

National Democratic Institute



International Observation Mission

2008/2009 Bangladesh Elections

Final Report
June 2009

Final Report on the Bangladesh 2008/2009 Elections

National Democratic Institute for International Affairs

June 2009



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This NDI Final Report on the Bangladesh 2008/2009 Elections is made possible by the generous support of the American people through the United States Agency for International Development (USAID) Associate Cooperative Agreement Number No. 388-A-00-03-00095-00. The opinions expressed herein are those of the author(s) and do not necessarily reflect the views of USAID or the United States Government.”

NATIONAL DEMOCRATIC INSTITUTE FOR INTERNATIONAL AFFAIRS

The National Democratic Institute for International Affairs (NDI) is a nonprofit organization working to strengthen and expand democracy worldwide. Calling on a global network of volunteer experts, NDI provides practical assistance to civic and political leaders advancing democratic values, practices and institutions. NDI works with democrats in every region of the world to build political and civic organizations, safeguard elections, and promote citizen participation, openness and accountability in government.

Democracy depends on legislatures that represent citizens and oversee the executive, independent judiciaries that safeguard the rule of law, political parties that are open and accountable, and elections in which voters freely choose their representatives in government. Acting as a catalyst for democratic development, NDI bolsters the institutions and processes that allow democracy to flourish.

Build Political and Civic Organizations: NDI helps build the stable, broad-based and well-organized institutions that form the foundation of a strong civic culture. Democracy depends on these mediating institutions—the voice of an informed citizenry, which link citizens to their government and to one another by providing avenues for participation in public policy.

Safeguard Elections: NDI promotes open and democratic elections. Political parties and governments have asked NDI to study electoral codes and to recommend improvements. The Institute also provides technical assistance for political parties and civic groups to conduct voter education campaigns and to organize election monitoring programs. NDI is a world leader in election monitoring, having organized international delegations to monitor elections in dozens of countries, helping to ensure that polling results reflect the will of the people.

Promote Openness and Accountability: NDI responds to requests from leaders of government, parliament, political parties and civic groups seeking advice on matters from legislative procedures to constituent service to the balance of civil-military relations in a democracy. NDI works to build legislatures and local governments that are professional, accountable, open and responsive to their citizens.

International cooperation is key to promoting democracy effectively and efficiently. It also conveys a deeper message to new and emerging democracies that while autocracies are inherently isolated and fearful of the outside world, democracies can count on international allies and an active support system. Headquartered in Washington D.C., with field offices in every region of the world, NDI complements the skills of its staff by enlisting volunteer experts from around the world, many of whom are veterans of democratic struggles in their own countries and share valuable perspectives on democratic development.

Acknowledgements

NDI extends its gratitude to all of the members of the international observer delegations who volunteered their time and expertise, and each of whom contributed to the success of the mission. NDI also would like to thank the leadership group of the delegation, co-chaired by Howard B. Schaffer, former U.S. ambassador to Bangladesh, and the Honorable Audrey McLaughlin, former Member of Parliament and former leader of the New Democratic Party (Canada). The delegation leadership also included Larry Garber, former U.S. Agency for International Development (USAID) mission director for West Bank/Gaza, and Peter Manikas, senior associate and NDI's director for Asia programs. NDI would also like to respectively recognize Telibert Laoc for his contributions as the long-term observation coordinator and Mary Margaret Dinneen for her roles as the short-term observation coordinator. NDI fielded 60 credentialed observers, including long and short-term observers. The delegation consisted of political and civic leaders, regional and election experts, media specialists, and human rights activists from 20 countries in Africa, Asia, Australia, Europe, and North and South America.

NDI expresses deep appreciation to Bangladeshi political and civic leaders, government officials, election commissioners, poll workers and the NDI – Dhaka staff who facilitated the work of the delegations. Most important, NDI would like to thank the people of Bangladesh for their warmth and hospitality.

Several persons were involved in the preparation of this report. Samuel Frantz, Md. Shahidul Islam and Jacqueline Corcoran were responsible for much of the writing and research. We also express gratitude to Laura Grace and Telibert Laoc who reviewed several drafts of this report.

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List of Abbreviations

AL	Awami League
BCL	Bangladesh Chhatra League
BNP	Bangladesh Nationalist Party
BEC	Election Commission
CTG	Caretaker Government
EPO	Emergency Powers Ordinance
EPR	Emergency Powers Rules
EWG	Election Working Group
HC	High Court
JMB	Jama'atul Mujahideen Bangladesh
JP	Jaitya Party (Ershad)
LTO	Long-term observer
NDI	National Democratic Institute
RAB	Rapid Action Battalion
RPO	Representation of the People's Order
STO	Short-term observer
UNO	<i>Upazila</i> Executive Officer
USAID	United States Agency for International Development

EXECUTIVE SUMMARY

The following report by the staff of the National Democratic Institute for International Affairs (NDI) examines the parliamentary elections processes in Bangladesh, including the historical and political contexts in which the election took place, NDI's pre-election and election day observations, and the *upazila* elections and by-elections that followed in April 2009.

On December 29, 2008, Bangladeshis voted in the first parliamentary elections since 2001, returning the country to elected government following a military intervention in January 2007. With a record turnout of over 87 percent, Bangladeshis demonstrated their enthusiasm for the electoral process and delivered a clear popular mandate to the new parliament. Although the Awami League (AL) secured 49 percent of the total vote and the Bangladesh Nationalist Party (BNP) 33 percent, the AL won 231 of the 300 elected seats in parliament, giving it a sizeable majority. Nevertheless, based on the vote totals, it is clear that a significant segment of the electorate continues to support the opposition party.

In October 2006, the ruling coalition stepped down and transferred power to a caretaker government that was to oversee elections in January 2007. The AL, however, charged the caretaker government with bias, declared that the party would boycott the elections and organized general strikes to force a postponement. Mass unrest and violence between the two groups may have been averted when Bangladesh's military leaders, on January 11, forced the president to postpone the elections, declare a state of emergency and step down as head of the government. The new military-backed caretaker government announced an ambitious campaign of political reform to prepare the country for a return to democratic politics, including a pledge to hold local and national polls by the end of 2008. The interim government's accomplishments were mixed, although it succeeded in promulgating 122 new ordinances to be ratified later by the parliament. Despite criticism from the BNP, the Bangladesh Election Commission (BEC) generally earned a reputation for impartiality and competence through its consultations with political parties.

Pre-election violence was isolated and local in nature. Police, government officials and local party members worked effectively to prevent and contain campaign and election day violence. Post-election violence was similarly localized, except for serious incidents on the campuses of several universities.

The BEC should be commended for several important reforms. The commission produced a digitized voter list that was the most accurate in the country's history and contributed to the credibility and efficiency of the electoral process. It also completed the country's first comprehensive delimitation of constituencies since independence and enacted procedures that increased transparency in finances and fundraising.

NDI's 60 international observers were impressed by the overall conduct of the elections. Poll workers were committed, knowledgeable and present, and there was little evidence of fraud. Although there were processes that could be improved, observers saw no evidence of a pattern of infractions that would prejudice the elections. More than 181,000 domestic observers played an important role in providing additional oversight of the electoral process.

BACKGROUND

NDI is an independent, nonpartisan, nonprofit organization that has conducted more than 100 pre-election, election day and post-election observation missions around the world. In Bangladesh, NDI previously observed parliamentary elections in 1991, 1996 and 2001, as well as by-elections and local polls. NDI has worked in Bangladesh since 1988 and maintained an office in Dhaka since 1995. Financial support for the NDI observation mission was provided by the United States Agency for International Development (USAID).

The Institute's elections program consisted of three elements. In November, a pre-election assessment mission visited Dhaka to meet with key government officials, political party leaders and civil society representatives. The mission included Sam Gejdenson, former U.S. representative and current NDI board member; the Honorable Saumura Tioulong, member of the National Assembly of Cambodia; and Peter Manikas, senior associate and regional director for NDI's Asia programs. Also in November, NDI deployed 20 long-term observers (LTOs) from 13 countries to 10 districts across Bangladesh to report on political developments and election preparations. In December, the long-term observers were joined by a short-term observation delegation, for a total of 60 accredited observers. The NDI short-term delegation was co-chaired by Howard B. Schaffer, former U.S. ambassador to Bangladesh, and the Honorable Audrey McLaughlin, former member of parliament and former leader of the New Democratic Party of Canada. The delegation leadership also included Larry Garber, former USAID mission director for West Bank/Gaza, and Peter Manikas. The observation mission was supported by the NDI/Bangladesh field office, led by Senior Resident Director Jacqueline Corcoran.

