

**ELECTORAL SUPERVISORY COMMISSION**

**CODE OF CONDUCT**

for the  
**National Assembly Elections, 2010**

**Nomination Day: 17 April, 2010**

**Polling Day: 05 May, 2010**

*April 2010*



## **PREAMBLE**

---

**I**n its report dated 24 January 2002, the Commission on Constitutional and Electoral Reforms, more commonly known as the Sachs Commission, recommended that a Model CODE OF CONDUCT be evolved by the Electoral Supervisory Commission after maximum political consensus would have been arrived at with all the major political parties in Mauritius.

The Supreme Court, in the case of R D N Ringadoo v A K Jugnauth 2007 SCJ 80, suggested that a CODE OF CONDUCT be promulgated by the Electoral Supervisory Commission. This suggestion was endorsed by the Privy Council in the Privy Council Appeal No 58 of 2007 A K Jugnauth v R D N Ringadoo.

In view of these recommendations, a CODE OF CONDUCT was evolved by the Electoral Supervisory Commission for the election of one member for the Constituency of Quartier Militaire and Moka held on 01 March 2009 (Quartier Militaire/Moka By-election).

In the light of experience gathered with this first CODE OF CONDUCT and taking into consideration various suggestions made pertaining to it, the Electoral Supervisory Commission has elaborated the present CODE OF CONDUCT.

It is to be borne in mind that a CODE OF CONDUCT is always an evolutionary process and very much a work in progress.

Although the aims and objectives as stated in the by-election CODE OF CONDUCT remain the same, we have sought this time to bring within its purview persons other than those who will be candidates.

This extension of the CODE OF CONDUCT will serve to strengthen our democratic culture and enhance the enviable reputation that Mauritius enjoys in the international sphere, for the holding of fair, free and representative elections.

## AIMS AND OBJECTIVES

- ❖ This CODE OF CONDUCT (the CODE) aims at complementing the legal provisions in force regarding the holding and conduct of elections in Mauritius, more specially those provisions regarding bribery, treating, undue influence, illegal practice, irregularity as well as those regulations governing election expenses which have to be strictly and scrupulously complied with.
- ❖ Its objective is to ensure the integrity of the electoral process and to enable the election to take place freely and fairly, in an atmosphere of tolerance, conducive to free campaigning, unrestricted but responsible public debate so that the electorate may make an informed choice.
- ❖ The CODE is conceived as a set of principles to be adhered to by all stakeholders and to be upheld in both spirit and letter.
- ❖ It further seeks to generally consolidate and reinforce the democratic culture of Mauritius.

# ARTICLE 1

---

## APPLICATION OF THE CODE

- 1.1 The CODE shall apply to all participants to the election. These include political parties or political party alliances, candidates, their agents, sub agents, employees, supporters or backers.
- 1.2 It is hereby emphasised that:
- (a) a basic principle, inherent in all democracies, is to provide a level playing field to all participants of the electoral process;
  - (b) the duty of both public and privately owned media (print and electronic) is to provide equitable access to participants to present their programmes, and a fair and balanced coverage of different political views;
  - (c) *“there is no such thing as a caretaker government”* and that *“a government remains in office until a new Prime Minister takes office and forms a new one”* as held by the Supreme Court;
  - (d) holders of public office, however, shall not exercise their office or utilise public resources, except where security considerations require otherwise, in such a way as to become the subject of complaints for having been used to further or foster partisan purposes;

- (e) the same restraint and standards shall be exercised by holders of office of para-statal organisations, other state organisations or corporations and local authorities; and
- (f) holders of delegated powers from the Public Service Commission shall not utilise their powers of appointment in such a way as to give rise to complaints of their having been utilised for purposes other than the exigencies of the service.

## **ARTICLE 2**

---

### **PRINCIPLES AND PRESCRIPTIONS**

- 2.1 All participants shall observe and uphold the following principles and prescriptions:
- (a) refusal to indulge in bribery or corruption or to unduly influence voters;
  - (b) respect for differences;
  - (c) freedom of choice;
  - (d) the right and freedom to hold meetings and to campaign freely within the limits provided by law; and
  - (e) abstention from engaging in violence or intimidation in any form or manner.

# **ARTICLE 3**

---

## **I RIGHTS OF PARTICIPANTS**

- 3.1 All participants acknowledge, confirm and proclaim that during campaigning each one shall have the right to unrestricted political activities, within the limits of the law, and to freely:
- (a) express his political beliefs and opinion;
  - (b) manifest publicly his electoral programme and his lines of action and canvass support for same;
  - (c) organise and convene meetings and gatherings and rallies to advocate his ideas and advance his programmes; and
  - (d) have a fair and equitable access to the public and private media to present his electoral programme and promote his political views.

## **II DUTIES OF PARTICIPANTS**

- 3.2 In the exercise of such political activities and campaigning, all participants shall abstain from, whether directly or indirectly:
- (a) resorting to any form of corruption or bribery or the use of unfair means to obtain votes and shall publicly disavow such practices;

- (b) inciting the public or their supporters to violence against persons or property;
- (c) using provocative, taunting, reviling and offensive language at all times and in all circumstances;
- (d) publishing, causing to publish, repeating or disseminating any offensive, defamatory or inflammatory allegations against political opponents and their families;
- (e) disturbing or disrupting in any manner whatsoever the legitimate political activities of other participants;
- (f) destroying, disfiguring, defacing other political opponent's campaign display posters, placards, buntings, banners and any other election material; and
- (g) resorting to any electoral promises which are untrue and are unrealizable.

