



# JOINT ELECTORAL MANAGEMENT BODY

## Regulation on the Political Campaign

### **PART I: General Provisions**

#### **Article 1: Scope and Purpose of this regulation**

This Regulation is adopted by the Joint Electoral Management Body (JEMB, hereafter) pursuant to Articles 39, 48, 55 and 56 of the Electoral Law. It shall govern the political campaign for the 2004 Presidential election.

#### **Article 2: Interpretation**

For the purposes of this regulation, the following terms mean:

(i) "Electoral Official" includes the Director of the JEMB Electoral Secretariat, the Chief Technical Adviser, JEMB Regional Coordinators, JEMB Co-Regional Coordinators, JEMB Provincial Field Coordinators, JEMB Co-Provincial Field Coordinators, Polling Station Chairperson, Counting Centre Manager, Polling and Counting Officials, and any other person, Afghan or International, employed by the JEMB or the United Nations to perform functions related to the electoral process at national, provincial or district level;

(ii) "Independent Candidates" mean individuals running for election without political party sponsorship or endorsement;

(iii) "Observer Organisations" mean those domestic and international organisations which are duly accredited as such by the JEMB to observe the electoral process;

(iv) "Observers" mean those individuals who are duly accredited as such by the JEMB;

(v) "Political campaign" means the political activities carried out by the political parties and independent candidates for furthering their prospects at the election;

(vi) "Political Party" means an organization registered as such by the Ministry of Justice in accordance with the Law on Political Parties;

(vii) “Political Party and Independent Candidates Agents” mean those individuals who are duly accredited as such by the JEMB;

(viii) “Polling Centre” means a location established by the JEMB where lawfully registered voters exercise their right to vote;

(ix) “Weapon” means any instrument, material or article capable of, or designed to be used in, destroying or damaging any property, movable or immovable, or killing, attacking or injuring any person.

### **Article 3: Campaign Period**

(i) Having regard to the provisions of Article 39 of the Electoral Law, the JEMB shall determine, by public notification, the starting and closing date of the period in which political parties and independent candidates may undertake their political campaigning..

(ii) Continuation of campaign activities after the close of the campaign period established by the JEMB constitutes an electoral offence punishable under the Regulation on Offences during Elections .

### **Article 4: Freedom of expression during political campaign**

(i) Political parties, candidates and their agents and supporters shall be free to publish and propagate their political or election manifestos containing their policies and programmes as part of their election campaign.

(ii) Political parties, candidates and their agents and supporters shall, at all times during the political campaign, abide by the “Code of Conduct for Political Parties, Independent Candidates and Agents for the Registration, Political Campaign and Election Processes” as established by the JEMB, and shall not commit any act which constitutes an electoral offence under the ‘Regulation on Offences during Elections’. avoiding, in speeches, broadcasts, pamphlets, newsletters, press statements, placards, posters, advertisements or otherwise, using inflammatory or insulting language or other language which provokes hatred or contempt or threatens or incites violence or spread rumors that would create social alarm.

(iii) Any violation of the provisions of sub-article (ii) shall be punishable under Article 5 of the the aforesaid Regulation on Offences.

### **Article 5: Demonstrations, public meetings, gatherings and rallies during political campaign**

(i) Political parties and independent candidates intending to organise demonstrations, public meetings, gatherings and rallies must request the approval, by written notice, of the local police authorities at least 24 hours prior to the event.

(ii) The written request must include the purpose, time, place and routes in the text of the notice.

- (iii) Organisers and participants at such demonstrations, public meetings, gatherings and rallies shall:
  - a) Adhere to the Constitution, other laws of the country, and the principles and values enshrined in the Universal Declaration of Human Rights;
  - b) Respect the holy religion of Islam as well as religious, national, historical, and cultural customs and traditions of the country;
  - c) Refrain from the use of invectives and threat against, and harassment of, other people, and from any action that is contrary to social propriety, order, and safety,
  - d) Refrain from violence, destruction, and armed confrontation
  - e) Not carry any weapons. The bearer of any weapon shall be liable to be arrested forthwith and prosecuted under the law.