NDI's field office in Bangladesh has worked to support a credible return to elected government since the January 11, 2007, military intervention. In addition to conducting the election observation, the Institute conducted political party outreach throughout the country to monitor developing issues with political parties and government officials, conducted a local voter registration dialogue program bringing together political party leaders and election officials to monitor the registration process, and held a series of dialogues with the political parties and election commission officials moderated by international experts on election-related issues. The Institute promoted the greater participation of women in political leadership and campaigns by initiating a women's alliance. The Institute also conducted a series of multi-party issue conferences for political and civil society leaders on strategies and challenges in developing policies that directly affected the citizens of Bangladesh in the areas of food security, parliamentary strengthening and women's political empowerment.

The 20 long-term observers arrived in Bangladesh on November 20. After two days of briefings in Dhaka, the LTOs divided into 10 teams and deployed to the following districts across Bangladesh: Rangpur, Rajshahi, Bogra, Faridpur, Barisal, Khulna, Mymensing, Sylhet, Comilla and Chittagong. From November 23 to December 24, LTO teams met with a wide range of Bangladeshis in their assigned districts, including election officials, security officials, local government officers, journalists, civil society organizations and voters. In total, NDI long-term observers held 249 meetings with political party leaders and candidates, 60 meetings with local election commission officials, 53 meetings with local media and 82 meetings with nongovernmental organizations (NGOs) in 78 constituencies. During these meetings, observers discussed the overall political environment and electoral preparations in their districts, and submitted weekly written reports to NDI in Dhaka. NDI shared the general content of these reports with representatives of the international community during the period leading up to the national election.

On December 24, the LTOs returned to Dhaka for individual and joint debriefing sessions with the NDI election team, prepared for re-deployment, and joined members of the short-term observation delegation who arrived on December 23-24. All long- and short-term observers received two full days of briefings on December 25 and 26 during which they met with electoral law experts, security advisors, senior representatives of all the major political parties, domestic observation organizations, human rights NGOs, the media, civil society representatives and members of other international observer missions. On December 27, observers were deployed in pairs to their assigned districts where they met with key officials.

On election day, NDI observers visited 185 polling centers to observe voting and, at the end of the day, the counting of votes. Four teams also observed the consolidation of results at the district returning officer level. On December 30, all observers returned to Dhaka for a formal joint debriefing and to prepare a preliminary statement, which was released at a widely-attended press conference on December 31. All observers departed Bangladesh by January 2, 2009.

The delegation was guided in its work by the *Declaration of Principles for International Election Observation*. These guidelines were endorsed by more than 20 organizations in an October 2005 conference at the United Nations. A copy of the guidelines was given to each delegate, in addition to the observer guidelines promulgated by the Bangladesh Election Commission, and all delegates were required to sign the accompanying pledge. In accordance with these principles, the delegation was tasked with looking at all elements of the election process rather than focusing narrowly on election day.

Following the December 2008 parliamentary elections, the NDI field office monitored post-election developments, including the January 22 and April 6, 2009, *upazila* (local sub-district) polls and the parliamentary by-elections in January and April 2009, and is currently working with members of the Ninth Parliament to consolidate Bangladesh's return to elected government.

POLITICAL AND HISTORICAL CONTEXT

Partition and Independence

For most of its history, the territory that is today Bangladesh was governed as the eastern part of a larger Bengal, which included much of the present-day Indian states of Assam and West Bengal. Rising British trading influence from the early 17th century culminated in the defeat of Mughal forces at the Battle of Plassey in 1757 and the imposition of British rule in Bengal. Upon the departure of the British in 1947, Bengal was split, with Muslim-majority areas forming East Pakistan and the remainder being incorporated into India. Pakistan itself was divided into East and West Pakistan, separated by miles of Indian territory.

Relations between East and West Pakistan quickly soured and Bengali nationalist sentiment hardened through the 1960s. In 1970, the Awami League, campaigning on a six-point platform for East Pakistan's autonomy, won a majority of the 300 seats in a national constituent assembly tasked with writing a new constitution for Pakistan. Opposing the Awami League's plan to turn Pakistan into a loose federation, President Yahya Khan refused to allow the assembly to sit, sparking riots in East Pakistan. On March 25, 1971, Yahya launched a bloody crackdown on East Pakistani dissidents, which was met by outright rebellion. Following a guerilla war and a decisive military intervention by India, East Pakistan gained its independence on December 16, 1971 and became Bangladesh.

Democracy Lost and Restored, 1971-1991

Elections in 1973 granted the Awami League and its leader, Sheikh Mujibur Rahman ("Mujib"), an electoral mandate. However, the problems facing the new republic were overwhelming. Amid growing opposition to his government, Mujib declared a state of emergency in December 1974 and suspended multiparty democracy. On August 15, 1975, a group of army majors assassinated Mujib and much of his family. Four months later, after the second of two coups within four days, General Ziaur Rahman ("Zia") emerged as the dominant figure. Zia restored the multiparty system and held presidential elections in June 1978. His new Bangladesh Nationalist Party (BNP) defeated the Awami League in polls marred by fraud and violence. President Zia was assassinated in Chittagong on May 30, 1981, in a failed coup attempt by a disaffected army general. Vice President Abdus Sattar succeeded Zia but was unable to contain factionalism in the army and his presidency was short-lived.

In March 1982, the army chief of staff, Lieutenant General H.M. Ershad, took power in a bloodless coup. Throughout his tenure, Ershad struggled to gain popular legitimacy; he had neither a historical pedigree nor a democratic mandate. By 1986, the normally fractious opposition was united in calling for Ershad's resignation. Their frequent strikes had little effect until late 1990, when the opposition launched a mass protest movement that finally culminated in the collapse of the Ershad regime. On December 4, 1990, Ershad announced his resignation. He handed the presidency to the chief justice, who in turn arrested Ershad and announced elections for February 1991.

The BNP, led by Khaleda Zia, the wife of deceased General Ziaur Rahman, was victorious in the 1991 polls. The BNP won 140 of 300 seats against the 100 obtained by the AL-led eight-party alliance. Ershad's Jatiya Party won 35 seats and Jamaat-e-Islami received 18 seats. Domestic and international observers reported that the polls were largely peaceful and free of major irregularities, and the results were accepted by all parties. That September, voters approved a constitutional

amendment to restore a parliamentary system with a strong prime minister and to relegate the presidency to an indirectly elected, largely ceremonial position.

The BNP in Power and the Caretaker Government Mechanism, 1991-1996

The BNP's first term was marked by escalating tension between the government and opposition, which resulted in a long opposition boycott of parliament, a boycotted election and, finally, a constitutional crisis. In 1994, the AL-led opposition adopted a strategy of disruption in an effort to force the government to step down and call early elections. In March, opposition lawmakers walked out of parliament and began a series of *hartals*¹ to press their demands. The opposition also demanded that the elections be administered by a neutral caretaker government rather than by Prime Minister Zia's government. The government rejected the demand for a caretaker government as unconstitutional and resolved to carry out its term.

Polls were held on February 15, 1996, amid an opposition boycott. The opposition refused to accept the results and organized a series of strikes and street demonstrations that paralyzed the country for five weeks. To end the crisis, the Sixth Parliament, controlled entirely by the BNP, passed an amendment to the constitution mandating that all future elections be held under a caretaker government. Prime Minister Zia resigned and dissolved the parliament. A caretaker government was installed under a former chief justice and elections were called for June 12, 1996. Having achieved its major demand, the opposition agreed to participate in the elections.

A record 74 percent of eligible voters turned out on election day. The elections were deemed open and transparent by domestic and international observers and were accepted by all sides. The Awami League fell just short of a majority of parliamentary seats and, with the support of the Jatiya Party of former president Ershad, was able to form the government. Former Prime Minister Khaleda Zia became leader of the opposition.

Drifting Toward Crisis, 1996-2006

After the 1996 elections, Bangladesh again drifted into a period of perpetual partisan confrontation that would eventually result in a military intervention in early 2007. A defining dynamic of politics under both the Awami League-led government of 1996-2001 and the BNP-led government of 2001-2006 was a high-stakes, winner-take-all approach that shaped relations between government and opposition. In a recurring pattern, the ruling coalition would refuse to allow meaningful debate in parliament or opposition input into policy. This would trigger an opposition walkout and lengthy boycott of parliament, in addition to often violent opposition-sponsored *hartals* aimed at disrupting daily life and governance so as to force concessions from the government. Meanwhile, deepening corruption, mounting political violence and poor governance undermined law and order and delivery of basic services. Competent macroeconomic management allowed the Bangladesh economy to attain respectable growth rates, although *hartals*, political uncertainty, corruption and a worsening electricity shortage kept growth below potential.

