



ECP Code of Conduct Violations

Pre-40/08-May-2013

24% Rallies Break Speech Rules; 78% Violate Other Regulations

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 16 and May 5, 2013.

The Election Commission of Pakistan's (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. The Code serves as the reference for FAFEN's data collection efforts.

Summary

FAFEN observers in 143 National Assembly (NA) constituencies reported 1,495 rallies of 23 political parties and independent candidates. Observers saw an average of 9-14 rallies in each constituency of Punjab and Sindh, but only three rallies on average in constituencies of Balochistan, Khyber Pakhtunkhwa (KP), and the Federally Administered Tribal Areas (FATA).

The highest number of ECP code violations were recorded at Pakistan Muslim League-Nawaz (PML-N) rallies (408 violations in 376 rallies), followed by Pakistan Peoples Party Parliamentarians (PPPP) with 341 violations in 353 rallies. Pakistan Tehreek-e-Insaf (PTI) violated the ECP code 223 times in 218 rallies.

Legal Framework

The Election Commission of Pakistan (ECP) Code of Conduct for Political Parties and Candidates for General Election 2013 (issued January 18 and supplemented March 27, 2013) regulates campaign activities, including speeches and rallies.

ECP has banned "speeches calculated to arouse ... controversy or conflicts between ... sects, communities and linguistic groups" (Article 15) and speeches that "propagate against the participation of any person ... on the basis of ... ethnicity, religion or caste (Article 19).

Also banned are "abusive language" (Article 16) and personal criticism (Article 17) against other candidates, and candidates may not "bribe" or induce voters with promises of specific local development schemes (Articles 4 and 14).

Rallies must be notified and organized for the purpose of "avoiding heavy traffic congestion and inconvenience of the general public" (Articles 34-39). Fireworks also are banned (Article 29) during election campaigning.

Speakers at one-quarter of rallies (366, or 24.5%) violated various Code provisions designed to restrict inflammatory, insulting or misleading speech. Most rallies violated one or more provisions of the ECP Code.

Speakers in 281 rallies (18.8%) made promises of specific local development schemes in their respective constituencies, while speakers in 77 rallies (5.2%) made personal attacks on their opponents. Speakers in five rallies asked their supporters not to vote for their opponents based on their caste. Another two speakers asked voters not to vote for their opponents based on their ethnicities, and one speaker used religion in campaigning.

A total of 1,166 rallies (78%) were held at places not publicly notified by the district administration, and at least 236 rallies caused inconvenience to the public. As many as 92 (6%) rallies were held outside the residences of opponents, and FAFEN observers witnessed fireworks at 40 rallies.

Of the 1,495 observed rallies, 1,121 (75%) were in 80 Punjab constituencies, for an average of 14 per constituency. Another 263 rallies (17.5%) were in 28 constituencies of Sindh, or 9.4 per constituency. Observers reported 43 rallies (2.9%) in 12 constituencies of Balochistan, or about 3.6 per constituency, and 45 rallies (3%) in 15 constituencies of KP, for an average of 3 per constituency. Another 23 rallies (1.5%) were held in eight constituencies of FATA, or on average 2.9 per constituency.

Province-wise Number of Observed National Assembly Constituencies and Rallies			
Province /Region	Number of Constituencies	Number of Rallies	National Assembly (NA) Constituencies
Punjab	80	1,121	NA-63, NA-102, NA-196, NA-159, NA-87, NA-182, NA-157, NA-75, NA-58, NA-170, NA-139, NA-190, NA-74, NA-169, NA-140, NA-189, NA-71, NA-191, NA-197, NA-85, NA-141, NA-168, NA-122, NA-130, NA-116, NA-115, NA-72, NA-181, NA-147, NA-152, NA-117, NA-131, NA-142, NA-64, NA-70, NA-69, NA-103, NA-158, NA-185, NA-133, NA-105, NA-73, NA-186, NA-121, NA-104, NA-106, NA-166, NA-194, NA-146, NA-50, NA-135, NA-184, NA-83, NA-107, NA-188, NA-52, NA-167, NA-57, NA-161, NA-67, NA-98, NA-99, NA-195, NA-145, NA-118, NA-192, NA-56, NA-149, NA-113, NA-171, NA-172, NA-66, NA-160, NA-108, NA-143, NA-65, NA-173, NA-153, NA-144, NA-119
Sindh	28	263	NA-217, NA-200, NA-212, NA-233, NA-207, NA-219, NA-205, NA-215, NA-136, NA-206, NA-203, NA-198, NA-211, NA-201, NA-216, NA-209, NA-137, NA-257, NA-223, NA-258, NA-231, NA-204, NA-236, NA-202, NA-234, NA-238, NA-221, NA-242
KP	15	45	NA-11, NA-22, NA-10, NA-29, NA-19, NA-9, NA-24, NA-18, NA-5, NA-25, NA-28, NA-17, NA-20, NA-7, NA-35
Balochistan	12	43	NA-270, NA-265, NA-271, NA-266, NA-263, NA-272, NA-264, NA-259, NA-260, NA-261, NA-269, NA-268
FATA	8	23	NA-39, NA-44, NA-37, NA-43, NA-36, NA-38, NA-40, NA-42
Totals	143	1,495	