(iv) No political activity of any nature or kind can be held in and/or in the close vicinity of the following places:

- a) military establishments;
- b) depots of explosive and inflammable materials;
- c) hospitals, nurseries, and the like.

(v)The government has an obligation to ensure security and safety for organizers and participants at the demonstrations, public meetings, gatherings and rallies for which approval has been granted under sub-article (i).

(vi) The government shall:

- a. Provide a safe environment during the registration, campaign and election processes for electoral officials, parties and candidates, journalists, observers, civil society and citizens.
- b. Ensure the security of the premises of registered or accredited political parties and independent candidates throughout the country.
- c. Allow equitable access to the media by registered and/or accredited parties and candidates.
- d. Take all necessary measures to prevent violence or activities that would disrupt the registration, campaign and election processes.
- e. Comply with and enforce the instructions of the electoral officials.

(vii) The government, its authorities, officials or representatives, shall not:

- a) Interfere in the conduct of the registration, campaign and election processes.
- b) Express verbal or written support or criticism of any political party or candidates, including incumbent government officials running for elections.
- c) Use state resources to support or criticize political parties or candidates.

- d) Tell people who they should support or vote for, and nor ask people who they will support or who they will vote for.
- e) Prevent or restrain individuals from exercising their right to contest Presidential or Parliamentary elections.
- f) Close the office of a political party or candidate unless ordered by the Supreme Court.
- g) Prevent political parties or candidates from publishing information or accessing any form of Media.
- h) Prevent or disrupt the meetings or gatherings of political parties or candidates except in the cases foreseen in (Article 5.viii).
- i) Prevent, penalize or restrain individuals or groups including political parties, independent candidates, journalists, and civil society from expressing their views and opinions unless they are inciting ethnic, racial, religious, gender or regional discrimination and hatred; disrupting public order and security; interfering in the registration and election process or undertaking illegal activities.
- j) Interfere in the efforts of a political party or a candidate to undertake lawful activities such as recruiting new members, communicating their platform or views, forming political alliances and coalitions and gathering support.
- k) Threaten or intimidate anyone in the registration, campaigning or election processes.
- l) Display or use any weapons for the purpose of intimidation.
- m) Detain or arrest a person in order to incite fear.
- n) Harass or prevent journalists from carrying out professional activities, including interviewing people, gathering information, publishing reports and criticizing views and opinions.

(viii) Police shall have the power to end any demonstration, public meeting, gathering or rally:

- a) when it turns or threatens to turn violent;
- b) when it threatens or attempts to disturb public order or commit destruction or terrorism;
- c) when weapons are present at the site;
- d) when people are threatened or forced to participate in it;
- e) when it continues beyond the time granted by the police for the purpose, or is held at a place or takes a route different from the one approved by the police.

(ix) Any action during demonstrations, public meetings, gatherings and rallies that causes harm to public or private property shall be a crime, and the perpetrator in addition to paying compensation shall be prosecuted under the law.

(x) Staff of the Armed Forces, including personnel of the Ministries of Defense, Interior, and Directorate-General of National Security, are not allowed to participate in demonstrations, public meetings, gatherings and rallies of political parties and candidates.

**Article 6: Campaign Materials**

(i) The JEMB shall order the withdrawal and removal of campaign materials, including posters, banners, hoardings and placards, that use inflammatory or insulting language or other language which provokes hatred or contempt or threatens or incites violence, or spread rumors which would create social alarm or scare.

(ii) The JEMB shall order the removal of campaign materials displayed within 100 meters of polling sites on polling day.

**Article 7: Observation by electoral officials and observers**

Electoral officials, observer organizations and their observers may observe demonstrations, public meetings, gatherings and rallies only as part of their duty recognized by JEMB, and cannot engage in political activities.

**Article 8: Entry into Force**

The present regulation shall enter into force on the date of its signature.