International and most domestic observers pronounced the 2001 parliamentary elections, in which a four-party coalition led by the BNP took more than two-thirds of the seats, as reasonably free, fair and

¹A *hartal*, though often translated as "general strike," is in fact an enforced shutdown by a political party of the nation's transportation networks and economic life. Buses, cars and businesses that operate when a *hartal* has been declared risk being attacked by party enforcers.

peaceful. The Awami League, however, rejected the results and denounced the BNP government as illegitimate throughout its five-year tenure.

The 2006-07 Crisis and State of Emergency

Under the caretaker government (CTG) mechanism introduced by constitutional amendment in 1996, upon resignation of the government and the announcement of elections, the president is to appoint the most recently retired chief justice of the Supreme Court to head the CTG as the chief advisor (CA) and oversee the polls. However, in 2005 the BNP-led government had amended the constitution to raise the mandatory retirement age for justices from 65 to 67. This move came despite strenuous objections from the opposition that suspected the BNP of raising the age limit in order to allow Justice K.M. Hasan, a former BNP politically-appointed ambassador, to qualify as the last-retired chief justice. When President Iajuddin Ahmed invited retired justice Hasan to head the CTG in October 2006, the Awami League-led opposition launched street protests that resulted in more than 25 deaths. To defuse the crisis, Hasan declined to take the post.

If the most recently retired chief justice is unable or unwilling to head the CTG, the constitution specifies an ordered list of officeholders whom the president shall invite. If none of these people is available, the last resort is for the president to assume the post. However, following Hasan's demurral, President Ahmed disregarded the constitution and appointed himself as chief advisor. Ahmed, having been elected by the BNP government in 2002, was viewed as even more clearly partisan than Hasan. Again, the opposition objected and threatened to boycott the polls.

Inter-party violence mounted through December 2006 and into the new year. On January 3, 2007, the opposition announced that it would not participate in the elections and began a series of street actions to prevent them from taking place at all. NDI, the International Republican Institute (IRI), and the European Union (EU) suspended their election observation missions on security grounds, and the UN suspended technical support to the Election Commission.

On the morning of January 11, 2007, beginning what the *Economist* would dub "the coup that dare not speak its name," the chiefs of staff of the Bangladesh military met with President Ahmed. That afternoon, Ahmed announced a dusk-to-dawn curfew in the major cities. It was unclear whether the military was poised to suppress the opposition protests or to meet the major opposition demand and postpone the polls. Late in the evening, in a televised speech, President Ahmed declared a state of emergency, indefinitely postponed the elections, and announced his resignation from the post of chief advisor. The other advisors – who are appointed by the chief advisor to form the cabinet for the caretaker government – followed suit, and the following day the president appointed Fakhruddin Ahmed, a well-respected former governor of the Bangladesh Central Bank, as the new CA.

A Military-backed Civilian Government, 2007-2008

On January 12, 2007, President Ahmed, backed by the military, promulgated the Emergency Power Ordinance, 2007 (EPO), which granted the caretaker government extensive powers of rulemaking and detention, and granted indemnity to the government and its agents working in "good faith" under the powers of the EPO. On January 25, 2007, the President issued the Emergency Powers Rules, 2007 (EPR), which specified offenses and punishments under the EPO. The EPR banned political rallies, restricted indoor political meetings, restricted news broadcasts and print journalism, and defined the government's powers to investigate alleged corruption.

The new caretaker government announced an ambitious agenda that included reducing corruption at all levels of government, improving law and order, and restoring parliamentary democracy by holding new elections. Although the CTG initially enjoyed broad public support, having allegedly averted a national crisis through its intervention, individual parties retained their grassroots organizational support. When in February 2007, Grameen Bank founder and Nobel laureate Muhammad Yunus attempted to form a political party, the public's reaction was ambivalent and he quickly withdrew from the political arena. Similarly, attempts by others to form third parties and encourage reformist elements within the political parties were ultimately unsuccessful. In addition, the government became vulnerable to popular concern over its inability to control steady increases in the price of food and other essentials due to worldwide economic factors.

The caretaker government initiated major reforms, reconstituting the Election Commission, the Anti-Corruption Commission and the Public Service Commission. It framed new laws to tackle corruption, ratified the United Nations conventions against corruption and formed a National Human Rights Commission. The judiciary was also separated from the executive body of the government, and a Supreme Judicial Council was established for vetting and appointing the country's senior judges. The Election Commission crafted new party registration rules and a new electoral law, redrew parliamentary constituencies, and held local (mayoral and municipal) elections.

Through the spring and summer of 2007, numerous senior party leaders were arrested on corruption charges, including Sheikh Hasina in June and Khaleda Zia in September. This became widely known as the "minus-two" strategy. Eventually, Hasina was released on parole and left Bangladesh in June 2008 for medical treatment. Zia was not released on bail until September 2008 and did not leave the country between her release and the elections. By fall 2008, it became clear that the "minus-two" strategy had failed, and the caretaker government was engaged in technical preparations for elections while entering into difficult negotiations with the resurgent parties over the scope of electoral reform and conditions under which the national polls would be held. Many of the previously-arrested former MPs and political leaders charged with corruption were released from detention, diminishing public confidence in the anti-corruption drive.

ELECTION ADMINISTRATION

Election Commission

The Bangladesh Election Commission (BEC) consists of the chief election commissioner and such other election commissioners as the President may appoint -- currently two additional commissioners -- for five-year terms. The BEC is responsible for all election preparations, including establishing the election schedule, delimiting constituencies, registering political parties and maintaining voter rolls. The commission is designated as an independent body in the constitution, but the appointment of key personnel is controlled by the prime minister or, in the case of the recent caretaker government, the chief advisor. Under the constitution, commissioners can be removed only due to mental or physical incapacity or gross misconduct. The BEC also has wide-ranging powers to call upon other citizens and government agencies for assistance. For example, polling staff have traditionally been selected from the Bangladesh civil service and, in previous elections, voter registration workers have usually been government schoolteachers.

Following the January 2007 military intervention, the new caretaker government replaced the commissioners appointed by the previous government with a chief election commissioner and two additional commissioners. Confidence in the impartiality and expertise of the BEC is important to the ability of the country to hold an election acceptable to the voters and political parties. The perception of bias or inefficiency may seriously erode confidence, not only in the electoral process but also in the electoral outcome.

The new election commission was highly regarded by most observers of Bangladesh's electoral process, although it was criticized by the BNP for inviting a breakaway faction of the party to attend a series of dialogues the commission was conducting with the political parties. The main faction of the BNP interpreted this as BEC bias. Although the commission acknowledged that the invitation was a mistake, some in the BNP remained doubtful of the BEC's motives. Nevertheless, there is general agreement that the new commission was a substantial improvement over those of the past, which had been viewed as highly politicized.

The present commission's frequent consultations and negotiations with political parties on the election process and proposed reforms were crucial to building the confidence of the parties and preventing the major parties from boycotting the polls. However, on several major issues, including constituency delimitation and the power of the BEC to cancel candidatures, the parties and BEC did not reach agreement. Nevertheless, it appeared that involving the parties in the process, and taking their views seriously in setting policy, managed to build sufficient public confidence in the elections to forestall any effort to disrupt the polls.

Recruitment and Training of Polling Officials

For each constituency, the BEC appoints returning officers and assistant returning officers to administer the polls. The returning officer, usually a deputy commissioner, is responsible for appointing subordinate polling officials, preparing a list of polling stations and consolidating (tallying) final results after ballots have been cast. Each polling station is managed by a presiding officer, who is assisted by several polling officers in charge of individual polling booths. Presiding officers are selected from among Class I civil servants from outside the district in which they serve on election day.

For the 2008 parliamentary polls, the government continued Bangladesh's tradition of rotating district and sub-district civil servants and security officials in the pre-election period. This is done to ensure that officials responsible for the election are impartial.

Observers generally noted that shifting polling officials from their home constituencies -- in addition to the fact that they were occupied with their duties during the entire election day -- resulted in the vast majority being unable to cast their own ballots. This was also the case for polling day security personnel, and there was no provision for distribution of ballots to prisoners.

