



Election Code of Conduct Violations

Pre-U33/20-April-2013

512 Code of Conduct Violations in 10 Days

Introduction

Free and Fair Election Network (FAFEN) has deployed Constituency Long Term Observers (CLTOs) in every National Assembly constituency across the country to observe the pre-election campaign period. CLTOs report violations of the Election Commission of Pakistan (ECP) Code of Conduct for Political Parties and Candidates, among other topics.

This update is based on reports gathered from CLTOs between April 1 and 10, 2013, from a total of 77 constituencies – 62 constituencies in Punjab, five in Khyber Pakhtunkhwa (KP), four in Balochistan, three in Sindh, two in Federally Administered Tribal Areas (FATA) and one in Islamabad Capital Territory (ICT).

Summary

Visual campaign materials exceeding allowable sizes – especially oversized banners/panaflexes (47%) and banned wall chalking/graffiti (46%) – constituted most (91.2%) of the 512 violations recorded by FAFEN observers.

Other violations included two abuses against opposing candidates, 12 cases of illegal inducements to voters, and 12 violations of Code Article 29 on weapons and fireworks.

Violations were committed by 16 political parties and independent candidates, including one-third by Pakistan Muslim League-N (PML-N) (183, or 35.7%), followed by Pakistan Tehreek-e-Insaf (PTI) (96, or 18.8 %), Pakistan Peoples Party Parliamentarians (PPPP) (75, or 14.6%), and independent candidates (74 or 14.4 %).

Legal Framework

The Election Commission of Pakistan (ECP) issued a Code of Conduct for Political Parties and Candidates on 28 January (and again 27 March) 2013.

Wall chalking and loudspeakers are banned (Article 11), as are aerial firing, fireworks and carrying weapons (Article 29) during election campaigning.

The sizes of campaign materials are limited by the Code, namely for banners (3x9 feet), hoardings (3x5 feet), posters (2x3 feet), and leaflets (9x6 inches) (Article 12). Campaign materials may not be posted on public (Article 10) or private (Article 27) property without written permission.

Candidates may not “bribe” voters (Article 4) or induce voters with promises of specific development schemes (Article 14).

Also banned is the use of “abusive language” (Article 16) and personal criticism (Article 17) against other candidates. Specifically, campaigners may not “propagate against the participation of any person in the elections on the basis of gender ... (Article 19), but “shall encourage women to participate in the election process” (Article 20).

Rallies must be notified and organized for the purpose of “avoiding heavy traffic congestion and inconvenience of the general public” (Article 39).

Most violations were in Punjab (486, or 94.9%), followed by KP (15), Sindh and Balochistan (4 each), FATA (2) and Islamabad (1).

The disproportionate number of violations recorded in Punjab reflects both vigorous campaigning in the province and better reporting from the FAFEN observers in 62 Punjab constituencies. It may also be related to recent security threats and violence against election candidates and their campaigns in other parts of the country.

Number of Code of Conduct Violations, by Type	
Nature of Violation	Number of Incidents
Illegal Campaign Material	467
Use of Loudspeakers	16
Illegal Inducements to Voters	12
Display of Weapons	7
Aerial Firing or Fireworks	5
Rally Causing Inconvenience	3
Abuse Against Candidates	2
Total	512

Observers recorded 467 visual campaign material violations (91.2 %) during the 10 days of observation. The remaining 45 violations include the use of loudspeakers (16 instances), illegal inducements to voters (12 instances), display of weapons (seven instances), aerial firing and fireworks (five instances), rallies causing public inconvenience (three instances), and abuse against opposing candidates (two instances).

