PROCLAMATION NO. 662/2009

A PROCLAMATION TO PROVIDE FOR THE ELECTORAL CODE OF CONDUCT FOR POLITICAL PARTIES

WHEREAS, is necessary to provide an electoral code of conduct for political parties, candidates, members and supporters of political parties to ensure that subsequent elections which draw lessons from previous elections are transparent, free, legitimate, fair, peaceful, democratic and acceptable by the people;

WHEREAS, Believing and accepting the impotence of full enforcement of human and democratic rights in our country for a legal civilized, democratic and peaceful competition for power;

WHEREAS, cognizant of the necessity to promote tolerance in a democratic process; and cognizant of the importance to conduct free political campaign and promote public dialogue during the electoral process;
WHEREAS, cognizant of the importance of working together on matters where the parties have common stand and to conduct a civilized and peaceful struggle on issues where they differ with firm readiness to accept the process and out come of legally conducted as an expression of the will of the people cognizant also of the need to create an environment where political parties can discharge their responsibilities in a spirit that is free of hatred and suspicion;

WHEREAS, cognizant of the need to enable political parties to play a vital role in strengthening multi-party democracy and democratic culture in good faith, tolerance and through the principle of give and take;

WHEREAS, it is necessary to emphatically declare that any attempt to stay in power against the will of the people or any local or external activity aimed at taking political power through any means other than those provided by the constitution are not acceptable.

WHEREAS, cognizant of the need to create an environment that would enable in mind the unique contribution which the value of the political parties to collectively stand for the implementation of this proclamation which contributes for the freedom of the press, human rights, democracy, rule of law and over all development of peoples;

WHEREAS, cognizant of the responsibility of exercise of the right to elect and be elected of any Ethiopian is not impeded by any influence or obstacle;

WHEREAS, cognizant of the responsibility of political parties to ensure that exercise of the right to elect and be elected of any Ethiopian is not impeded by any influence or obstacle.

WHEREAS, cognizant of the responsibility of political parties to conduct successive education and training; create awareness and support others who conduct education on this proclamation;
WHEREAS, realizing the importance to lay down procedures to investigate and subsequently rectify grievances submitted by political parties;

WHEREAS, cognizant of the need to lay down procedures for the implementation of this proclamation as well as for the establishment of Joint Council of political parties and determine their powers and responsibilities;

WHEREAS, it is necessary to issue a proclamation which reflects the principle which are internationally recognized and agreed upon by political parties;

NOW, THEREFORE, in accordance with Article 55(1) of the Constitution of the Federal Democratic Republic of Ethiopia, it is hereby proclaimed as follows:

SECTION ONE
GENERAL

1. Short Title

This Proclamation may be cited as proclamation on the “Electoral Code of Conduct for Political Parties No. /2009”.

2. Definitions

In this Proclamation, unless the context requires otherwise:
2/ Scope of Application

Provisions of this Proclamation set out in the

1/ Any political party, independent candidate, alliances, coalition of parties, fronts and movements.

2/ Any leader, official, candidates, member, agent or representative of a political party.

4. Gender Reference

Provisions of this Proclamation set out in the masculine gender shall also apply to the feminine gender.
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5. **Principle**

1/ The legitimacy of a government elected through a democratic multiparty election shall rest on the following principles;

   a) Ability of voters to make an informed decision based on the information they obtain during the electoral campaign regarding the polices of political parties and character of candidates,

   b) The ability of voters to vote freely, without any interference, fear, undue influence or bribery.

2/ All parties, shall in good faith ensure that,

   a) Principles of electoral code of conduct are respected.

   b) Elections are expressions of the free and legitimate decision of voters.

   c) The decision of the electorate choice will be respected by all.

3/ In any matter relating to the election process, parties shall conduct their activities in conformity with the provisions of this Proclamation.

6. **Compliance with the Proclamation**

1/ Any political party or independent candidate:

   a) Shall comply with this Proclamation in its activities.

   b) Shall take the decisive measures to ensure that its leaders, officials, candidates and members do not infringe this Proclamation.
7. Observance of the law

Any Political party shall adhere to this proclamation, election laws, rules and regulations.

8. Campaign management

1/ Any Political party shall;

   a) Respect the right and freedom of all other parties to campaign, and to disseminate

   b) Conduct itself in a manner that respects the rights of other parties, and respect the rights of voters and other members of the community;

   c) Respect the freedom of the miss media;

   d) Use its good offices to seek to ensure reasonable freedom of access by all parties to all potential voters; and

2/ The leader of any political party shall ensure that officials, candidate, members and supporters

   a) Observe this Proclamation; and

   b) Take all other necessary measures to ensure compliance with this Proclamation.

