



ECP Code of Conduct Violations

Pre-U34/23-April-2013

86% of observed campaign rallies violate ECP Code

Introduction

Free and Fair Election Network (FAFEN) has deployed Constituency Long-Term Observers (CLTOs) in every National Assembly (NA) constituency across the country to observe all electoral processes, including election campaigning. This Pre-Election Update is based on CLTO reports about political rallies held between April 2 and 15, 2013.

The Election Commission of Pakistan (ECP) Code of Conduct for political parties and candidates is intended to ensure a level playing field for all parties and candidates, and to maintain public security and convenience during the campaign period.

Summary

FAFEN observers in 30 NA constituencies observed a total of 49 rallies by candidates of 10 political parties and independent candidates from April 2 to 15, 2013.

Of the 49 rallies, 34 were held in 17 constituencies of Punjab, six in five constituencies of Khyber Pukhtunkhwa (KP), three in as many constituencies of Sindh, two in as many constituencies of Balochistan, three in two constituencies of Federally Administered Tribal Areas (FATA) and one in Islamabad Capital Territory (ICT).

Most observed rallies (45, or 85.7%) violated the ECP Code in one or more respects. Four rallies were held outside the residence of opponents/candidates/political leaders. Twelve rallies caused inconvenience to people and traffic jams, and 33 rallies were held at un-notified locations.

Legal Framework

Articles 34-39 of the Election Commission of Pakistan (ECP) Code of Conduct for political parties and candidates for General Election 2013 (issued January 28, 2013) regulate campaign rallies, including that:

(34) The Political Parties and candidates shall hold public rallies and processions only at the place or places through the routes specified for the purpose. Such places and routes shall be pre-determined in every city and town by district/local administration in consultation with respective candidates or their authorized representatives and be notified for public information.

(39) The organizers [of rallies] in consultation with the District administration shall take steps ... so that there is no blockage of or hindrance to traffic... thus avoiding inconvenience of the general public.

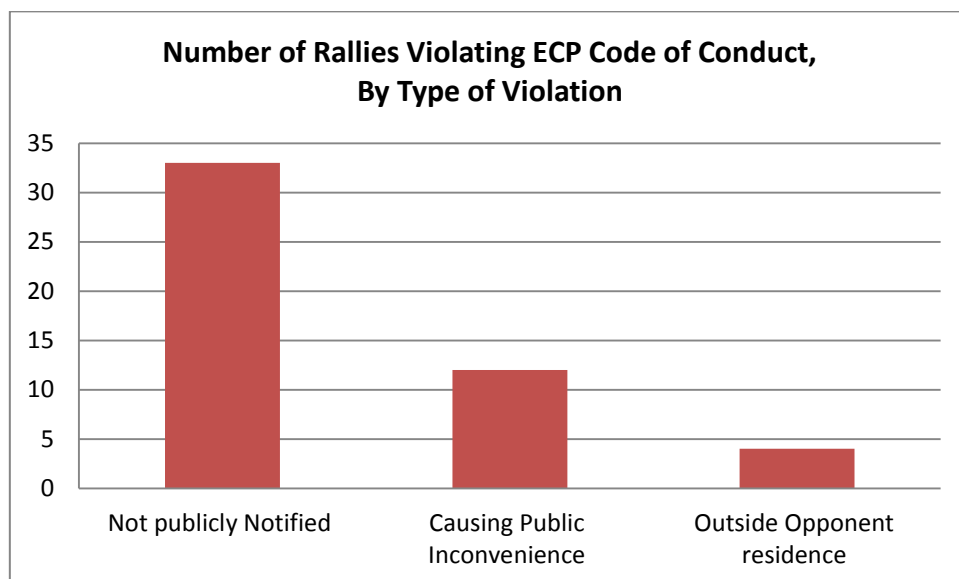
The highest number of violations of the ECP Code of Conduct was observed at the rallies of Pakistan Tehreek-e-Insaf (PTI), with 11 violations during nine rallies, and Pakistan Peoples Party Parliamentarians (PPPP), with 11 violations in 10 rallies. Ten rallies of Pakistan Muslim League-Nawaz (PML-N) had as many violations, followed by eight violations by independent candidates in 11 rallies.

Province /Region	Number of Constituencies	Number of Rallies	National Assembly (NA) Constituencies
Punjab	17	34	NA-106, NA-104, NA-72, NA-71, NA-147, NA-146, NA-95, NA-73, NA-74, NA-170, NA-103, NA-153, NA-152, NA-160, NA-70, NA-142, NA-155
KP	5	6	NA-17, NA-24, NA-1, NA-22, NA-28
Sindh	3	3	NA-220,NA-221,NA-203
Balochistan	2	2	NA-259,NA-268
FATA	2	3	NA-37,NA-41
ICT	1	1	NA-49
Total	30	49	

Violations of ECP Code at Rallies, by Type of Violation

According to FAFEN observers, 33 campaign rallies were held at locations not notified to the public by the district administration. Twelve rallies caused inconvenience to the public or traffic jams. Four rallies were held outside the residence of opponents/candidates/political leaders.

