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CODE OF CONDUCT
FOR PARTICIPANTS
OF THE 13TH
GENERAL ELECTION
& CARETAKER
GOVERNMENT
GUIDELINES

Code of Conduct for Participants of the 13th General Election

- A. Malaysia is a member of the Human Rights Council and has since 1967, been a member of the Inter Parliamentary Union (IPU) and is bound by the highest standards of ethical conduct in elections.
- B. The IPU's 1994 Declaration on Criteria for Free and Fair Elections¹ sets out universally accepted standards for the holding of free and fair elections. A recent IPU resolution, adopted on 20.4.2011 in Panama, underscores the need for an effective electoral framework which should "*entrench a series of basic elements, including periodic free and fair elections, secret ballots, a competitive and inclusive electoral process, equal and balanced access to the media and to State resources for all political parties, broad-based voting rights, a reliable voter registration process, and an independent and impartial election management body entrusted with organising free and fair elections.*"²
- C. This Code of Conduct sets out the minimum standards of conduct that is expected of all political parties and candidates, their campaign workers, volunteers and supporters in the general elections, in accordance with these internationally accepted norms.
- D. It is the responsibility of the political parties and the candidates to ensure compliance of this Code by their campaign workers, volunteers and supporters. The political parties, candidates, their campaign workers, volunteers and supporters shall for the purposes of this Code be hereinafter referred to as "party" or "parties" as the context permits.

Prohibition of speech that promotes ill-will and hostility

1. No party shall, whether directly or indirectly, or in collaboration with others, use speech or engage in any activity which aggravates existing differences or promotes mutual hatred or provokes tension between different ethnic or religious communities.

Prohibition of smear campaigns

2. Criticism of other political parties or candidates, when made, shall be confined to issues, policies, programmes and past record. Criticism based on unverified allegations or distortions shall be avoided. Parties shall refrain from criticising, smearing or invading the privacy or the private life of other political party leaders and candidates or their family members who are not connected with the public activities and duties of the said political party leaders and candidates.
3. As a guide, campaigns that involve the following materials shall be presumed to be unacceptable and shall be prohibited altogether;

¹ <http://www.ipu.org/cnl-e/154-free.htm>

² <http://www.ipu.org/conf-e/124/Res-1.htm>

- (i) material that has content unsuitable for viewing by children;
- (ii) material that contains vulgar and uncouth language or actions; and
- (iii) material that insults, smears or casts imputations on any person by reason of his or her gender, ethnicity, religion, or social origin.

Freedom of journalists and election observers to carry out their duties

- 4. All parties shall not prevent or disrupt reporters and journalists from carrying out their work including their freedom of movement, freedom to receive and communicate information and access to relevant premises and documents.
- 5. All parties shall not disrupt or prevent election observers from carrying out their observations, including their freedom of movement, freedom to receive and communicate information and access to relevant premises and documents.

Prohibition of intimidation and violence

- 6. Intimidation and violence of any kind are strictly prohibited at all times.
 - (i) Parties shall not encourage, or support intimidation or violence of any sort and shall immediately take steps to prevent, stop or condemn the same and shall report to the police every instance of intimidation or violence no matter who commits the same.
 - (ii) Parties shall ensure they do not create disruptions or disturbance in, or interfere in, rallies or meetings organised by other political parties or candidates. Disruptive behaviour shall include distributing leaflets of their own, heckling, taunting, behaving violently or threateningly towards the other parties or to members of the public attending such rallies or meetings.
 - (iii) The carrying of effigies purporting to represent candidates or members or supporters of other political parties, the burning of such effigies in public and such other forms of disruptive, violent, or threatening demonstration shall not be countenanced by any party.

Election Offences

- 7. All parties shall not engage in any activities that are “corrupt practices” or offences under the election laws, including but not limited to treating or bribing of voters, intimidation of voters, impersonation of voters, canvassing within 50 meters of polling stations, and holding public meetings during polling day.

8. All parties shall immediately report to the Election Commission any acts or suspected acts of “corrupt practices” or offences under the election laws.
9. All parties shall not exert or attempt to exert undue influence to force someone to vote, or not to vote or vote in a certain way, or which results in someone voting or not voting in a certain way.
10. All parties shall not allow or enable, any individual to vote as someone else, or more than once.

