



# GOVERNMENT GAZETTE

## OF THE

# REPUBLIC OF NAMIBIA

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## Government Notice

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### ELECTORAL COMMISSION OF NAMIBIA

No. 257

2024

#### CODE OF CONDUCT FOR POLITICAL PARTIES AND POLITICAL ORGANISATIONS: ELECTORAL ACT, 2014

The Electoral Commission of Namibia has under sections 145 and 146 of the Electoral Act, 2014 (Act No. 5 of 2014) –

- (a) issued the code of conduct set out in the Schedule; and
- (b) repealed the regulations published under Government Notice No. 143 of 17 October 1992.

**E. NGHIKEMBUA**  
**CHAIRPERSON**  
**ELECTORAL COMMISSION OF NAMIBIA**

Windhoek, 19 August 2024

## SCHEDULE

### ARRANGEMENT OF CODE OF CONDUCT

1. Definitions and interpretation
2. Purpose of code of conduct
3. General principles
4. Application
5. Prohibited conduct of politically motivated violence or intimidation
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7. Conduct during polling period
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#### **Definitions and interpretation**

1. (1) In this code of conduct a word or an expression to which a meaning has been assigned in the Act has that meaning and unless the context indicates otherwise –

“campaign material” means any type of material intended to be used by political parties or political organisations as campaign material and it includes print and digital manifestos, placards, posters, any political attire or wear and any other material with party symbols;

“election” means an election of the President, members of the National Assembly, any member of a regional council or a local authority council conducted under the Act, as the context may require; and

“the Act” means the Electoral Act, 2014 (Act No. 5 of 2014).

(2) This code of conduct must be read in conjunction with and subject to the provisions of the Public Gatherings Proclamation, 1989 (Proclamation AG No. 23 of 1989) and the Intimidation Proclamation, 1989 (Proclamation AG No. 24 of 1989) whose provisions are legally binding and create criminal offences and sanctions.

#### **Purpose of code of conduct**

2. The purpose of this code of conduct is to promote conditions that are conducive to a free, fair and credible election and a climate of tolerance in which election activities may take place without fear, coercion, intimidation, interference or reprisals.

#### **General principles**

3. (1) The legitimacy of a government chosen through a democratic multiparty election, rest on following principles –

- (a) that all political parties, political organisations and candidates contesting an election or participating in a referendum should be provided with a fair and equal access to the electronic and print media, both public and private;
- (b) that the political environment is at all times free of violence, coercion, interference and intimidation;

- (c) that conditions are conducive to free, fair and democratic elections, conducted through a secret ballot in a climate of democratic tolerance in which political activities may take place without fear, intimidation or reprisals;
- (d) that as a result of being informed through education of the policies and qualities of all parties, leadership, officials and members, citizens are able to make an informed choice;
- (e) that people are able to choose and vote for a political party, political organisation or candidate of their choice freely, without interference, fear, undue influence or bribery; and
- (f) that political parties, political organisations and all candidates as well as their members and their supporters accept that all citizens have the right to present their political principles and ideas in a peaceful environment without intimidation or fear of reprisal and that right must be respected.

(2) All political parties, political organisations and candidates as well as their members, supporters and all stakeholders to whom this code of conduct applies, commit themselves in good faith to the principles set out in subparagraph (1) and must promote them to ensure that –

- (a) a culture of peaceful political activity prevails;
- (b) lawful political processes will be recognised as expressing the credible free choice of the people; and
- (c) the results of the electoral choice will, in accordance with the law and the remedies provided by law, be respected by all.

### **Application**

4. This code of conduct applies to all political parties and political organisations and their candidates, members and supporters and other stakeholders who are all urged to assist in its observance.

### **Prohibited conduct of political motivated violence or intimidation**

5. A political party and a political organisation and its candidates, members, and supporters may not –

- (a) use violence, 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, political organisation or candidate or participation in the election;
- (b) intimidate, incite or encourage intimidation of anyone on account of his or her political opinions or membership or support of a political party, political organisation or candidate or act in any way that may provoke violence or intimidation;
- (c) use violence or threats of undue influence to force a voter to refrain from voting or to vote for a candidate, political party or political organisation against his or her will; or
- (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 of other acts**

6. A political party and a political organisation and its candidates, members and supporters, may not –

- (a) propagate, publish, circulate in public or through other means of communication or publication, including social media platforms, false or defamatory allegations or any other baseless or inflammatory allegations about another political party, political organisation or its candidates, members or supporters;
- (b) discriminate on the grounds of race, ethnicity, sex, gender, class or religion in connection with an election or a political party or political organisation;
- (c) use hateful language, including speeches, songs and slogans which incites violence towards any individual or group;
- (d) hold rallies, meetings, marches or demonstrations physically close to another political party or political organisation during the same time of the day;
- (e) utilise public address systems, either fixed or mobile between 22h00 and 07h00 and which could constitute a public nuisance;
- (f) remove, damage or deface property, including the election posters, placards, banners and other election material of another political party or political organisation or candidate and any posters or other voter education materials disseminated by the Commission;
- (g) plagiarise the symbols, colours or acronyms of other political parties or political organisations;
- (h) bar or inhibit access to meetings or to voters for the purpose of election campaigning;
- (i) carry or display weapons, traditional or otherwise, at political meetings or at marches, demonstrations, rallies or other public political events;
- (j) bribe a voter to exercise his or her vote in a particular manner;
- (k) bribe or intimidate an election official to induce him or her to make a false entry in the voters' register or to alter or falsify election results;
- (l) encourage a person to vote knowing that they are not entitled to do so;
- (m) use the information on the voters' register supplied by the Commission for commercial purposes or to harass or intimidate voters;
- (n) publish personal information about voters contained in the voters' register;
- (o) coerce or offer monetary or other kinds of inducements to persons for them to –
  - (i) participate in the activities of a political party or political organisation not of their choice;
  - (ii) become or not become a member of certain political party or political organisation, stand or not to stand as candidates or to withdraw or not

to withdraw their candidacies or membership of a political party or political organisation; and

- (iii) violate the secrecy of the vote;
- (p) procure the support or assistance of any official or public servant to act in a partisan manner or further the interest of any political party or political organisation;
- (q) do any other thing that is defined in the Constitution, Act or other laws of Namibia as a corrupt and illegal practice or an offence; and
- (r) abuse the right to complain to the courts by making false, frivolous or vexatious complaints.