Absentee (or postal) ballots are permitted in Bangladesh, but few voters were aware of provisions for postal voting and, among those who were, many did not avail themselves of the opportunity due to a general sense that the process was too cumbersome and the votes unlikely to be counted. Under Bangladesh's electoral law, voters eligible for postal voting must apply in writing to their home constituency's returning officer within 15 days from the BEC's issuance of a formal election calendar, specifying their name, address and serial number in the electoral roll. Polling staff must apply as soon as possible after their appointment. Most returning officers received only a handful of applications for postal ballots, indicating that the vast majority of eligible postal voters did not exercise their franchise.

The election commission conducted six divisional trainings of polling officials, which in many cases was reflected in an improved general understanding of polling procedures from that observed during the earlier city corporation and municipal elections in August. However, observers noted that training of polling staff was not very interactive and did not use props, such as mock polling stations, that might have helped officials retain more information and feel confident in their skills. Although the one-day training sessions could have been more intensive for the many polling officials serving for the first time, observers noted that election officials and polling staff were generally knowledgeable and committed.

Candidate polling agents also were present at the majority of polling stations observed. In nearly all cases, candidate agents acted appropriately, did not interfere in the electoral process, and were not seen to intimidate voters or other party agents. Throughout the country, observers took notice of the collegial relationship among candidate agents from opposing parties. Generally, candidate agents were allowed to observe all steps in polling, counting and tabulation.

Nevertheless, minor election administration problems were identified by observers. There were an insufficient number of polling booths at some stations, resulting in lengthy waits to vote. At some polling stations, all of which had multiple booths, some voters had trouble finding their proper booth, resulting in widespread voter confusion at these stations. In addition, the realignment of polling stations as a result of the constituency delimitation process created confusion among voters in many areas in locating their proper polling stations.

ELECTORAL REFORMS

Party Registration

The 2008 amendments to the Representation of the People Order (RPO) 1972, Bangladesh's electoral law, included for the first time compulsory registration of parties. The law also requires parties to adopt procedures for democratization of internal decision-making through regular party elections and transparency in finances and fundraising. It also imposes a 33 percent minimum quota for women in all party decision-making bodies.

To qualify for registration, parties were required to have district offices in at least 10 administrative districts, in addition to offices in at least 50 *upazilas* (sub-districts), or have secured at least one seat or 5 percent of total votes cast in a constituency in any parliamentary election held since the independence of the country. In addition, the new RPO contained several new requirements affecting internal political party operations, including a requirement that candidates be nominated from lists of candidates produced by local party officials, and that political parties formally disassociate from student and labor wings of their parties. Party constitutions were required to be amended to conform to all of the relevant RPO provisions.

While some political parties expressed concern with the level of information and documentation required, others indicated that the regulations generally sought to encourage openness and transparency in the political process. Although there were some delays in meeting the final deadline for party registration due to party requests for extensions, 39 political parties met the registration requirements and 38 actually contested the elections. The 33 percent provision for women's participation in party committees was subsequently relaxed through negotiations between the political parties and the BEC to become an aspirational goal in the short-term with a fixed deadline to meet this requirement by 2020. Most parties did not find it difficult to meet the official office requirements, which nevertheless served to reduce the total number of political parties competing in the election.

Candidate Nomination and Withdrawal

As mentioned above, a condition of registration was that parties nominate their candidates from lists prepared by local party officials. To meet this requirement, the major political parties sought nominations from their grassroots party committees, although in many cases these nominations were overruled by the party leaders in Dhaka and other nominees selected in their place. Whatever the result of this process, the grassroots nomination system provided a mechanism for communicating local preferences to national leaders, even if the preferences were not always respected.

The new RPO also provided that candidates would be disqualified unless they were nominated by a registered political party or filed as an independent candidate, the latter requiring 1 percent of eligible voters' signatures in their constituency. The RPO further required parties to inform the election commission of their single preferred candidate in each constituency. In practice, the BEC permitted the parties to rank their selections in order of preference, which was communicated to the local returning officers during scrutiny of nominations.

The candidate nomination process can be contentious and has sometimes been a source of violence in Bangladesh. In many instances, local party officials came to Dhaka to hold rallies outside their respective party headquarters in favor of their preferred nominees. In addition, some Awami League

members allegedly were opposed to the party's decision to ally with Ershad and grant his Jatiya Party some 50 nominations, particularly those who were bumped from their constituencies in favor of Jatiya Party candidates. The alliance between the Awami League and Jatiya Party remained fragile even in the final days preceding the elections as some local Awami League activists continued campaigning in favor of their party candidate in constituencies designated by the grand alliance for a Jatiya party nominee.

In many constituencies, the parties nominated multiple candidates to ensure that at least one would survive BEC scrutiny, and to buy time to negotiate their final candidate lists. This new selection process also discouraged multiple candidates claiming to represent a particular party, and may have allowed parties to prevent some of their candidates from running as independents and thereby splitting the party ticket. Some candidates reportedly signed resignation letters to allow the party's central committee to take the final decision on nominations, a process that also provided a ready means for the party to quickly enforce an election boycott through a mass submission of candidate resignation letters.

Although parties were to have withdrawn their multiple nominations by the nomination deadline, this did not occur in all constituencies, where some candidates either refused to withdraw once they had been given the party symbol or were encouraged to remain in the race pending final negotiations between alliance members. Withdrawal of nominations continued throughout the scrutiny process.

Candidate Scrutiny

Subsequent to the candidate filing deadline of November 30, the election commission began a two-day scrutiny period during which it reviewed the candidates' filing papers against the regulatory requirements for nomination under the new Representation of the People's Order 1972 (as amended in 2008).² During the scrutiny period, BEC officials examined information required to be submitted by each candidate on a 16-page form disclosing tax, asset and income information. The election law provided that prospective candidates could be disqualified if they had been convicted of a serious crime, if they defaulted on a loan, or failed to pay a telephone, gas, water or "any other bill of any government service providing organization." In a widely publicized effort to ensure these provisions were enforced, banking representatives were sent to local constituency election offices with candidates' records in hand to prove to election officials whether a candidate was a loan defaulter. The central bank warned the banks and financial institutions concerned of punitive actions in case of negligence in discharging this duty. The BEC also issued circulars directing utility service providers to send their representatives with information on bill defaulters during the scrutiny.

In addition to loan defaulters, nominations of several political leaders were rejected because they had been convicted under the Emergency Powers Rules³, plunging the AL and BNP into deep crisis as the

² Section 12 of the new law authorizes the BEC to disqualify candidates if, for example, they have been convicted of a crime of moral turpitude within the previous three years for which a sentence of over two years has been imposed, or are in default on any bank loans or utility bills, or have held a government office or been the CEO of a non-profit organization unless three years has elapsed since such service. Under the new law, any candidate aggrieved by a decision either to accept or reject a nomination may appeal to the BEC, whose decision on the matter is deemed final.

³ Any person penalized under the Emergency Powers Ordinance provisions of 2007 was specifically barred from being a candidate for the parliamentary election, even pending appeal, and the courts were prevented from staying a lower court conviction while an appeal was pending.

scrutiny process left the parties without an official candidate in at least 18 constituencies. In some constituencies, even the back-up or independent candidates loyal to their respective electoral alliances were declared unfit to contest the polls.

The election commission's returning officers scrutinized a total of 2,460 nomination papers filed by candidates. A total of 557 candidates were rejected, at least 76 as loan defaulters. Nearly half of the candidates rejected – a total of 267 – filed appeals to the BEC and 119 were cleared by the BEC after their appeal hearings. Another 21 individuals who initially had their nominations rejected by the BEC were eventually reinstated by the High Court.

In the end, appeals and petitions related to candidate nominations, coupled with later decisions by the Supreme Court to reinstate many candidates, created considerable confusion and resulted in the BEC ordering over four million ballot papers to be reprinted very close to election day. Nevertheless, the BEC succeeded in being prepared for election day and the electorate was presented with many fresh candidates not tainted by allegations of corruption. In addition to 161 first-time elected members of parliament being voted into office, the December 2008 election also saw a record number of women candidates (88), 55 of whom qualified as candidates and 19 of whom won their elections.

Campaign Finance

Candidates who spend large sums securing nominations from their parties and in the campaigns themselves have frequently recovered these expenses through graft and other forms of corruption. Campaign expenditure limits have been ignored by candidates and election officials alike, perhaps, in part, because they have been set unrealistically low.