3/ Other political parties shall ensure that they and their members, supporters and activists observe this proclamation.
e) Seek to ensure that potential voters wishing to participate in related political activities have freedom to do so.

2/ Any political party may not;

a) Harass or obstruct private or Government journalists who are engaged in their professional Activities, disrupt, destroy or frustrate the campaign efforts of any other party;

b) Prevent the distribution of handbills and leaflets, and the display of posters, of other parties and candidates;

c) Deface or destroy the posters of other parties and candidates;

d) Prevent or in any way hamper any other party from holding rallies, meetings, marches or demonstrations;

e) Seek to prevent any person from attending the political rallies of another party; or

f) Permit supporters to do any thing prohibited by this section.

9. The election process

Any political party shall,

1/ Co-operate with election officials in order to ensure-

a) Peaceful and orderly polling, and
### Section 10. Accepting the outcome of a free and fair election

1. Any political party shall accept the outcome of an election that has been certified by the appropriate authorities.

2. Any party shall submit grievances only to the joint council, the Board or to the courts of law.

3. Any party shall accept and comply with the final decisions of organs that are authorized by law to render final decisions.

### Section 11. Language applicable

1. Any political party shall:

   a) Organize and conduct its election campaign in manner that contributes toward a congenial and peaceful atmosphere during the campaign, the polling, the counting, and the post-election period; and

   b) Free and fair election for voters without being subjected to any annoyance or obstructions;
b) Act with a sense of responsibility and dignity befitting its status.

2/ Any speaker at political rallies shall restrain from using language that,

a) Making inflammatory, or defamatory statements.

b) Threatening or inciting violence in any form against any person or groups.

3/ Any political party may not issue, or distribute either officially or anonymously, pamphlets, newsletters or posters containing language or material that threatens or incites violence.

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12. Symbols

Any political party may not:-

1/ Imitate the symbols of another party;

2/ Steal, disfigure or destroy political or campaign materials of another party; or

3/ Permit its supporters to do anything prohibited by this section;

13. Intimidation and violence

1/ Any political party shall accept that intimidation, in any form, is unacceptable, and shall;
Abuse of power

1. Issue directives expressly forbidding its officials, candidates, members and supporters any act to intimidate any person at any time;

2. Stand against act that incites violence;

3. Campaign against violence or threats of violence, and against any acts of vandalism or public disorder committed or threatened by their officials, candidates, members or supporters; and

4. Respect the rights and propriety interests of other persons and parties;

The leader of any political party shall instruct the party’s officials candidates, members and supporters that any weapon of including any traditional weapon, shall not be brought to any political rally, meeting, march or demonstration.

Any political party that shall:

a) Not be engaged in or permit any kind of violent activity to demonstrate party strength or to prove supremacy;

b) Seek to prevent damage to any public or private property; or

c) Not allow its supporters to do anything prohibited by this section;

14. Abuse of power

Any political shall not:-

a) Abuse a position of power, privilege or influence for a political purpose, by offering a reward threatening a penalty, or any other thing so as to attain its political interests by using its position of power, opportunity or ability to influence others.
b) Use Federal, Regional, Municipal or other public resources for campaign purposes in any manner other than those allowed by election laws.

2/ In this section,” a position of power, opportunity or ability to influence” includes of parental, family, governmental, police, military traditional or customary authority.

15. **Corrupt practices**

Any political party shall not:-

1/ Coerce or offer monetary or other kinds of inducement to persons to vote for or against a particular party or candidate, or to abstain from voting;

2/ Coerce or offer monetary or other kind of inducement to persons to stand or not to stand as candidates, or to withdraw or not to withdraw their candidacies; or

3/ Procure the support, assistance of any official of civil servant to promote or hinder the election of a candidate.

16. **Continued Communications**

1/ Any political party shall make every effort to continuously communicate with other parties.

2/ Without prejudice to provisions provided by election law, a joint council shall be formed to serve as a forum for discussion of issues of common concern during an electoral campaign or any other line.

3/ Independent Candidates will participate in the joint council as observers. They may lodge their complaints to the joint council for decision.
3/ Every political party and candidate shall have the duty to publicly state that every supporter, to comply with this Proclamation electoral laws, and shall take appropriate measures to ensure compliance.

4/ Every political party and candidate shall have the duty to publicly state that every one has the right:

a) To freely express their political views and opinions.

b) To challenge and debate the political views and opinions of others.

c) To publish and distribute his own election and campaign materials.

d) To lawfully display banners, bill boards and posters.