At least seven rallies violated more than one of these provisions of the ECP Code. Seven rallies (14.3%) did not violate the ECP Code. Most observed rallies (42, or 85.7%) violated the ECP Code in one or more respects.

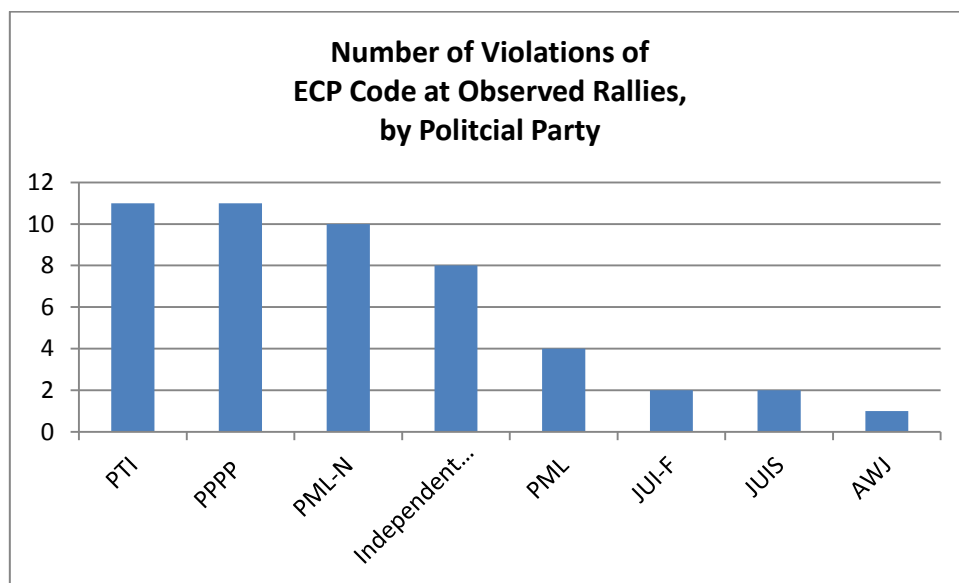


Party-wise Violations of ECP Code of Conduct at Rallies

The highest number of violations of the ECP Code of Conduct was observed at the rallies of Pakistan Tehreek-e-Insaf (PTI), with 11 violations during nine rallies, and Pakistan Peoples Party Parliamentarians (PPPP), with 11 violations in 10 rallies.

Among the nine observed PTI campaign rallies, eight rallies were held at un-notified places and three caused inconvenience to the public and traffic.

Observers of 10 PPPP rallies noted six that were held at un-notified places. One rally was outside the residence of opponents/candidates/political leaders, and four caused inconvenience to the public.



Ten rallies of Pakistan Muslim League-Nawaz (PML-N) had as many violations. Eight rallies were held at un-notified places and two caused inconvenience to the public.

Independent candidates held 11 rallies committing eight violations including seven being held at un-notified places and one causing inconvenience to people.

Four violations were noted at two rallies of Pakistan Muslim League (PML). PML organized two rallies in NA-104 and both were held at un-notified places and outside the residence of an opponent/candidate/political leader.

Observers noted two violations during one rally in NA-268 of Jamiat Ulema-e-Islam Fazalur Rehman (JUI-F) that was held outside an opponent's residence and at a place not notified by the district administration.

Two violations were witnessed during a rally of Jamiat Ulema-e-Islam Samiul Haq (JUI-S) that was held at an un-notified place and caused inconvenience to the public.

During one rally of Ahle Sunnat Wal Jamaat (ASWJ), one violation was observed. ASWJ organized a rally in NA-22 that caused inconvenience to the public.

No violations were observed in two rallies of Awami National Party (ANP) in NA-28 and NA-37. Observers also did not report any violations at one rally of Jamaat-e-Islami (JI) in NA-259 or one rally of Awami Workers Party (AWP) in NA-28.

Number of Rallies Violating ECP Code, by Party and Type of Violation						
Political Party	NA Constituencies	Total Observed Rallies	Violations			Total
			Outside Opponent Residence	Un-Notified Location	Causing public inconvenience	
PTI	NA-1, NA-49, NA-70, NA-71, NA-72, NA-95, NA-146,	9	0	8	3	11
PPPP	NA-106, NA-147, NA-152, NA-153, NA-220, NA-221	10	1	6	4	11
PML-N	NA-70, NA-71, NA-72, NA-104, NA-106, NA-146	10	0	8	2	10
Independent	NA-71, NA-73, NA-142, NA-155, NA-170	11	0	7	1	8
PML	NA-104	2	2	2	0	4
JUI-F	NA-268	1	1	1	0	2
JUIS	NA-41	1	0	1	1	2
ASWJ	NA-22	1	0	0	1	1
ANP	NA-28, NA-37	2	0	0	0	0
AWP	NA-28	1	0	0	0	0
JI	NA-259	1	0	0	0	0
Totals		49	4	33	12	49

Recommendations

ECP press releases on March 22 and April 6 indicate that it “has appointed more than 400 monitoring teams across the country to monitor political activities in General Election 2013.” Based on observations, 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 the 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.