Revisions to the RPO in 2008 attempted to address some of these concerns. First, the expenditure limit per candidate was tripled to 1.5 million taka (US \$22,000). In addition, parties were required to keep careful records of receipts and expenditures and disclose donations above 5,000 taka (US \$75). The BEC employed a general rule of five taka per voter, but nevertheless set ceilings as follows: Total expenditure by a party with more than 200 candidates was capped at 45 million taka (US \$660,000). Expenditures for parties with between 100 and 200 candidates were limited to 30 million taka (US \$440,000), and parties with 50 to 99 candidates were limited to 15 million taka (US \$220,000). Those with fewer than 50 candidates were limited to expenditures of 7.5 million taka (US \$110,000). Violations were punishable by a fine of up to one million taka (US \$14,700).

All parties were required to maintain bank accounts for their campaign expenditures and to submit account statements to the BEC within 90 days of the publication of the final election results or face possible fines. The higher expenditure limits were criticized by the parties as still unrealistically low in a country where the cost of some candidates' campaigns is estimated in *crores* (tens of millions of taka) rather than *lakhs* (hundreds of thousands), and that the new deadlines encouraged candidates and parties, as well as the BEC, to ignore the limits.

As of the March 31 deadline, the Awami League, BNP and Jamaat had all filed required campaign financial reports with the Election Commission claiming their expenditures were within the legal limits. The Awami League said its spending was well within the 45 million taka limit for its 263 candidates, claiming expenditures of 40 million taka (\$588,000); the BNP submitted returns for 44.9

million taka (\$660,000) for its 259 candidates; Jamaat submitted 7.5 million taka (\$110,000) for its 38 candidates; and Jatiya party had yet to submit its report.

As of March 31, 25 of 38 registered political parties had managed to meet the deadline. The BEC announced that it would grant a one-month grace period for any party that had not yet submitted its reports and an additional 15-day extension upon payment of a 10,000 taka fine. A party failing to submit its reports within the extension period would face cancellation of its registration altogether. As of early April, the BEC warned nine parties that it would file legal action against them if they did not submit their election reports by the end of April. Among the parliamentary parties potentially affected would be Jatiya Party, Jatiya Samajtantrik Dal, and the Liberal Democratic Party. In addition, the BEC has refused to accept the one-page expenditure report submitted by the BNP, terming it “incomplete,” and has given the party until April 30 to resubmit a complete report.

On April 6, 2009, Transparency International Bangladesh (TIB) released a study of campaign expenditure reports in which at least 87 percent of 2008 parliamentary candidates are said to have exceeded the expenditure limits set by the BEC, spending on average 4.4 million taka (US \$65,000), nearly three times the limit of 1.5 million taka (US \$22,000) per candidate.⁴ Only 13 percent of elected MPs kept their electoral spending within the fixed ceiling, according to TIB research. The BEC has recently decided to employ chartered accountants to audit and verify candidate statements of expenditures.

⁴ The TIB report, entitled "Ninth National Parliamentary Polls' Process Observation," was prepared on the basis of a survey of 88 candidates from all six divisions, 36 of whom were nominated by AL, 36 by BNP, five by Jatiya Party, three by Jamaat-e-Islami, one by Zaker Party, and seven independents. Forty of the surveyed candidates became MPs, whose names TIB did not disclose. The surveyed candidates on average spent 4,420,979 taka, while the BEC's average stipulation was 1,315,120 taka. The highest spending by a single candidate was 28.1 million taka while the lowest was 43 million taka, the report says. On average, AL candidates spent 3,567,321 taka, BNP candidates 5,211,020 taka, Jamaat-e-Islami candidates 5,615,961 taka, Jatiya Party candidates 5,131,750 taka, and independent candidates 4,074,300 taka.

Campaign Code of Conduct

An expanded campaign code of conduct issued by the BEC in September 2008 prohibited several campaign tactics used in previous elections. Candidates' posters could not use depictions of people other than the candidate and party chairperson. In practice, this was a ban on depictions of Sheikh Mujibur Rahman and Ziaur Rahman, small portraits of whom had appeared on the posters of AL and BNP candidates, respectively. A ban on color posters meant to limit the cost of campaigning, but widely ignored in previous elections, remained and was generally followed.

Parties were also required to obtain written permission before holding rallies or processions and to inform local police at least 24 hours in advance of such events. Understanding of the exact notification requirements was uneven among local party and security officials. Mayors and ward councilors – who since August 2008 had been formally non-partisan despite retaining, if informally, party affiliation – were prohibited from campaigning on behalf of a candidate or political party.

For the first time, the code of conduct provided specific penalties for code violations by candidates or parties: up to six months in jail or a 50,000 taka (US \$750) fine, or both. Some party members viewed the code of conduct as unrealistic and argued that if it were strictly applied, the election commission would be forced to disqualify nearly all candidates.

Minor violations of the code of conduct were alleged against various political party candidates. Among the more common violations were use of microphones outside the hours of 2:00 P.M. to 8:00 P.M., hanging of oversized campaign posters and posters appearing within 400 yards of polling stations. Allegations and media reports of vote buying and distribution of “gifts” by candidates, although common, were difficult to verify. In an International Republican Institute exit poll of over 18,000 voters, 93 percent of those polled said they had not been approached by any candidates, their surrogates or a political party offering them a gift, favor, food or money to attempt to persuade a vote in their favor.

The code of conduct permits the BEC to send any complaint of violation to an Election Inquiry Committee at the district level for investigation, and could instantly instruct the elections officials or law enforcement to take appropriate measures to enforce the law. While the election commission monitored these alleged violations, issuing repeated statements in the news media citing reported violations and warning against further misconduct, it was too understaffed during the election period to formally address code of conduct violations. Election complaints filed with the *Upazila* Nirbahi (executive) Officer (UNO) or to district officials were often handled locally and informally. In at least some *upazilas*, the UNO convened “vigilance teams” to observe the election process and “monitoring teams” comprised of party members and government officials to promote understanding of the election code of conduct.

The Election Commission distributed the code of conduct to all candidates filing nomination papers. However, a range of party members, the media and civil society groups expressed interest in reviewing the code to ensure broad understanding of electoral rules. Although the code was available on the BEC website, broader print distribution would have ensured wider understanding of its contents.

Cancellation of Candidacy

A controversial provision of the new RPO was section 91(E), which permitted cancellation of candidacy if the BEC received information from any source, verbal or written, that any contesting candidates or their agents knowingly or intentionally violated the RPO or Code of Conduct. The clause further provided that, if the BEC was satisfied that the report was true, it could cancel the candidacy, send notice to the candidate and the local election officials, and publish the order in the official gazette in any manner the commission saw fit.

No specific requirement existed in this section for a pre-cancellation hearing in which the candidate could contest the allegations, or for an appeal against the commission's findings. Moreover, Sections 92 and 93 of the RPO specifically prohibited litigation or court jurisdiction to hear a case questioning the legality of any action taken in good faith by or under the authority of the commission.

This provision, in particular, was criticized by the political parties as granting excessive discretion to election officials. In the end, no candidacy was cancelled by the election commission.

VOTER REGISTRATION AND EDUCATION

Voter Registration

Voter registration was a highly visible project that came to symbolize good election administration, much as in 2006-2007 the well-documented flaws in the then-existing voter list undermined the chances of holding a credible election at that time. By contrast, the 2008 voter registration list was widely considered to be the most accurate in Bangladesh's history. The voter registration project was conducted by the BEC with substantial technical assistance from the military and financial support from the United Nations Development Programme (UNDP) and other international donors.

Several procedural changes contributed to the accuracy of the list. For the first time, the list was computerized, allowing officials to screen for duplicate entries, which were the main source of error in the list prepared for the deferred 2007 polls. The voter roll contains photographs of each voter to aid poll workers in identifying voters on election day and election officials in updating the list. In its final form, the list of 81,058,698 names was consistent with census estimates of age-eligible voters.

In previous elections, the voter roll lacked photographs, and party agents, who are normally from the local area, bore primary responsibility for verifying the identity of would-be voters. In this election, polling staff were instructed to compare the photograph on the voter roll with the face of prospective voters. Party polling agents provided an additional safeguard.

There was some question as to whether party poll agents were entitled to a photo-voter list; instead the BEC allowed political parties and candidates to purchase a CD copy of the voters list, without voter photographs, for 500 taka. Parties complained that not having access to a paper copy of the photographic list hampered their ability to scrutinize entries, and that the cost of duplicating the CD-version was prohibitive for all of the approximately 36,000 polling stations.

It bears mentioning that the 2008 voter list excluded anyone turning 18 after January 31, 2008, and that the recent deadline of January 31, 2009, to update the voter list was not met, potentially excluding a large number of eligible voters from participating in both the 2008 parliamentary election and the 2009 parliamentary by-elections and *upazila* polls.