1. Violations of ECP Code at Rallies, by Type of Violation

1.1 Speech Violations

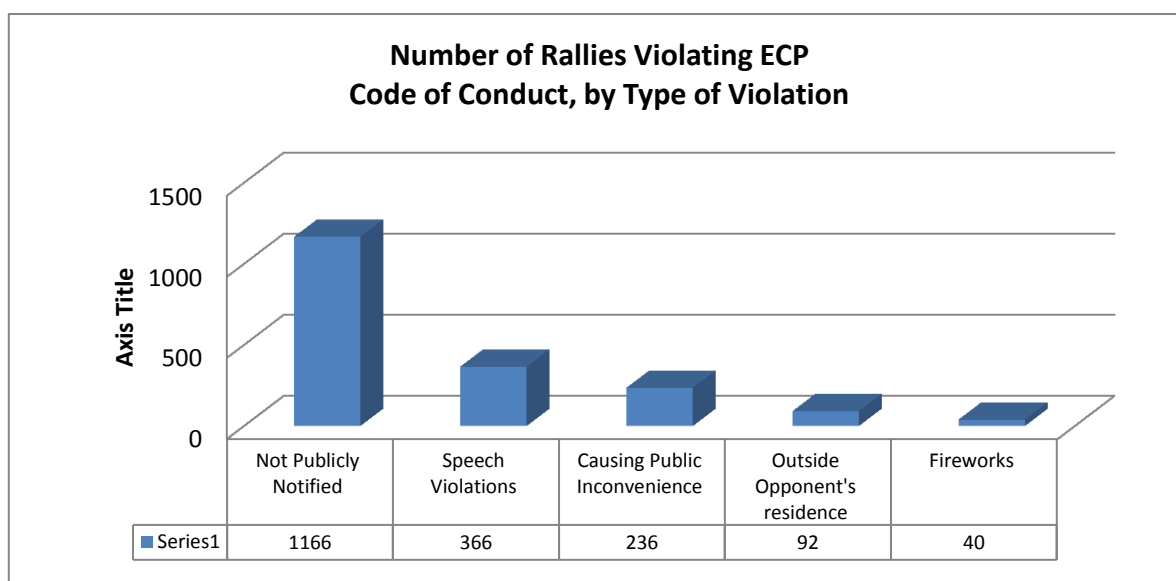
Speakers at one-quarter of rallies (366, or 24.5%) violated various Code provisions designed to restrict inflammatory, insulting or misleading speech.

At 281 rallies (18.8%), speakers made promises of specific local development schemes in their respective constituencies, while speakers in 77 rallies (5.2%) made personal attacks on their opponents.

Speakers at five rallies urged potential voters not to vote for their opponents because of their castes. Three of these rallies were held by independent candidates in Kurram Agency (FATA, NA-37) and one each by PML-N and PML-Z in Bahawalnagar (Punjab, NA-191).

Two independent candidates asked people at their rallies not to vote for their opponents based on their ethnicities. These rallies were at Parachinar Stadium in Kurram Agency (NA-37) and at Chak 124/6/R in Bahawalnagar (NA-191).

A PPPP candidate urged people to vote on religious basis during a rally in Ahmad Khel Kalaya in Orakzai Agency (FATA, NA-39).



1.2 Other Violations

According to FAFEN observers, 1,166 campaign rallies were unauthorized, i.e. they were held at locations not notified to the public by the district administration. Two hundred and thirty six (236) rallies disrupted traffic or caused inconvenience to the public, while 92 rallies were held outside the residences of opponents/candidates/political leaders. FAFEN observers reported fireworks at 40 rallies.