### **Conduct during polling period**

7. (1) A political party or political organisation or candidate may not, from midnight, 24 hours before polling day in any election or referendum 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 political party or a political organisation or candidate;
- (c) disrupt the work of election officials at a polling station or counting centre;
- (d) coerce a voter, who does not require assistance, to be assisted to vote.

(2) On polling day in any election or referendum, all political parties and political organisations and all their candidates, members and supporters must –

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

### **Announcement of election results**

8. (1) A candidate, member of a political party or a political organisation or an office-bearer may not purport to declare or announce the results of an election before it has been declared officially by an electoral officer authorised to do so.

(2) A candidate, member or office-bearer of a political party or a political organisation may not purport to make any public statement impugning or condemning election results or alleging election or vote rigging without a factual basis other than through prescribed dispute resolution platforms and remedies.

### **Parties to adhere to existing laws, rules and regulations**

9. A political party and a political organisation that has subscribed to this code of conduct must adhere to existing electoral laws, rules and regulations.

**Subscribing to code of conduct**

**10.** (1) Every candidate for Presidential, National Assembly, regional council or local authority elections must, when filing nomination papers, subscribe to the code of conduct in the form set out in Form 1 in the Annexure.

(2) Every political party and every political organisation, on such date as the Commission may direct, subscribe to the code of conduct in the form set out in Form 2 in the Annexure.

(3) A declaration lodged under subparagraph (1) or (2) must be made and subscribed to before a justice of the peace or a commissioner of oaths, an election officer or any other person so designated by the Commission.

**Non-Compliance with code of conduct**

**11.** (1) In case of non-compliance with this code of conduct, political parties and political organisations commit to take measures, including disciplinary action against their candidates, members or supporters.

(2) The Electoral Act prescribes sanctions for offences in the electoral process, including violence, intimidation and corrupt practices and these sanctions include imprisonment, fines as well as disqualification from voting or filling a public office.

(3) All allegations of intimidation and other unlawful conduct during the election campaigns must be reported to the police station within the district where they are alleged to have occurred.

**Duty to cooperate**

**12.** Every political party, political organisation and candidate must cooperate with other political parties or political organisations to avoid the risk of electoral related conflicts, in particular, they must –

- (a) endeavor not to call public meetings, marches or rallies that coincide with those called by another political party or political organisation or candidate contesting the election;
- (b) cooperate with the election authorities protect and enhance their role to supervise and administer elections;
- (c) cooperate with law enforcement officers maintain peace during the election period, as well as prevent and sanction offences in the electoral process;
- (d) cooperate with judicial authorities in their application of the law and sanctioning offences in the electoral process;
- (e) cooperate with other stakeholders, in particular individuals and organisations conducting political activities formally or informally in order to ensure compliance with this code of conduct and to prevent election related conflicts;
- (f) together with the Commission, undertake to publicise this code of conduct throughout Namibia by all means at their disposal; and
- (g) in their advertising and propaganda efforts take care not to damage the environment.

ANNEXURE



Electoral Commission of Namibia

Form 40

DECLARATION OF COMPLIANCE BY POLITICAL PARTIES AND POLITICAL ORGANISATIONS (Paragraph 10(1))

I, ..... do solemnly and sincerely declare that:

- (1) I am a citizen of: .....
(2) My voter's registration card number is .....
(3) I am a candidate for Presidential/National Assembly/local authority council/regional council ..... elections and intend to participate in the elections.
(4) I shall comply with and be bound by the provisions of the code of conduct.
(5) I shall ensure that as a political party or organisation and its supporters, we will observe the code of conduct during campaigns and elections.
(6) I make this solemn declaration conscientiously believing the same to be true.

Signed: .....
Name: .....
Subscribed to and solemnly declared before me at ..... this ..... day of ..... 20.....

.....
Commissioner of Oaths

\*delete whichever is inapplicable

ANNEXURE



**Electoral Commission of Namibia**

**Form 41**

**DECLARATION OF COMPLIANCE BY POLITICAL PARTIES AND POLITICAL ORGANISATIONS  
(Paragraph 10(1))**

I, ..... do solemnly and sincerely declare that:

- (1) I am a citizen of: .....
- (2) My voter's registration card number is .....
- (3) I am the authorised representative of ..... a political party registered under section 137 of the Electoral Act, 2014 (Act No. 5 of 2014) and intend to participate in the elections.  
  
I am the authorised representative of ..... an political organisation registered under section 149 of the Electoral Act, 2014 (Act No. 5 of 2014) and intend to participate in the elections.
- (4) I will comply with and be bound by the provisions of the code of conduct.
- (5) I will ensure that as a political party or political organisation and its supporters, we will observe the code of conduct during campaigns and elections.
- (6) I make this solemn declaration conscientiously believing the same to be true.

Signed: .....  
Name: .....  
Subscribed to and solemnly declared before me at ..... this  
..... day of ..... 20.....

.....  
Commissioner of Oaths

\*delete whichever is inapplicable  
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