Identifying Voters on Election Day

In conjunction with the voter registration process and development of the photo-voter list, the government began the process of issuing national identity cards, the first official identity document that many Bangladeshis have ever possessed. These national ID cards were issued to registered voters prior to the election, and the present government has now vested the election commission with the authority to continue this process.

A great source of pride to citizens, the national ID cards were presented by many voters on election day as evidence of their voter status, even though voters in Bangladesh are not required to present any form of identification to cast a ballot. There was fear that party agents would tell voters who came without cards that they could not vote. In any case, fears of widespread abuse resulting from the issuance of the ID cards were not realized.

In both the August city corporation elections and December 2008 elections, there was confusion among voters and polling officials alike regarding whether the credential was a national ID card or a voter ID card, whether voters were required to present their national identification cards in order to cast a ballot, and why the national ID number did not correspond to the voter serial number on the voter roll.

Since the voter list is organized by serial number and not by name, each voter is required to present his or her serial number to the polling official corresponding to where his or her name appears on the voter list. Although voter lists were generally available in local election offices to allow voters to verify their names and registration details, it was unclear whether voters were widely aware of their right to view the list and it is doubtful that many took advantage of the opportunity.

Instead, as has been common practice in Bangladesh elections, political parties tried to speed up the voting process by setting up tables outside polling stations to provide voters with a slip of paper listing their serial number. Often, a candidate's photo, name and party symbol were also printed on the slip. Most voters stopped at a party table before entering the polling station and the BEC and polling staff relied on the parties to provide this service. As a result, campaign material was frequently scattered on the floors of polling booths and ballot secrecy was compromised when voters presented their serial number to election officials on pieces of paper stamped with candidate identities and party symbols.

These issues were raised in consultative group meetings with international observers and with the election commission prior to the parliamentary election. By the time of the parliamentary election, however, none of these matters was resolved fully, resulting in some reports of voters being denied access to balloting, although observers saw no evidence that the parties abused their position. However, the BEC's continued reliance on the parties as intermediaries in the voter identification process increased the potential for political manipulation and disruption.

Domestic Observers

While the current election commission shared the commitment of earlier commissions to accommodate domestic observers, it imposed regulations that overregulated monitors in a manner that did not comply with international standards. The guidelines viewed monitors as agents of the commission rather than as a check on the electoral process as a whole. For example, they stated that "domestic election observation is conducted to provide the commission unbiased information about the conduct of the elections that it may not receive from any other source." International standards now widely used throughout the world conceive of domestic monitoring as primarily serving the broader public and providing impartial information on every aspect of the election, including the workings of the election commission. The impartiality of the monitors and the public confidence in their findings are jeopardized if they are viewed as too closely linked with those responsible for the conduct of the elections.

The BEC invited domestic and international stakeholders to comment on the proposed domestic observer guidelines and made substantial revisions that recognized the independence of observers. The revised domestic observer guidelines stipulate that observers must be at least 25 years of age and hold at least a secondary school certificate. While intended to improve the quality and credibility of domestic observation in the face of party allegations of political bias on the part of domestic observers, the requirements prevented some observer groups from recruiting the number of observers

they had planned. Traditionally, the youth demographic has been the best source of observers. Absenteeism among young observers is also thought to be lower.

The largest contingent of domestic observers was fielded by an umbrella organization of 32 domestic observer groups called the Election Working Group (EWG), a national civil society coalition supported by the Asia Foundation (TAF). In total, EWG member organizations planned to deploy approximately 178,000 election day poll-watchers, or one per polling booth. The actual number deployed (on the basis of observer forms submitted to the EWG secretariat) is approximately 146,000. At least one EWG partner said it would be difficult to deploy observers because of an insufficient budget to transfer them outside their home *upazilas*, as required by the initial BEC regulations. Observers deployed outside their home *upazilas* require support for transport, lodging and other expenses. The BEC ultimately revised these guidelines just a few days prior to the election to allow EWG observers to watch polling anywhere except in their home unions, by which point observers had been recruited and trained in the expectation of being able to observe in their home unions and cast their vote at the start of election day. While some observers declined to observe on the basis of the union ban, domestic observers were present at the majority of polling stations observed, notwithstanding the challenges.

In conversations with observers, numerous officials in the parties, government and civil society questioned the neutrality and credibility of domestic observer groups. Newly-promulgated domestic observer registration guidelines required that deputy commissioners in their capacity as returning officers post the names of individual observers for candidate review, with summary removal of any individuals to which any candidate took exception. The election commission also circulated a list of organizations that passed its preliminary assessment of the qualification of domestic observation organizations, including their capacity to field observers. Any organization to which political parties objected were subject to a review panel of election commissioners, with provision for the objecting party to state its objection and for the affected organization to respond—with the support of legal counsel if desired.

The Awami League and the BNP raised formal concerns with the election commission against 24 of the domestic observer organizations seeking accreditation. Several EWG organizations were objected to by the Awami League and BNP, and the EWG engaged a lawyer to argue on behalf of those to which political parties objected. In the end, the Fair Election Monitoring Alliance (FEMA), which had left the umbrella EWG organization, was the lone exception in being denied accreditation pursuant to Article 91 (c)(1) of the electoral law, which requires election observers to be in no way associated with, or affiliated to, any political party or contesting candidate and who are not known for their “sympathy, direct or indirect, for any particular political ideology, creed or cause or for any manifesto, program, aims or object of any political party or contesting candidate.”

FEMA strongly objected to the denial of its accreditation under Article 91 (c)(1), which it argued applied only to individual observers and not to organizations. FEMA also stated that it had been preliminarily approved by the election commission on November 14, 2008, along with approximately 120 other organizations. Although both the Awami League and BNP objected to the accreditation of FEMA, following a BEC hearing on November 24, 2008, political party objections against FEMA were lifted. Nevertheless, the BEC did not register FEMA, alleging that its president was a partisan person, which FEMA denied, asserting that he was only briefly associated with a political party and had publicly resigned from his party position and membership over a year and half earlier. On December 6, 2008, FEMA filed an appeal to the BEC to review its registration and the BEC rejected

the appeal on December 13, 2008. On December 18, 2008, FEMA filed a writ petition in the High Court, which held that, pending a hearing, the election commission could reconsider the case of the petitioner as an election observer, which the BEC declined to do. On December 23, 2008, a week prior to the election, FEMA held a press conference outlining the events above and announcing that it would drastically scale back its observation planning, but nevertheless would observe independently, although it would not be able to observe the polling and counting process on election day.

The government considered suspending mobile phone networks on election day. Although the government's proposal was designed to deter organized attempts at fraud and interference in the election process, it also would have made it more difficult for candidates, party polling agents and civil society organizations to rapidly share information on the election, including polling station results. However, 24 hours before the polls opened, the government announced that mobile phone use would not be prohibited.

An EWG post-election survey found that almost 90 percent of voters who had seen domestic observers at polling centers believed that their presence raised confidence in their ability to vote safely and in the prospect of votes being accurately counted.

Civic and Voter Education

Official and private voter education efforts were also limited in scope and visibility. Observers frequently heard from party members and election officials that voters were already aware of the election and electoral procedures, and consequently there was no need for extensive voter education. Other party members and officials argued that broad civic education would be in vain as voters would continue to vote for the party symbol, not the candidate.

Observers were not especially struck by comprehensive voter awareness campaigns, in spite of several international donor-funded civic education efforts occurring simultaneously in the months and weeks prior to the elections through the print and electronic media. The Election Working Group produced four voter guides on priority electoral issues and accountability (informed by a national survey), women's issues, youth issues and political party manifestos; produced four public service announcements (PSAs) for television and radio broadcast, and convened 500 local accountability committees that organized candidate debates and town hall meetings around the country.

Other activities included national distribution of NDI's party poll agent manuals, national media publication of each candidate's detailed profile by major newspapers (*New Age*, *Daily Star* and others), and UNDP's voter registration and ID television education series. In addition, the election commission encouraged voter turnout through television, radio and print media, and Grameen Phone sent text messages to all its customers encouraging support for honest candidates.

A post-election survey conducted by EWG reportedly found that 80 percent of respondents had seen at least one of the public service announcements. Among those who did, 82 percent believed that the PSAs helped voters understand their rights and increased political awareness. Almost 75 percent saw the first voter guide on parliamentary election issues and accountability, while 64.5 percent saw the guide on political party manifestos. Forty-eight percent had heard about EWG accountability committees.