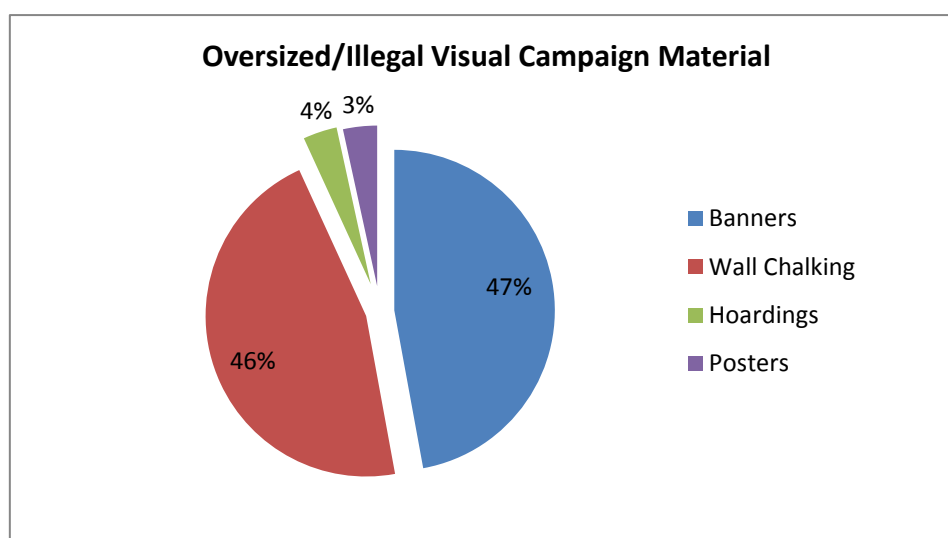
Reporting National Assembly (NA) Constituencies April 1 to April 10, 2013		
Provinces	Number of NA Constituencies	NA Constituencies
Punjab	62	NA-78, NA-83, NA-72, NA-109, NA-142, NA-146, NA-118, NA-116, NA-143, NA-75, NA-189, NA-190, NA-169, NA-106, NA-107, NA-104, NA-82, NA-80, NA-168, NA-81, NA-167, NA-76, NA-77, NA-154, NA-59, NA-98, NA-141, NA-172, NA-79, NA-134, NA-85, NA-113, NA-99, NA-140, NA-97, NA-171, NA-110, NA-112, NA-138, NA-173, NA-115, NA-135, NA-160, NA-100, NA-111, NA-163, NA-162, NA-147, NA-101, NA-191, NA-155, NA-71, NA-144, NA-124, NA-102, NA-170, NA-146, NA-170, NA-71, NA-148, NA-103, NA-188
KP	5	NA-2, NA-33, NA-29, NA-22, NA-10
Balochistan	4	NA-259, NA-261, NA-264, NA-271
Sindh	3	NA-201, NA-207, NA-231
FATA	2	NA-37, NA-41
ICT	1	NA-49
Total	77	

1. Illegal Visual Campaign Material

In all, 467 incidents of illegal visual campaign material were reported across the country between April 1 and 10. The highest number of violations were reported from Punjab (451), followed by KP (12), Balochistan (3) and Sindh (1).

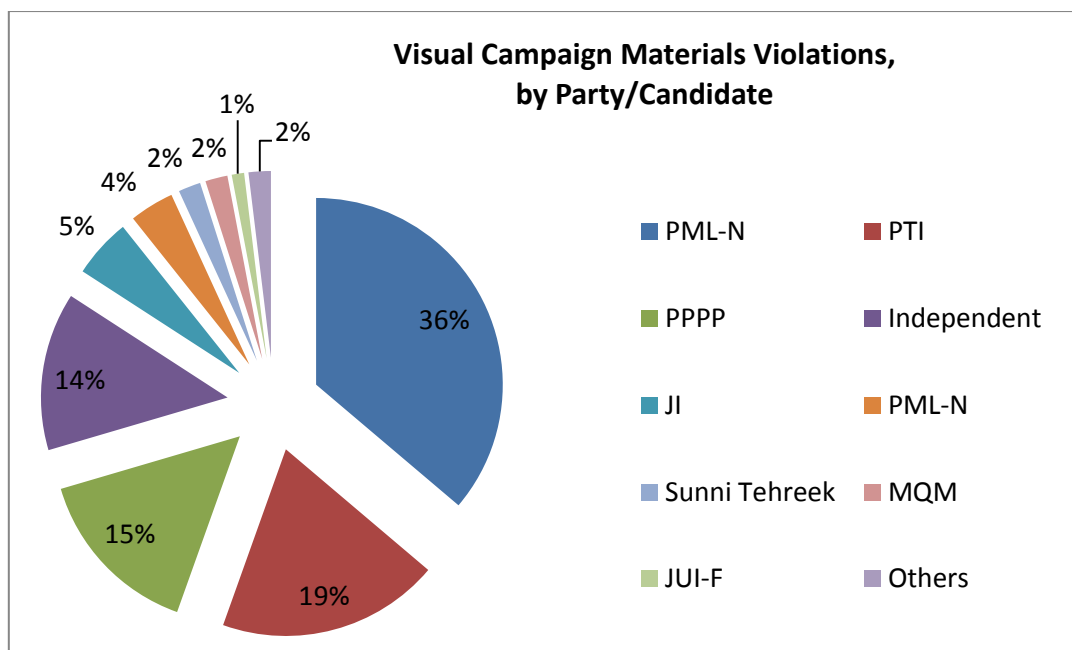
Oversized banners/panaflexes were seen at 220 places (47%). Parties' and candidates' graffiti were seen at 215 locations (46%), despite a blanket ban. FAFEN observers also noted oversized hoardings/billboards at 16 locations (3.5%) and posters at 16 locations (3.5%).