Campaigning

11. Parties shall not hold rallies or meetings adjacent to, opposite or near places at which rallies or meetings are held by another party or candidate.
12. If two or more parties propose to hold rallies or meetings adjacent to, opposite or near each other, the respective organisers shall establish contact well in advance and decide upon the measures to be taken to see that the rallies or meetings do not clash or cause serious hindrance to traffic. The assistance of the local authorities and the police shall be sought in order to arrive at a satisfactory arrangement. For this purpose the parties shall contact the local authorities and the police at the earliest opportunity.
13. All parties shall:
 - (i) co-operate with the officers on election duty to ensure peaceful and orderly polling and complete freedom to the voters to exercise their franchise without being subjected to any annoyance or obstruction;
 - (ii) wear and affix on all campaign vehicles and machinery, clear and legible identification of their affiliation to the respective parties.

CARETAKER GOVERNMENT GUIDELINES

The aim of these guidelines, that accord with accepted international conventions, is to ensure that during the caretaker period the Federal and State Governments conduct themselves appropriately so that, although the on-going business of government service and administration continues, major decisions and actions must be avoided so that they do not bind an incoming government. These guidelines serve as broad guidelines. They may be supplemented by documents that contain more specific information that may be found at the Australian Capital Territory 2012 General Election on Guidance on Caretaker Conventions³ and London Cabinet office on General Election Guidance 2010.⁴

The following guidelines will apply to a caretaker government:

- (1) From the time of the dissolution of Parliament or State Assembly until the time the incoming government takes office, the Federal government and State government shall be a caretaker government and shall not:
 - (a) make major policy decisions that are likely to commit an incoming government;
 - (b) make significant appointments;
 - (c) enter major contracts or undertakings;
 - (d) announce any new financial grants in any form whatsoever or promises thereof;
 - (e) lay foundation stones etc., of projects or schemes of any kind; or
 - (f) make any new promises of construction of infrastructure or the carrying out of public projects.
- (2) The caretaker government whether at the Federal or State level shall not use, and shall ensure that no cause is given for any complaint that it has used, its official position for the purposes of its election campaign and in particular:
 - (i) members of the Federal government or members of a State Executive Council shall not combine their official visits with electioneering work and shall not make use of governmental or official machinery, resources, transport or personnel during their electioneering work;
 - (ii) Federal or State government machinery, resources, transport and personnel shall not be used in furtherance of the interests of the caretaker government and, in particular, no ministry, department, agency or other instrumentality of government or of a government-linked corporation shall be directed or permitted to hold functions or activities in conjunction with any electioneering work or campaigning activity;

³ <http://www.cmd.act.gov.au/functions/2012-election>

⁴ <http://webarchive.nationalarchives.gov.uk/+http://www.cabinetoffice.gov.uk/media/354815/2010electionguidance.pdf>

- (iii) public places and facilities shall not be monopolised by the caretaker government and other parties and candidates shall be allowed the use of such places and facilities on at least the same frequency and on the same terms and conditions by which they are used by the party in power;
- (iv) the caretaker government shall not, and shall ensure that public servants and authorities under their purview and control do not, use monies from the federal or state consolidated funds to issue advertisements in the newspapers and other media;
- (v) the caretaker government shall ensure free and fair access to free-to-air radio, television and other broadcast media;
- (vi) the caretaker government shall not, and shall ensure that public servants and authorities under their purview and control do not, use monies from the federal or state consolidated funds for the purposes of holding or organising rallies or meetings;
- (vii) whilst it is the right of public sector employees to participate in the political process they must do so in their private capacity, avoiding any conflict of interest and without displaying their political affiliations while at work;
- (viii) members of the Federal government or members of the State Executive Council shall not enter any polling station or place of counting except in their capacity as a candidate or voter or authorised agent; and
- (ix) the caretaker government shall ensure and is responsible for the security of all citizens equally, and shall ensure that all police and enforcement officers shall act without fear or favour in providing such security.

REFERENCES

Cabinet Office of the United Kingdom. "General Election Guidance 2010." 2010. <http://webarchive.nationalarchives.gov.uk/+http://www.cabinetoffice.gov.uk/media/354815/2010electionguidance.pdf>.

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