SECTION THREE
PROMOTING THE PROCLAMATIONS ON THE CODE OF CONDUCT

17. Duties of political parties and candidates.

1/ Any political party and every candidate shall promote the purpose of this Proclamation for the voters, candidates, member and supporters and ensure that it is known and respected by its members.

2/ Every political party shall promote and support efforts to educate voters during election campaign:

3/ Any political party and candidate shall.

a) Comply with this Proclamation;

b) Provide leadership to its candidates, officials, representatives members and supporters, to comply with this Proclamation electoral laws, and shall take appropriate measures to ensure compliance.

4/ Election officials shall not attend during the meeting of the joint council. They may participate without a right to vote in the meetings of the joint council if the council passes a unanimous decision to this effect.
1/ The media shall give public education regarding this Proclamation.

2/ The Board shall disseminate the Proclamation to all concerned bodies.

3/ Election officials at all levels shall provide training on the Proclamation to raise awareness of all concerned.

18. Responsibilities of the board and other Election Officials

1/ The board shall ensure that all governmental and other relevant institutions which have a direct or indirect role in the election process have the knowledge and understanding of the Proclamation.

2/ The Board shall disseminate the Proclamation to all concerned bodies.

3/ Election officials at all levels shall provide training on the Proclamation to raise awareness of all concerned.

19. Role of other bodies

1/ The media shall give public education regarding this Proclamation.

2/ Other bodies authorized by the Board in accordance with the election law will give...
1/ Contesting political parties shall establish a joint council in accordance with art 16 of this code to enforce this law, to amicably resolve election matters in a manner that promotes democracy, human rights and rule of law.

2/ Without prejudice to the forum of political parties established by the Board in accordance with election law, joint councils shall be established at all levels ranging from the Federal to the constituencies.

21. Organization of the joint council

1/ National joint council shall be organized as follows:
   a) National Joint Council shall be composed of political parties registered to run for election at national level.
   b) The number of representatives of each party shall be determined by the directive to be issued by the Joint Council.

2/ Regional Joint council shall be organized as follows;
   a) This council shall be composed of parties registered to run for election at Regional level.
   b) The number of representatives of each party shall be determined by the directive to be issued by the joint Council.
Zonal Joint Council shall be established as follows;

a) This council shall be composed of parties registered to run for election at the zone.

b) The number of representatives shall be determined by the council’s directive.

The composition at the constituency level shall constitute of the political parties running for election at that level. Independent candidates shall have an observer status and as resource person in their own case.

Joint Councils at each level shall have their own organizational authority.

The rules of procedure and conduct of meeting of Joint Councils shall be determined by directives to be issued by each council.

The budget and office of joint councils at all levels shall be facilitated by Houses of People’s Representative at each level.

22. **Objective of the Joint Council**

The Joint Councils shall have the objective to

1/ Serve as a common forum to enable political parties discharge their constitutional duties guided by the Proclamation to ensure that elections are free, fair, transparent, democratic, credible and peaceful.

2/ To serve as a forum for dialogue, consultation and control on matters that may arise in relation to the process or results of elections and generally all matters that may arise in inter party relationships and amicably resolve problems in accordance with election law.
23. **Duties and responsibilities of the joint council**

1/ It shall deliberate on the promotion of democracy, human rights, freedom of thought and rule of law. It shall implement its decisions. It shall control and ensure the implementation by the member organizations.

2/ It shall ensure that parties are discharging their duties to make the election free transparent, credible, fair and peaceful.

3/ It shall serve as a forum for discussion and resolution of problems on issues or disagreements about the election process.

4/ It shall ensure that political parties provide education for their members and supporters about this Proclamation.

5/ It shall ensure and follow up the implementation of this law by all parties.

6/ It shall investigate complaints about the violation of this Proclamation directly by itself or through a committee composed of relevant parties.

7/ It shall take appropriate measures to implement the results arrived through investigation. It shall submit its decisions on matters relating to this Proclamation and other election issue to the Board and to the Government.

8/ Parties shall have permanent session to deliberate and give recommendations of election, democratic right, human rights, and rule of law issues.

9/ It may prepare rules and directives on
24. Lodging of complaints

1/ Without prejudice to the right to lodge complaints to election official, any one who believes that this Proclamation is violated may submit complaints supported by evidence to the joint council.

2/ Without prejudice to the power given to the board, the Joint Council may directly investigate or establish an inquiry committee when it receives complaints of violation of this Proclamation.

3/ Parties, candidates or concerned government organs, shall have the duty to cooperate when the Joint Council directly or indirectly undertakes investigation on complaints of violation of this Proclamation.

25. Organization of enquiry committee

1/ An enquiry committee shall be established by the joint council at all levels to investigate and report on complaints about violation of this Proclamation.