PRE-ELECTION ENVIRONMENT

Municipal Elections

On August 4, 2008, the government held overdue elections in four city corporations and nine municipalities under the state of emergency. The polls were the first elections held under the new election commission and generally were seen as a trial run for parliamentary polls. A nationwide police sweep and reported arrests of anywhere from 20,000 to 40,000 alleged local criminals just prior to the elections made international news and was viewed as a law and order crackdown to ensure peaceful elections.

Although the political parties initially opposed any elections prior to the parliamentary elections, and the BNP officially announced it would not participate in the city corporation elections, politically the polls underscored the resilience of the two major parties. City corporation and municipal elections are non-partisan by law, although nearly all of the 278 candidates held party posts and were informally nominated and backed by major parties. Candidates backed by the Awami League won all of the mayoral elections to the four city corporations, while BNP-supported candidates won a majority of the city corporation council seats even though the BNP announced it would not participate in the election. Of the total 118 city council posts, the AL won 37, BNP 53, Jamaat-e-Islami four, Jatiya Party two, with the Workers Party and Communist Party taking one seat each. The 20 remaining posts went to independent candidates.

International and domestic observers were generally positive about the technical conduct of the polls. Voting at most locations went smoothly, and the quality of the voter registration list – completed for the city corporations and municipalities in which the elections were held – was believed to have been much better than in previous elections. Although there were reported inconsistencies in the knowledge of officials and voters in different polling locations, and in the ability of polling officials to quickly locate voters' names in the registration list, the general environment was peaceful and the overall conduct of the election was considered satisfactory, with the parties generally accepting the election results.

Constituency Delimitation

Article 8(1) of the Bangladesh Constitution assigns the BEC the responsibility for delimiting constituency boundaries for parliamentary elections. In addition, the Delimitation of Constituencies Ordinance of 1976 requires that the BEC evaluate and redraw the constituencies after each census is reported.⁵ In anticipation of the scheduled December 2008 elections, the BEC began in January to redraw the boundaries of 133 out of 300 parliamentary constituencies. This new demarcation was the first since 1995 and only minor changes to the boundaries had been made in the previous 30 years.⁶ In general, the number of constituencies in the 2008 delimitation shifted from rural to urban areas, reflecting the general trend of migration to cities and metropolitan areas.⁷

⁵The Delimitation of Constituencies Ordinance of 1976 lists three criteria for the redrawing of constituencies: (1) population, (2) administrative convenience and (3) maintaining administrative units intact.

⁶Changes to constituency boundaries for the purposes of elections had been made in 1973, 1979, 1984 and 1995.

⁷For example, the number of constituencies in the Dhaka district increased from 13 to 20. Chittagong, Barisal and Khulna divisions, however, saw the number of their constituencies decrease. Two constituencies were deleted from the map altogether.

The delimitation was conducted using GIS maps based on the 2001 census, which recorded a total national population of 124,355,263. The delimitation process took into account population distribution, geographic compactness, keeping *upazilas* intact, administrative convenience, respecting existing constituency boundaries as much as possible, consideration for geographic and transportation features such as rivers and roads, and maintaining and uniting communities of interest. In the end, the election commission redrew the constituencies by either increasing or decreasing the number of unions in rural areas, or wards in city corporations, to achieve approximately 400,000 people on average in each constituency, roughly two-thirds of whom would be eligible voters.

On April 29, 2008, the BEC formally published a draft list of the 133 constituencies to be redrawn, and after a period for allowing the filing of written complaints, published the final boundaries on July 10. The remaining 167 constituencies remained unchanged. It was noted in the media that the changes to the constituency boundaries would affect a greater number of constituencies that were traditionally BNP strongholds. Out of 193 seats won by BNP candidates in 2001, 88 constituencies fell within the 133 delimited in 2008. By contrast, 21 of 62 previously-held Awami League seats, five of the 17 Jamaat seats, and two of 14 Jatiya Party seats were affected by the delimitation process. Proportionately, other than Jatiya Party, these figures reflected approximately one-third of each party's seats were delimited.

The BEC announced it would hold dialogues with the political parties, though it limited aggrieved parties to three specific types of allegations: that the rules and regulations were not followed, that the delimitation caused administrative and geographical concerns, and that a ward or union was divided during the process. All of the major political parties, including the AL and BNP, initially opposed the BEC's decision, maintaining that the process would create delays impeding the BEC from holding parliamentary elections by December 2008. The BEC responded that, because the previous BNP-led government had not published the 2001 census report during its tenure, the BEC had not been able to redraw boundaries at that time; as the 2001 census report had recently been published, the BEC maintained it was now constitutionally required to do so. The BEC further explained that it was necessary to redraw the constituency boundaries to take into account significant internal migration, particularly from rural to urban areas, resulting in significant overpopulation of many constituencies.

The BNP immediately challenged the delimitation in court. Although the BNP did not question the BEC's authority to redraw the boundaries, it claimed that the BEC had violated Article 122 of the Constitution and the Electoral Roll Ordinance of 2007, which required that the BEC redraw constituencies before the voter list was prepared. The rationale behind this argument was that individuals needed to know their constituency in order to register to vote.

On August 7, 2008, the High Court (HC) stayed the delimitation process, preventing the BEC from preparing the constituency electoral rolls and finalizing the list of polling stations. Finally, on November 2, 2008, the HC put an end to the controversy when it announced its decision in favor of the BEC, ruling that the commission had not violated the constitution or laws regarding delimitation, nor had it taken any actions outside of its jurisdiction. That same evening, the election commission announced the election schedule for the parliamentary polls for December 18, 2008.

Overview of the Election Campaign

On November 2, 2008 as soon as the first election date of December 18 was announced by the BEC, intense negotiations were initiated between the BEC and the major political alliances. Both the

Awami League and the BNP urged the BEC to delay *upazila* (sub-district) elections until after the parliamentary elections, fearing a dilution of parliamentary authority to local governments. The *upazila* elections had not been held since 1990, after being formed initially in 1985 by General Ershad who created the system of local government allegedly to form the basis of a new political party loyal to him. Some party officials expressed concern that if the *upazila* elections were held in advance of the parliamentary elections this process would be repeated in favor of the caretaker government.

In addition, the BNP threatened to boycott the parliamentary election if its demands were not met by the government, including fully lifting the state of emergency. The Awami League also had a set of demands it pressed with the government, including lifting the state of emergency. Generally, support for lifting the state of emergency before the parliamentary elections was widespread but not universal. Although most parties and newspaper editors supported the withdrawal of the emergency, the Jatiya Party and representatives of some minority groups believed that continuing the emergency would improve election day security.

The state of the respective parties was also a factor in the lead-up to the election. While the Awami League had remained united as a political party, the BNP had fractured into reformist and conformist camps. In addition, Awami League President Sheikh Hasina had negotiated her release in June 2008 and left the country for medical treatment abroad from where she was able to communicate freely with party officials. However, BNP Chairperson Begum Khaleda Zia remained in the Dhaka sub-jail until her eventual release on September 11, 2008, effectively delaying her ability to unify her party and ignite grassroots support for the elections.

On November 23, after shuttle diplomacy between the parties, the BEC announced that the date of the parliamentary elections would be set back one week to December 29 and that the *upazila* elections would be held immediately after the parliamentary polls. On December 12, the government lifted emergency restrictions on active campaigning and rallies, meeting a key demand of the Awami League and BNP for their participation in the elections. Finally, on December 17, the government lifted the emergency provisions entirely and withdrew the military from the countryside back to the barracks. However, the BEC noted that the armed forces would be deployed throughout the country from December 20, but only as a strike force to ensure security for the immediate election period.

Even prior to the partial lifting of emergency powers restrictions on rallies and processions on December 12, parties had begun organizing local support for their candidates. Campaigns started unofficially much earlier under the guise of “social visits” to constituencies. For example, candidates returned to their constituencies during the three-day Eid period from December 8-10 where, being prominent local citizens, they were able to socialize with their voters.

Once the emergency powers were fully lifted on December 17, candidates campaigned door-to-door in almost every case, used drive-by microphones to convey their messages to a wider audience in their constituencies, printed and hung campaign posters throughout their respective areas, and organized rallies and meetings to galvanize the electorate. The Awami League also used technology to reach voters, particularly young first-time voters, through television spots, text messaging, website postings of campaign messages and some video-conferencing. As the BNP was preoccupied with internal matters of candidate selection and party cohesion, in addition to its negotiations with the BEC to postpone the election date, its campaigns were limited to door-to-door campaigning, use of campaign posters and banners, and other traditional means of reaching the electorate.