3.3 All participants shall, in particular, refrain from:

- (a) organising any meeting or gathering where access is restricted to a section of the electorate on the grounds of religion, ethnicity, caste or race;
- (b) making any appeal to the electorate on grounds of religion, ethnicity, caste or race; and
- (c) disseminating material and ideas which are offensive, or which contain an appeal to sectarian or 'communal' sentiments or which advocate violence.



3.4 All participants shall:

- (a) take all necessary measures to avoid holding political activities at the same time and place or in such close proximity as might result in tension between their respective supporters;
- (b) maintain at all times a line of communication with their opponents so that any source of tension may be speedily addressed and defused; and
- (c) co-operate with the election and law enforcement agencies and keep a line of communication with them at all times.

## **ARTICLE 4**

---

### **CAMPAIGN AND ELECTION EXPENSES**

- 4.1 All candidates undertake to keep their election finances and expenses transparent and within the limits provided for by law.
- 4.2 They shall at all times bear in mind the consequences of not observing the provisions governing the authorised amount of election expenditure.
- 4.3 They renounce any resort to underhand means to disguise such expenses or to use illegitimate means to obviate or circumvent the relevant provisions of the law.

# ARTICLE 5

---

## RESPECT FOR THE ENVIRONMENT

- 5.1 All participants shall conduct their campaign with utmost concern for the environment by:
- (a) ensuring that all buntings, flags, posters and elections paraphernalia are made of biodegradable material;
  - (b) shunning the use of plastic material whether in the form of buntings, flags, or ribbons;
  - (c) refraining from indiscriminate placarding of posters on walls and electric poles and by restricting the display of posters to designated areas;
  - (d) refraining from placing buntings close to electrical transmission wires and other telephone or electric installation or on or near traffic islands and roundabouts, or in any other place, which may cause a traffic hazard;
  - (e) abstaining from using paint on the public thoroughfare and on private and public property or on traffic signs; and
  - (f) restricting political campaigning within reasonable hours and not using loud speakers to unduly disturb the peace, tranquillity and habit of the community at large.

- 5.2 Following the proclamation of the results, all the participants shall promptly remove all elections paraphernalia used including posters, buntings, flags and ribbons.

## **ARTICLE 6**

### **CAMPAIGN QUARTERS**

- 6.1 All participants shall refrain from setting up temporary and adhoc political quarters or camps commonly known as BAZ, where activists congregate.
- 6.2 Notwithstanding Article 6.1, nothing shall prevent participants from setting up political quarters in the constituency for purposes of organising their campaigns.
- 6.3 They further undertake to communicate to the Electoral Commissioner the address of each of their campaign political quarters. They hold themselves responsible for the proper management of such political quarters.
- 6.4 All participants shall ensure that such quarters shall not constitute sources of nuisance, annoyance, conflicts or tension in the constituency. They shall further ensure that no alcoholic drinks are consumed on the premises and that no illicit activities take place thereat.
- 6.5 All participants shall at all times maintain control over their supporters, members and agents.

# ARTICLE 7

## CONDUCT ON POLLING DAY

7.1 All participants shall at all times:

- (a) comply with the provisions of the law and the directives of the election authorities to ensure that the electorate should have free and unimpeded access to exercise their right to vote;
- (b) ensure that their agents do not subject the electorate to any form of harassment or annoyance;
- (c) instruct their agents and supporters not to indulge in any conduct which may lead to confrontation with agents and supporters of other participants; and
- (d) dissuade their agents and supporters from impeding access to polling stations, from playing loud music or broadcasting messages through loud speakers or other devices and from making any show of force.

# ARTICLE 8

## CONDUCT ON PROCLAMATION

- 8.1 The successful candidate in any victory speech must set the tone and obtain from his supporters that any unsuccessful candidate should he so wish, address the gathering in a dignified manner and not be shouted down.
- 8.2 All candidates shall:
- (a) conduct themselves in such a way as to be magnanimous in victory and gracious in defeat;
  - (b) not indulge in any demonstrations of strength by loud and disorderly parades, “*defilés*”; and
  - (c) conduct themselves in such a manner as to preserve the integrity and safeguard sincerity of the voting process so as to make the result truly representative of the elector’s wish.

# ARTICLE 9

---

## REPORTING OF BREACHES

- 9.1 All participants shall show respect for the law and scrupulous compliance with the electoral laws in force at all times.
- 9.2 They undertake to immediately inform the relevant authorities as soon as they become aware of any event that may lead to outbreak of violence.
- 9.3 They undertake to bring information or complaints of breaches of the laws to the relevant authorities and of the CODE to the Electoral Supervisory Commission.
- 9.4 They undertake to report forthwith to the Police any act of illegal payment, bribery, treating, personation, illegal practice, breach of the authorised amount of election expenditure; these acts being prohibited by the Representation of the People Act.
- 9.5 They further undertake to pay due attention to the election returns of expenditure made to the Returning Officer by all candidates and to report any inaccuracy or anomaly therein to the Returning Officer or the Police.
- 9.6 They shall refrain from making any false, frivolous, vexatious, distorted, unverified or unsubstantiated complaints. Any complaint must be of a serious nature and contain such facts and information as to enable an assessment of the validity of such complaint.

# **ARTICLE 10**

---

## **COMPLIANCE AND OBSERVANCE OF THE CODE**

- 10.1 All participants proclaim their adherence to the principles and prescriptions contained in the CODE and publicly commit themselves to adopt, promote and abide by the CODE.
- 10.2 All participants undertake to give wide publicity to the principles and prescriptions set out in the CODE and the necessity to adhere thereto.