

CODE OF CONDUCT FOR POLITICAL PARTIES AND CANDIDATES

Purpose of Code

1. The purpose of this Code is to promote conditions that are conducive to free and fair elections and a climate of tolerance in which electioneering activity may take place without fear or coercion, intimidation or reprisals.

General Principles

2. (i) All political parties and their members and supporters, and all candidates and their supporters, must promote conditions conducive to free, fair and democratic elections conducted through a secret ballot in a climate of democratic tolerance in which political activity may take place without fear of intimidation or reprisals.
- (ii) All political parties and their members and supporters, and all candidates and their supporters, must accept that others have the right to present their political principles and ideas in a peaceful environment without intimidation or fear of reprisal, and must respect that right.
- (iii) The emphasis must be on issues rather than personalities. Candidates must also avoid defamation of character of their opponents, their families and supporters.
- (iv) No abusive attacks or innuendos may be directed to campaigners or their family members for reason of their political affiliation, race, social origins and background, education, gender, religion, or any other reason.
- (v) Candidates must seek to be truthful about the past and present socio-economic state of the British Virgin Islands.
- (vi) Candidates must avoid raising unfulfillable expectations and making unrealistic promises.
- (vii) Every person entitled to vote must be able to do so freely. Victimisation of person, interference with employment rights, intimidation, and the enticement with favours are gravely wrong. Persons are entitled to express their political views without fear of persecution or victimisation.

Application

3. This Code will apply to political parties, candidates for election, election agents for candidates and members and supporters of political parties and candidates.

Public Commitment

4. Every political party and every candidate must –
- (a) give wide publicity to this Code and ensure that their members and supporters are familiar with this Code and their obligation to comply with its terms; and
 - (b) publicly state that throughout the Territory, everyone has the right -
 - (i) to freely express their political beliefs and opinions;
 - (ii) to freely challenge and debate the political beliefs and opinions of others;
 - (iii) to canvas for membership and support from voters;
 - (iv) to freely attend public meetings convened by others;
 - (v) to freely distribute campaign material;
 - (c) publicly condemn any action that may undermine the free and fair conduct of elections and in particular to condemn unreservedly and publicly any violence or intimidation and co-operate with the law enforcement agencies in apprehending the culprits;
 - (d) disseminate accurate information on electoral processes;
 - (e) accept the result of an election or challenge the result by due process of law.

Prohibited Conduct: Politically-Motivated Violence or Intimidation

5. No political party or any of its members or supporters, and no candidate or any of his or her supporters, may -
- (a) use violence, hateful language or threaten violence or incite or encourage the use of violence, against anyone on account of his or her political opinions or

- membership or support of a political party or participation in the election, including in speeches, songs and slogans;
- (b) intimidate, or incite or encourage the intimidation, of anyone on account of his or her political opinions or membership or support of a political party; act in a way that may provoke violence or intimidation;
 - (c) use violence or threats or illegal pressure to force a voter to refrain from voting or to vote for a candidate or political party against his or her will;
 - (d) force a voter to reveal the identity of the candidate voted for or take reprisals against a person because of the way in which he or she has voted or is believed to have voted.

Prohibited Conduct: Other Prohibited Acts

6. No political party or any of its members or supporters, and no candidate or any of his or her supporters, may –

- (a) publish false or defamatory allegations about a party, its candidate(s), representatives or members;
- (b) discriminate on the grounds of race, ethnicity, sex, gender, class or religion in connection with an election or political party;
- c) prevent the distribution of leaflets and the display of posters of other parties and candidates;
- (d) damage or deface property, including the election posters, placards, banners and other election material of another party or candidate, and any posters or other voter education materials disseminated by the Office of the Supervisor of Elections;
- (e) bar or inhibit access to meetings or to voters for the purpose of election campaigning;
- (f) carry or display weapons at political meetings or at marches, demonstrations, rallies or other public political events;

- (g) bribe a voter to exercise his or vote in a particular manner;
- (h) bribe or intimidate an election official to induce him or her to make a false entry in the voters roll or to alter or falsify election results;
- (i) coerce or offer monetary or other kinds of inducements to persons from them to participate in the activities of a political party not of their choice, or —
 - (i) to become or not become a member of certain political party, stand or not stand as candidates, or to withdraw or not to withdraw their **candidacies** or membership of a political party;
 - (ii) to violate the secrecy of the vote;
- (j) procure the support or assistance of any official or public officer to act in a partisan manner or further the interest of any political party to cause;
- (k) encourage a person to vote knowing that they he/she is not entitled to do so;
- (l) use the information on the voters list supplied by the Office of the Supervisor of Elections for commercial purposes or to harass or intimidate voters and they may not publish personal information about voters contained in the voter's list.

Compliance

- 7. (1) Every political party and every candidate must comply with this Code and-
 - (a) in the case of a political party, instruct its candidates, persons who hold political office in the party and its representatives, members and supporters to comply with this Code and any applicable electoral and general laws;
 - (c) in the case of a candidate, instruct the representative and supporters of the candidate to comply with this Code and any applicable electoral and general laws.
- (2) Every political party must restrain its office-bearers, members and supporters, and all candidates must restrain their representatives and supporters, from contravening this Code and any applicable electoral or general law, and must

take or initiate appropriate disciplinary action against those who contravene this Code or that law.

Note: Section 74 of the Act outlines penalties for certain illegal practices at elections. It has been suggested that penalties be included for non-compliance to the Code.

Duty to Co-operate

8. Every political party and every candidate must co-operate-
- (a) with other parties to avoid the risk of electoral-related conflict; in particular, they must endeavour not to call public meetings, marches or rallies that coincide with those called by another party or candidate contesting the election;
 - (b) with the election authorities to protect and enhance their role to supervise and administer elections;
 - (c) with law enforcement officers to maintain peace during the election period.

Conduct during Polling Period

9. (1) No political party or candidate may, from midnight, twenty-four hours before polling day in any election until polling stations are closed on that day-
- (a) convene or hold a public gathering of any kind;
 - (b) publish, or cause or permit the publication, of any advertisement or statement promoting or opposing a particular party or candidate;
 - (c) disrupt the work of election officials at a polling station or counting station;
 - (c) campaign or display campaign material within 200 metres of a polling station or counting station.
- (2) On polling day in any election, all political parties and their members and supporters, and all candidates and their supporters, must -

- (a) co-operate with election officials to ensure that polling is peaceful and orderly and that voters are completely free to exercise their vote without being subjected to intimidation, annoyance or disturbance; and
- (b) generally, conduct themselves so as to respect the secrecy and integrity of the ballot.

Announcements of Results of Elections

10. No candidate, and no office-bearer or member of a political party, may purport to declare or announce the results of an election before it has been declared officially by the Supervisor of Elections.

Respect for Media and Journalists

11 . Every political party and candidate –

- (a) must respect the role of the news media before, during and after an election;
- (b) may not prevent access by members of the news media to public political meetings, marches, demonstrations and rallies; and
- (c) must take all reasonable steps to ensure that journalists are not subjected to harassment, intimidation, threat or physical assault by any of their representatives or supporters.