Visual Campaign Material Violations, by Type on Government Property (GP) and Private Property (PP)										
Province	Banners/Panaflex (larger than 3X9 feet)		Wall Chalking/Graffiti (banned)		Hoardings (larger than 3X5 feet)		Posters (larger than 2X3 feet)		Total	
Punjab	212		212		14		13		451	
	GP	PP	GP	PP	GP	PP	GP	PP	GP	PP
	7	205	23	189	4	10	3	10	37	414
KP	7		2		0		3		12	
	GP	PP	GP	PP			GP	PP	GP	PP
	0	7	0	2			0	3	0	12
Balochistan	1		0		2		0		3	
	GP	PP			GP	PP			GP	PP
	0	1			0	2			0	2
Sindh	0		1		0		0		1	
			GP	PP					GP	PP
			1	0					1	0
Total	220		215		16		16		467	



More than one-third of the observed violations were by PML-N (169 instances, or 36%), about one-fifth were by PTI (90, or 19%), followed by PPPP (70, or 15%) and independent candidates (64, or 14%).

Other violations were by Jamaat-e-Islami (JI) (24) and Pakistan Muslim League (PML) (18). The remaining were by Sunni Tehreek and Muttahida Qaumi Movement (MQM) (9 each), Jamiat-Ulema-e-Islam-Fazlur Rehman (JUI-F) (5), two each by Awami National Party (ANP), Tehreek-e-Jafaria and Ahle Sunnat Waljamat, and one each by Awami Workers Party, Pakistan Awami Tehreek and Markazi Jamiat Ahle Hadees.



1.1 Banners/Panaflexes

Oversized banners/panaflexes (larger than 3x9 feet) were observed at 220 places in various constituencies across the country. Out of these locations, 212 were in Punjab, seven in KP and one in Balochistan. Most materials were seen on private properties (213), and a few on government (public) properties (7).

Oversized Banners/Panaflexes, by Party and Location			
Political Parties	Banners/Panaflex larger than 3X9	Government Property	Private Property
PML-N	81	2	79
PTI	35	0	35
PPPP	30	3	27
Independent Candidates	29	0	29
PML	15	1	14
MQM	9	0	9
Sunni Tehreek	8	0	8
JI	6	1	5
Ahle Sunnat Waljamat	2	0	2
Tehreek-e-Jafaria	2	0	2
Pakistan Awami Tehreek	1	0	1
ANP	1	0	1
Awami Workers Party	1	0	1
Total	220	7	213

Candidates belonging to PML-N had the highest number of violations at 81, followed by PTI (35), PPPP (30), independent candidates (29), PML (15), MQM (nine), Sunni Tehreek (eight), JI (six), Ahle Sunnat Waljamat (2), Tehreek-e-Jafaria (2) and one each by PAT, AWP and ANP.

1.2 Wall Chalking

Wall chalking was observed at 215 places: 212 in Punjab, two in KP and one in Sindh. Candidates belonging to PML-N again had the most violations (77), followed by PTI (45), PPPP (40), independent candidates (31), JI (15), JUI-F and PML (2 each), ANP and ST (1 each). Most examples (191) were on private property, and 24 on government property.