2/ The enquiry committee shall consist of the political party that has longed complaints, the party against whom the complaint is lodged and a third party assigned by the agreement of both parties.

3/ The enquiry committee is accountable to the joint council which established it.

26. Dispute resolution mechanism

1/ When there is complaint of violation of this proclamation the complaining party shall try to amicably resolve the issue
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2/ If the dispute is not resolved, the issue may be reported to the joint council.

3/ The joint council shall resolve the problem based on the report submitted to it and investigation directly conducted by itself or by inquiry committee.

4/ The committee established under sub-article (3) will conduct its investigation independently. The committee shall decide by majority vote. The minority opinion shall be attached to the decision and communicated to the joint council.

5/ The Committee shall submit its finding only to the joint committee to which it is accountable. The joint committee shall decide on how to disclose the finding to the public.

6/ The joint council shall provide appropriate resolution to the dispute based on reports submitted to it.

7/ The joint council shall prepare and publish timetable for submission and resolution of complain.

8/ The joint council may issue procedure on the production and admission of evidence which is to be enforced on the agreement of political parties.

9/ All complains or grievances shall be investigated promptly.

10/ The joint council or inquiry committee shall give a fair chance to be heard for the concerned parties.
6/ he/it controls polling stations by force or coercion or against a particular party or candidate, or to abstain from voting.

5/ he/it abuse its power by offering a reward, threatening a penalty or by any other means.

6/ he/it coerces or offers monetary or any kind of inducement to persons to vote for or against a particular party or candidate, to withdraw or not to withdraw from election.

7/ a public servant and uses official time, responsibilities and resources to promote candidates or discourage other candidates from promoting themselves through legal means.

8/ he/it uses public property for the promotion

11/ The joint council shall pass decisions on consensus or unanimously.

SECTION 6
VIOLATION OF PROCLAMATION AND MEASURES TO BE TAKEN
SUB SECTION ONE
VIOLATION OF PROCLAMATION

27. Corrupt practices, abuse of power or coercion

Any political party, independent candidate, coalition of parties, front, movement, alliance, political party leader, official, candidate, member, agent and representative shall be deemed to have violated this Proclamation if:

1/ he offer or accept monetary or any kind of inducement or bribe.

2/ he/it interferes or disturbs the voting process or counting of votes.

3/ he/it coerces or offers monetary or any kind of inducement to persons to vote for or against a particular party or candidate, or to abstain from voting.

4/ he/it controls polling stations by force or tries to get votes illegally.

5/ he/it abuse its power by offering a reward, threatening a penalty or by any other means.

6/ he/it coerces or offers monetary or any kind of inducement to person to be come a candidate or not to became a candidate, to withdraw or not to withdraw from election.

7/ a public servant and uses official time, responsibilities and resources to promote candidates or discourage other candidates from promoting themselves through legal means.

8/ he/it uses public property for the promotion
28. **Intimidation, violence or any obstruction in the election process.**

Any political party, Independent candidate, coalition of political parties, Front, alliance, movement, and party leader, official, candidate, member, agent or representative of a party shall be deemed to have violated this Proclamation if:

1/ he/it interferes in the process through pressure and undue influence.

2/ he/it intimidates or threatens other political parties from disseminating their policies freely.

3/ he/it in any way prevents or hampers the activities of political parties or voters.

4/ he/it disturbs or obstructs the conduct of public rally, meeting, education or training.

5/ he/it disturbs or prevents the process of voting.

6/ he/it prevents or disturbs the campaign of other political parties or candidates.

7/ he/it obstructs the conduct of rallies, meetings, marches or demonstrations or prevents others from participating in such activities:

8/ he/it interferes in the rights of voters.

9/ he/it fails to cooperate in attempts to ensure the security of election officials and candidates during the election process.

10/ he/it in any manner prevents the voters from registering or voting.

11/ he/it violates the secrecy of the voting
29. Disseminating information that destabilize peace and security during the election process

Any political party independent candidate, coalition of parties, front, alliance, movement, party leader, official, candidate, member, agent or representative of a party shall be deemed to have violated this Proclamation if:

1/ he/it makes a speech which destabilize the peace of the election campaign, incites violence, defames others invites clashes or creates uncertainty;

2/ he/it distributes officially or anonymously pamphlets, news letters or posters containing language or material that threatens or incites violence.

3/ he/it induces fear and frustration on the public during campaign.

4/ he/it disseminates false information regarding the secrecy of voting.