2. Party-wise Violations of ECP Code of Conduct at Rallies

2.1 Party-wise Summary

The highest number of ECP Code violations were recorded at Pakistan Muslim League-Nawaz (PML-N) rallies (408 violations in 376 rallies), followed by Pakistan Peoples Party Parliamentarians (PPPP) with 341 violations in 353 rallies. Pakistan Tehreek-e-Insaf (PTI) violated the ECP code 223 times in 218 rallies.

Independent candidates committed 187 violations in 173 rallies, followed by Pakistan Muslim League (PML) with 78 violations in 67 rallies, and Jamaat-e-Islami (JI) with 62 violations in 58 rallies. Muttahida Qaumi Movement (MQM) had 33 violations in 37 rallies, Jamiat Ulema-e-Islam-Fazal (JUI-F) 24 violations in 27 rallies, National Peoples Party (NPP) 22 violations in 33 rallies, and Pakistan Muslim League-Functional (PML-F) 13 violations in 17 rallies.

Observers also noted Pakistan Peoples Party-Shaheed Bhutto (PPP-SB) with eight violations in nine rallies, Sunni Tehreek (ST) eight violations in as many rallies, Pakistan Peoples Party-Sherpao (PPP-S) seven violations in four rallies, Balochistan National Party-Mengal (BNP-M) six violations in five rallies, and Awami National Party (ANP) six violations in as many rallies.

Pukhtunkhwa Milli Awami Party (PkMAP) had three violations in five rallies, National Party (NP) committed three violations in three rallies, Jeay Sindh Qaumi Mahaz (JSQM) three violations in two rallies, and Markazi Jamiat Ahle Hadees (MJAH) three violations in two rallies.

Pakistan Awami Tehreek (PAT) and Tehreek-e-Jafaria had two violations each in as many rallies. Ahle Sunnat Wal Jamaat (ASWJ) and Jamiat Uleme-e-Islam Sami (JUI-S) had one violation each in two rallies, while Jamhoori Watan Party (JWP) had one violation in one rally. FAFEN observers could not identify the political affiliation of people conducting another 83 rallies in which 89 violations were committed.

2.2 Party-wise Details

PML-N had the highest number of ECP Code violations: 408 violations at 376 rallies. Of these, 314 rallies were held at unauthorized places, 64 caused inconvenience to the public, 16 had fireworks and 14 were held outside opponents' residence.

FAFEN observers recorded 341 violations by PPPP in 353 rallies. Sixteen rallies were held outside opponents' residences, 272 were held at unauthorized locations, 47 caused inconvenience to the public, while fireworks were set off at six rallies.

In 218 observed PTI rallies, FAFEN observers noted 223 violations. Sixteen rallies were held outside residences of political opponents, 163 at unauthorized places, 37 rallies caused inconvenience to people, and fireworks were set off at seven rallies.

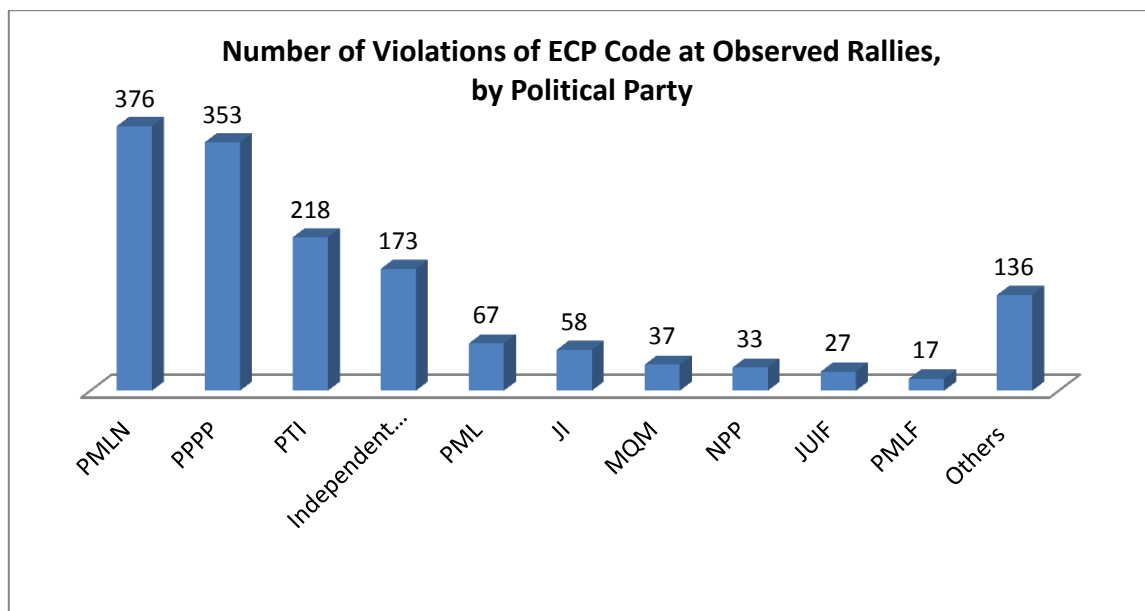
FAFEN observers noted that 139 of 173 rallies of independent candidates were held at un-notified places, 14 were held outside opponents' residences, and 29 caused inconvenience to the public. They recorded fireworks at five rallies.