Wall Chalking/Graffiti, by Party and Location			
Political Parties	Wall Chalking	Government Property	Private Property
PMLN	77	11	66
PTI	45	4	41
PPPP	40	1	39
Independent Candidates	31	6	25
JI	15	1	14
JUI-F	2	1	1
PML	2	0	2
ANP	1	0	1
Sunni Tehreek	1	0	1
Markazi Jamiat Ahl e Hadees	1	0	1
Total	215	24	191

1.3 Hoardings/Billboards

FAFEN observers noted 16 hoardings larger than the ECP's allowed 3x5 feet size: 14 in Punjab and two in Balochistan. Candidates belonging to PML-N had the highest number of violations at seven, followed by PTI (3) and two each by JUI-F, JI and independent candidates. Twelve examples were on private property, and four were on government property.

Oversized Hoardings/Billboards, by Party and Location			
Political Parties	Hoardings larger than 3X5 feet	Government Property	Private Property
PML-N	7	2	5
PTI	3	0	3
JUI-F	2	0	2
JI	2	1	1
Independent Candidates	2	1	1
Total	16	4	12

1.4 Posters

FAFEN observers found 16 instances in which campaign posters violated ECP size limitations: 13 in Punjab and 3 in KP. The most violations in this category were by PTI (7), followed by PML-N (4), independent candidates (2) and one each by JI, JUI-F and PML. Thirteen instances were on private property, and three were on government property.

Oversized Posters, by Party and Location			
Political Parties	Posters larger than 2X3 feet	Government Property	Private Property
PTI	7	0	7
PML-N	4	0	4
Independent Candidates	2	1	1
JI	1	0	1
JUI-F	1	1	0
PML	1	1	0
Total	16	3	13

2. Other Campaign Violations

2.1 Abuse against Other Candidates (Code Articles 16, 17, 19, 20)

In Faisalabad (Punjab) (NA-78), workers of different political parties used humiliating language against an independent female candidate outside the Returning Officer's office when she appeared for scrutiny of her nomination papers.

In Bahawalnagar (Punjab) (NA-188), supporters of PML-N in a rally made inflammatory speeches against their opponents.

2.2 Illegal Inducements to Voters (Code Articles 4 and 14)

FAFEN observers reported 12 incidents – nine from Punjab, two in KP and one in Balochistan - in which candidates tried to attract voters by giving them food or other commodities and/or making promises about jobs or specific development schemes.

In Vehari (NA-169), an independent candidate distributed sewing machines and bicycles among potential voters. Another independent candidate in two different areas of Vehari (NA-170) distributed sewing machines and cash and promised to set up a sugar mill and provide jobs for constituents.

An independent candidate in Sahiwal (NA-160) pledged free bus service in villages of the constituency. In Mianwali (NA-71), an independent candidate arranged lunch for potential voters and also promised jobs. A PML-N candidate in two different areas of the same constituency (NA-71) arranged feasts and promised jobs. In Kasur (NA-142), a PML-N candidate promised jobs, while a JI candidate in the same constituency distributed food.

In Battagram (KP) (NA-22), an Independent candidate arranged lunch and tea for people of the constituency. Food items were distributed in Mardan (KP) (NA-10) by an independent candidate. A PML candidate distributed cash among voters in NA-271 (Balochistan) (Kharan-cum-Washuk-cum-Panjgur) and also arranged a feast for them.

2.3 Display of Weapons, Aerial Firing and Fireworks (Code Article 29)

FAFEN observers recorded seven incidents – six in Punjab and one in Sindh - involving the display of weapons between April 1 and April 10. PML-N workers were seen carrying guns in four gatherings in Minawali (NA-71, NA-72) and one in Okara (NA-144). PPPP workers were seen with weapons in Faisalabad (NA-83) and Larkana (Sindh) (NA-207).

Supporters of an independent candidate were seen setting off firecrackers in a meeting at the home of their candidate in Minawali (NA-71). A PML-N rally in Vehari (NA-170) included fireworks, and workers of PTI were also seen setting off firecrackers in a rally at Okara (NA-146). All of these constituencies are in Punjab.