30. Disrupting election campaign of other parties and candidates

Any political party, independent candidate, coalition of parties, front, alliance, movement, party leader, official, candidate, member, agent or representative of a party shall be deemed to have violated this Proclamation if:

1/ he/it prevents a political party from recruiting a member, or opening offices or in any manner disrupts the election activity of a party or candidate;

2/ he/it defaces or unlawfully removes or destroys posters or other election materials
31. **Failure to cooperate with journalists and election observers**

Any political party, independent candidate, coalition of parties, front, alliance, movement, party leader, official, candidate, member, agent or representative of a party shall be deemed to have violated this Proclamation if:

1/ he/it interferes with freedom of mass media.

2/ he/it harasses or obstructs journalists during election.

3/ he/it disrespects or fails to cooperate with accredited election observers.

32. **Failure to promote the code of conduct and failure to condemn illegal acts**

Any political party, independent candidate, coalition of parties, front, alliance, movement, party leader, official, candidate, member, agent or representative of a party shall be deemed to have violated this Proclamation if:

1/ he/it fails to condemn in public, any violence or acts which invite violence or acts which destabilize peace and security of the public.

2/ he/it fails to introduce and educate about this Proclamation to its candidates, members, supporters and the public at large;

3/ he/it hails to take decisive measure to restrain its leaders, officials, candidates and members from infringing this Proclamation; fails to condemn or take
measures when supports get involved in activities that are prohibited;

4/ he/it fails to issue directive to restrain leaders, candidates, supporters, and members from intimidating others at any time.

### SUBSECTION TWO

#### MEASURES TO BE TAKEN BY DIFFERENT ORGANS

33. Measures to be taken by the Joint Council

A joint council may take the following measures:

1/ Order a party that contravenes is Proclamation to rectify its fault.

2/ Publicize the name of the party that has violated the Proclamation and its acts to the public, it shall make its decisions public through the press, radio, television or any other means of communication.

3/ A party dissatisfied by the measures under sub article (1) and (2) may take its grievance to the appropriate bodies in accordance with the election law and this Proclamation.

4/ The measures of the joint Council shall not prevent the victim from initiating a civil or criminal action.

34. Measures to be taken by the Board

Without prejudice the provision of Article 33(1) and (2) of the Proclamation and other measures enshrined in other laws, the election board may take the following measures if it is satisfied that violation under this section:

1/ Give public warning to the political party or person who committee the act.
2/ Partially of fully suspend the candidate or party from using the media for a short period of time;

3/ Prohibit the party from using the benefit of financial support provided by the government.

4/ Cancel a candidate from his candidacy depending on the gravity of the act.

5/ Suspend the political party from running for election.

35. Measures to be taken by Courts

1/ The court may take the following measures in addition to the penalties or prohibitions listed under Art 34.

2/ Without prejudice other penalties provided by law, exercising any political activity during voting day other than printing, duplicating election results or committing offences under Art 27, 28 or/and the following offence shall be punishable with fine or up to 3 years of simple imprisonment:-

a) interfering with the impartiality of election officials preventing some one from accomplishing his duty by offering bribe or promise.

b) Disseminates false information that stirs hatred or fear or unduly influence the process or result with intent to disrupt or prevent the election process from running or with intent to unduly influence the process or outcome of election.

c) Violence the secrecy of voting.

d) Violates prohibition relating to election materials and voting.
e) Disrupts the activity of the Board and election officials.

3/ Any person who violates prohibitions concerning activities of political parties, announcement of election results, voters of parties right; or makes a speech knowing that it is false or without having reasonable grounds about the truth is punishable with fine or simple imprisonment not more than 1 year.

4/ Any person who

a) intentionally disrupts or prevents the board, election official, employee of the board while exercising its responsibilities and duties;

b) intentionally commits any act to in the working place of the board so as to unduly influence the decision or order of any matter that is pending before it.

c) Intentionally commits any act to in the working place of the board so as to unduly influence the decision or order of any matter that is pending before it.

d) No order of any matter that is pending before it offences listed under at 30 and art 31 shall be punishable with fine or simple imprisonment not exceeding 1 year.

SECTION TEN
MISCELLANEOUS PROVISIONS

36. Duty to cooperate

Any health person shall have the duty cooperate in the implementation of this Proclamation.

37. Power to enact regulations and directives

The board may issue regulations or directives to ensure the implementation of this Proclamation.

38. Inapplicable Laws

Any law, or practice, shall not apply to matters covered under this Proclamation.
39. Effective Date

This Proclamation shall enter into force up on the date of publication in the Federal Negarit Gazeta.

Done at Addis Ababa, this 28th day of August, 2009

GIRMA WOLDEGIORGIS

PRESIDENT OF THE FEDERAL
DEMOCRATIC REPUBLIC OF ETHIOPIA