In 67 PML rallies, 78 violations were recorded. Forty-six (46) of these were held at un-notified places, 16 outside the residences of political opponents and 11 caused inconvenience to the public. Fireworks were set off at five rallies.

Jl committed 62 violations in 58 rallies: 45 were held at un-authorized places, 12 caused inconvenience to people, four were held outside opponents' residences and fireworks were set off at one rally.

MQM committed 33 violations in 37 rallies: 28 were held at unauthorized locations, three caused inconvenience to the public and two were held outside the residences of opponents.

Observers recorded 24 violations at 27 JUI-F rallies. Eighteen of these rallies were held at un-notified places, one outside an opponent's residence and five caused inconvenience for people.



Twenty-two (22) violations were recorded in 33 NPP rallies: 17 rallies were held at un-authorized places and five caused inconvenience to the public.

Observers recorded 13 violations at 17 PML-F rallies. Twelve of these rallies were held at un-notified places and one caused inconvenience to the public.

Out of nine PPP-SB rallies, eight were held at un-notified places. PPP-Sherpao arranged four rallies, all of which were at unauthorized locations. Three of these also caused inconvenience to the public.

Sunni Tehreek held eight rallies, of which seven were held at un-notified places and one inconvenienced the people. BNP-M held five rallies, committing six violations: three of these were held at un-notified places, two outside the residences of political opponents and one caused inconvenience to the people.

ANP held six rallies, of which five were held at un-notified places and one outside the residence of an opponent.

FAFEN observers recorded three violations in five PkMAP rallies. One rally was held at an un-authorized location, one outside opponent's residence and one caused inconvenience to the public.

Political Party	Total Observed Rallies	Violations				Total
		Outside Opponent Residence	Un-notified Location	Causing public inconvenience	Fireworks	
PML-N	376	14	314	64	16	408
PPPP	353	16	272	47	6	341
PTI	218	16	163	37	7	223
Indepen-dent	173	14	139	29	5	187
PML	67	16	46	11	5	78
JI	58	4	45	12	1	62
MQM	37	2	28	3	0	33
NPP	33	0	17	5	0	22
JUI-F	27	1	18	5	0	24
PMLF	17	0	12	1	0	13
PPPSB	9	0	8	0	0	8
Sunni Tehreek	8	0	7	1	0	8
ANP	6	1	5	0	0	6
BNPM	5	2	3	1	0	6
PKMAP	5	1	1	1	0	3
PPPS	4	0	4	3	0	7
NP	3	1	2	0	0	3
ASWJ	2	0	1	0	0	1
JSQM	2	1	2	0	0	3
JUIS	2	0	1	0	0	1
MJAH	2	0	2	1	0	3
PAT	2	0	1	1	0	2
T-e-J	2	0	2	0	0	2
JWP	1	0	1	0	0	1
N/A	83	3	72	14	0	89
Totals	1,495	92	1,166	236	40	49

NP held three rallies with three violations: two were not notified and one was outside an opponent's residence. JSQM organized two rallies, both unauthorized and one outside opponent's residence. MJAH also organized two unauthorized rallies, with one causing inconvenience for people. PAT held two rallies: one was at an unauthorized place and caused inconvenience to people.

JUI-S organized two rallies, of which one was unauthorized. Two rallies of Tehreek-e-Jafaria and one of JWP were also not authorized by the district administrations.

Another 89 violations were observed by FAFEN observers in 83 rallies; however the observers could not identify the political parties conducting the rallies.

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 its observations, FAFEN recommends:

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.