Two instances of aerial firing - one each by PML-N and PTI supporters/workers - were recorded by FAFEN observers. The first instance was in Multan (NA-148) by PML-N supporters and the second in Hafizabad (NA-103) by workers of PTI. These are also Punjab districts.

2.4 Use of Loudspeakers (Code Article 11)

FAFEN observers noted 16 instances in which candidates and/or their supporters were found using loudspeakers for campaigning. Eleven (11) of these incidents were recorded in Punjab, two each in Sindh and FATA and one in KP.

PTI had four violations, both PPPP and JI had three violations each, two violations by independent candidates and one each by PML-N, PPP-SB, JUI-S and Ahle Sunnat Waljamat.

Illegal Use of Loudspeakers, by Party and Province					
Political Party	KP	Punjab	Sindh	FATA	Total
PTI	0	4	0	0	4
PPPP	0	2	1	0	3
JI	0	3	0	0	3
Independent Candidates	0	1	0	1	2
PML-N	0	1	0	0	1
PPPSB	0	0	1	0	1
JUIS	0	0	0	1	1
Ahle Sunnat Waljamat	1	0	0	0	1
Total	1	11	2	2	16

2.5 Rallies causing Inconvenience (Code Article 39)

Rallies of PML-N in ICT (NA-49) and Faisalabad (Punjab) (NA-83) caused traffic jams resulting in inconvenience to the public. A PPPP rally in Mianwali (Punjab) (NA-72) also caused inconvenience.

Recommendations

ECP press releases on 22 March and 6 April 2013 indicate that ECP "has appointed more than 400 monitoring teams across the country to monitor political activities in General Elections-2013." Based on its observations of violations around the country of the ECP Code of Conduct for political parties and candidates, FAFEN recommends the following:

1. ECP monitoring teams should respond to violations identified by FAFEN pre-election observers in each National Assembly constituency as well as reliable information gathered by other partisan and non-partisan sources.
2. ECP should communicate all actions taken against violators of its Code of Conduct to the media and the public.

About FAFEN

The Free and Fair Election Network (FAFEN), established in 2006, is a coalition of 42 leading civil society organizations working to strengthen all forms of democratic accountabilities in Pakistan. Governed by the Trust for Democratic Education and Accountability (TDEA), FAFEN also implements robust programs in-between elections related to monitoring parliamentary affairs, connecting constituents to their elected representatives, monitoring the performance of public and elected institutions and advocating electoral and democratic reforms.

FAFEN Election Program

FAFEN is implementing a long-term election observation program nationwide, including both pre and post-electoral processes. FAFEN has deployed almost 400 District and Constituency Long-Term Observers (DLTOs and CLTOs) across the country to monitor all phases of elections. In addition, FAFEN will deploy more than 43,000 trained, non-partisan citizens to monitor polling stations across the country on Election Day. FAFEN's 10-month observation process, which began on February 1, 2013, helps keep all election stakeholders informed on issues relevant to fairness and transparency at every stage of the election process.

FAFEN Election Observation Methodology

FAFEN's election observation activities are based on the Constitution and laws of Pakistan, global best practice standards for elections, as well as the legal obligations of the International Covenant on Civil and Political Rights (ICCPR), ratified by Pakistan in 2010. All FAFEN observers adhere to the Election Commission of Pakistan's (ECP) Code of Conduct for National Observers as well as the Global Principles for Non-Partisan Election Observation and Monitoring by Citizen Organizations (April 2012). FAFEN LTOs use standardized checklists to report electronically to the FAFEN Election Observation Secretariat in Islamabad regularly. FAFEN compiles data and information from around the country to issue regular thematic updates for the consideration of voters and election stakeholders.

FAFEN LTOs monitor and report on the activities of District Election Commissioners (DECs) and other ECP officials related to preparations for elections, including appointment and training of election officials, and the process of candidate nominations. LTOs also observe compliance with the ECP's Code of Conduct for political parties and candidates, and compliance of the executive branch with legal responsibilities and ECP regulations, including restrictions on transfers of civil service personnel and initiation of new development schemes. In addition, LTOs monitor political and electoral intimidation and violence, the actions of the police and other security forces, and the pre-election political environment.