <ol style="list-style-type: none"> <li>1. Within thirty days before the Election Day, the standing board of the provincial-level Vietnam Fatherland Front Committees must send to the National Election Council the third consultative conferences' minutes and the official lists of National Assembly's candidates nominated by the Presidium of the Central Committee of the Vietnam Fatherland Front.</li> <li>2. Within thirty days before the election day, the standing board of the provincial-level Fatherland Front Committees must send to the Committee for election of deputies to the National Assembly and People's Councils at the provincial level the third consultative conferences' minutes and the official lists of National Assembly's candidates nominated by the provincial-level Fatherland Front Committees.</li> <li>3. Based on the official list of National Assembly's candidates</li> </ol>	<p><a href="#">Recommendation #9</a></p> <p>It is recommended to revise Article 55 to strengthen the implementation of the gender quota. It is recommended to include a provision on the listing of candidate names on the ballot. It is suggested to alternate the names of female and male candidates on each ballot. Alternatively, the candidates of the underrepresented gender shall be distributed on the candidates list in the following manner: At least 1 candidate of the underrepresented gender amongst the first 2 candidates, 2 candidates of the underrepresented gender amongst the first 5 candidates, and 3 candidates of the underrepresented gender amongst the first 8 candidates etc. The list of female candidates and the list of male candidates will be in alphabetical order.</p> <p><a href="#">Rationale</a></p> <p>Placement of women and men candidates on the electoral ballot can influence who is voted for. Combining the two criteria (alternating female male and alphabetical) will result in the equal distribution of the list of candidates.</p> <p>This provision underscores the set targets in the NSGE and in Resolution 11-NQ/TW. Using a legislated quota is in line with CEDAW, CEDAW General Recommendations and Beijing Platform for Action.</p>

<p>nominated by the Presidium of the Central Committee of Vietnam Fatherland Front, the National Election Council shall send to the provincial level Election Committees of the National Assembly and People's Councils the list of the nominated candidates at the localities.</p> <ol style="list-style-type: none"> <li>4. Within twenty five days before the Election Day, the National Election Council develops and publicizes the list of National Assembly's candidates by election units throughout the country following the official list sent from the Standing Board of the Central Committee of Vietnam Fatherland Front and Committees for election of deputies to the National Assembly and People's Councils at the provincial level.</li> <li>5. The list of National Assembly's candidates must clearly inscribe surname, name, and date of birth, sex, hometown, permanent residence, ethnicity, religion, educational level, profession, occupation, position and working place of candidates. The list of candidates shall be listed in alphabetical order.</li> <li>6. The number of people in the list of National Assembly's candidates at each election unit must be more than the number of elected people of that unit by at least two people. In cases of inadequacy of candidates due to force majeure reasons, decision shall be made by the National Election Council.</li> <li>7. Candidates can only have their name inscribed on candidate's list of one election unit.</li> <li>8. Within twenty five days before Election Day, the Election Committee must publicize the list of candidates for deputies to the National Assembly at the locality according to the decision of the National Election Council;</li> </ol>	<p>Mandating alternating female male names supports the suggested amendments in Article 7, 8, 17. If this recommendation is accepted, Article 56 will require revision.</p>
<p><b>Article 60. Cases when persons are not allowed to participate election managing organizations</b></p> <p>A candidate must not be a member of Election Board or Election Team in their unit of candidacy. If being member of the Election Board or Election Team in their unit, candidates must be withdrawn from the list of members of such election managing organization from the day they are inscribed on the official list of candidates</p>	<p><a href="#">Recommendation #10</a></p> <p>It is recommended to revise Article 60 to state that member of the election managing organization at any level can <u>at no time</u> during the same current electoral process be candidates for elections. At a minimum, members of election organizations cannot be candidates in the same electoral area.</p> <p><a href="#">Rationale</a></p> <p>The legal framework should require that the election managing organizations be established and operate in a manner that ensures the independence and impartial administration of elections. The election management organization will instill credibility if it can demonstrate its impartiality with the candidates and the electoral process. Having members of election managing organizations run as a candidates is a direct conflict of interest and will discredit the election managing organization as well as the electoral process.</p>
<p><b>Article 83. Records on election returns for deputies to the National Assembly in centrally-run provinces and cities</b></p>	<p><a href="#">Recommendation #11</a></p> <p>To ensure transparency and full reporting, it is suggested to collect and report sex</p>

1. After receiving and examining the records on certification of the election returns for deputies to the National Assembly from Election Boards and settling complaints (if any), Committees for election of the deputies of the National Assembly and People's Councils at the provincial level shall make record on the certification of election returns at localities
2. Records on the election returns of deputies to the National Assembly must bear the following contents:
  - a) The number of election units;
  - b) The number of candidates;
  - c) Total number of local voters;
  - d) The number of voters having cast their votes in compared with the total number of voters;
  - e) The number of valid votes
  - g) The number of invalid votes
  - h) The number of votes for each candidate;
  - i) The list of elected persons in each election unit;
  - k) Complaints that have been settled by Election Team and Election Board;
  - l) Complaints that have been settled by Committees for election of the deputies of the National Assembly and People's Councils at the provincial level;
  - m) Important things having already happened and ways of settlement thereof.
  - n) Complaints, denunciations and petitions that have been transferred to the National Election Council.
3. The records shall be made into four copies, with signatures of Chair, Vice chair, and Secretary of election board. The records shall be sent to the National Election Council, **NASC**, the Central Committee of Vietnam Fatherland Front, Committees of provincial Fatherland Front, within 7 days from the Election Day.

disaggregated data particularly relating to the total number of candidates and the elected persons in each election unit.

Rationale

This additional provision is a common best practice internationally and it aims to support the implementation of the gender quota. It allows electoral administrators to monitor compliance with the law particularly related to gender quota.

If these recommendations are adopted, then Articles 84 and 85 will need to be strengthened and aligned with this Article.

**Article 96. For the acts of deception, inducement or coercion obstructing the election or candidacy**

Those persons who resort to deception, inducement or coercion, thus obstructing the election or candidacy of National Assembly deputies by citizens; those who are persons responsible for the election work but forge papers, commit fraud in vote-counting, or employ other tricks to falsify the election returns shall, depending on the nature and seriousness of their violations, be disciplined, subject to administrative penalty or prosecuted for penal liability

Recommendation #12

It is recommended that Article 96 include specific reference to violations related to casting or submitting a ballot on behalf of others.

It is recommended that Chapter X on Dealing with Violations during Election be strengthened with an additional Article or provision that stipulates clear penalties for violations of agencies in charge of elections that violate the principles of non-discrimination.

It is recommended to include an Article stating the sanctions for non-compliance of the gender quota.

Rationale

While Article 69 on Voting Principles is clear that only one vote per person is permissible, there are no stated sanctions for violations included in Article 96. Experience shows that multiple voting can often have a gender dimension, and as such risks disempowering women. Furthermore, the credibility of the election results is compromised if a person casts more than one vote.

Experience in other countries demonstrates that gender quotas are effective if sanctions for non-compliance are legislated.