The Awami League's campaign focused on the messages "Vote to Change" and "Make a Digital Bangladesh," whereas the BNP slogan was "Save the Country, Save the People." The Awami League promoted its success during its 1996-2001 period governing the country when the price of food and other essentials had been considerably lower than during the caretaker government (CTG) period. It also campaigned against corruption, putting forth an unprecedented number of new candidates, 131 of whom won their elections. The BNP generally campaigned against the CTG as an authoritarian and unconstitutional regime, and promoted BNP competence in generating economic gains during its control of the government from 2001-2006. In addition to positive campaigning, each of the two major parties blamed the other for the disruption of democratic rule and the imposition of the state of emergency. The Awami League led an active public campaign against war criminals and the BNP suggested that Sheikh Hasina's early release indicated Awami League cooperation with the CTG.

Although the campaign period in Bangladesh parliamentary elections is generally 40-45 days, the 2008 campaign law provided only a three-week campaign period. Moreover, as the emergency provisions against campaigning and rallies were not lifted until December 12, candidates were actually given only 16 days prior to election day to actively campaign without restriction. The shortened campaign period did, however, reduce the financial burden on parties and candidates, although it also made it difficult for candidates in large constituencies to reach all of their constituents, especially those in remote areas.

Media and Freedom of Expression

Under the Emergency Power Ordinance (EPO), the government prohibited provocative statements against the government and any of its activities, including the printing of caricatures or cartoons of the government or any of its activities or officials. The EPO also permitted the government to prohibit or control news or information related to events, or the airing, publication or broadcasting of news, editorial, talk-show or discussion, or any still photograph in the print or electronic media, Internet or any other mass media. Violators of these provisions of the EPO were subject to criminal penalties and seizure of materials.

On November 3, the day following the announcement of the parliamentary election date, the government withdrew Articles 5 and 6 of the Emergency Powers Rules, which restricted news broadcasts and prohibited "provocative" speech. The BEC circulated for comment a BEC/United Nations Educational, Scientific, and Cultural Organization (UNESCO) draft media code of conduct that was widely criticized as restricting journalistic freedom to publish election results. The circulated document provided that, if the media wished to publish unofficial election results they had to be clearly labeled as unofficial. The document also prohibited the media from publishing any electoral information in such a way as to confuse the public. In the end, the BEC announced that the draft media code of conduct would not be introduced, leaving the politically sensitive matter for an elected government.

On December 11, the information minister issued guidelines for state-owned television and radio to dedicate free air time to parties contesting the elections. The guidelines ensured parties' access to these media in advance of the elections, and the parties took advantage of this opportunity to promote their candidates and manifestos. However, a proposed televised appearance between the Awami League and BNP heads, Sheikh Hasina and Khaleda Zia, to promote their parties' positions did not take place.

During the election period, journalists and editors reported that they were generally free to report on the election process. Print coverage of candidates, technical election preparations and campaign issues was often of high quality and the general media environment was much improved over the first year of the state of emergency during which human rights organizations reported arrest and torture of several journalists.

The print media used candidate disclosures released by the BEC to scrutinize candidate finances and criminal histories and evaluate the extent to which the parties were delivering upon their promises of new leadership. A few editors of district dailies reported threats, allegedly in retaliation for candid information they published on candidate backgrounds.

Major television networks broadcast candidate discussions, political talk shows and basic information on voting procedures. As in the print media, the electronic media were freer to engage in deeper discussions of a wider range of issues than during the state of emergency.

ELECTION DAY

Voter Turnout

A high voter turnout was one of the defining features of the 2008 parliamentary election. Long lines persisted until the evening at some centers, particularly in the women's queues. By the end of election day, it was clear that turnout had been extraordinary, even by the standards of Bangladesh, where turnout in previous elections has regularly exceeded 70 percent. Official figures showed turnout in this election reached over 87 percent.

The high turnout can be attributed to enthusiasm for the democratic process, as well as public confidence in the election process and security environment. In an exit poll conducted by the International Republican Institute, 93 percent of respondents described the election environment as "very good" while an additional 6 percent described it as "generally acceptable."

Security Environment

The national police had primary responsibility for election day security. The Rapid Action Battalion (RAB) and army were instructed to serve as "striking forces," as needed. Pre-election concern regarding military involvement on election day did not materialize. Police and other security forces were present and engaged in maintaining a calm polling environment at all visited polling stations.⁸ Observers reported that security personnel, including the military, behaved professionally.

Observers reported that Bangladeshis generally expressed greater confidence in the security environment than in previous parliamentary elections. Party members often listed their greatest fear as factional violence within their parties. There were some security disruptions as election day approached. On December 23, grenades were recovered about four kilometers from the site of an election rally held by Khaleda Zia in Comilla. The RAB arrested several members of the banned Islamist militant outfit Jama'atul Mujahideen Bangladesh (JMB) nearby. Begum Zia claimed the grenades represented an attempt on her life, and the BNP held rallies across Bangladesh protesting an alleged plot against their leader.

Security has traditionally been most tenuous in remote and *char* (river island) areas, where residents tend to be poorer and less educated, and where response times by security forces are longer. Domestic observers and human rights groups reported that, even in remote areas, security was generally good, a favorable indicator of the overall environment. In the Chittagong Hill Tracts (CHT), observers reported that voter turnout was higher than in previous elections.⁹ One indigenous group was arrested in the CHT for advocating voter boycott of the polls, but otherwise polling in this area was without serious incident.

⁸ Other forces included armed police battalions, ansars and local police. Ansars generally are an unarmed para-military village force recruited mainly from farmers and artisans whose main objective is to aid the Regular Armed Forces and Police Force in War, insurgency or anti-crime drives.

⁹ The EU Final Election Observation Mission Report (2008) cited turnout in the CHT for the 2008 parliamentary elections at 79.18 percent in Rangamati, 80.18 percent in Bandarban and 84.24 percent in Khagrachari.

Participation of Women and Other Marginalized Groups

For the first time, more women registered to vote than men, with women representing 51 percent of the electorate. Observers reported that women also turned out in large numbers, at least in part due to the calm security environment. On election day, observers noted that the lines for women were much longer than those for men and seemed to be moving much more slowly. However, an International Republican Institute exit poll of 18,055 voters in 150 of 300 constituencies indicated that, in those centers surveyed, women voted roughly in equal numbers to men.

While the NDI delegation observed a number of female polling officers, it noted the absence of women serving as presiding officers or in other management positions within the election commission.¹⁰ Cultural factors made recruitment of female polling staff difficult, especially for the position of the presiding officer, who is required to spend the night before the election in the polling center to guard election materials. Many of the centers lacked adequate facilities, including restrooms, beds and food, further deterring some female officials from becoming presiding officers.

Religious and ethnic minorities – including Hindus, Ahmadias, Urdu-speakers and non-Bengalis – are vulnerable to intimidation in the pre-election period and to reprisals after the election. They can be pressured to vote or coerced into not voting, and sometimes come under both pressures at once from opposing political forces. Observers generally noted that minority groups were satisfied with the election security environment and were able to vote freely. Although marginalized groups were again underrepresented in the overall electoral process, they participated in larger numbers as candidates than in previous elections and expressed general satisfaction with their inclusion in the voter registration process.¹¹ The delegation found very few instances of intimidation and no incidents of violence reported at the polling locations observed.

Biharis, citizens of Pakistan who have been living in refugee camps in Bangladesh since the 1971 Liberation War, number 185,795 of whom 102,187 (55 percent) are estimated to be eligible voters. In May 2008, the High Court granted Biharis citizenship and voting rights, resulting in 22,154 Biharis being registered to vote in Bangladesh for the first time.¹² The decision was controversial in the Bihari community as some feared that a decision to accept voting rights in Bangladesh would forever bar their chance of repatriation to Pakistan. Observers who visited Bihari areas on election day observed significant numbers of voters in the queues.

Consistent with the findings of NDI observers, in separate press conferences and statements following the election, various international and domestic organizations concluded that minorities felt safer and more confident in casting their ballots during this election than in previous elections. For example, observers from the Asian Network for Free Elections Foundation (ANFREL), sponsored by the United Kingdom Department for International Development, reported a strong female voter turnout

¹⁰ The EU Final Election Observation Mission Report (2009) cites statistics supporting this observation: All 83 district election officers were male. There was only one female member with managerial authority on the BEC Secretariat, two out of 66 returning officers were women, and only 29 out of 483 assistant returning officers were women.

¹¹ For example, the Dhaka representative of the Hindu Christian Buddhist Oikya Parishad told NDI observers in a pre-deployment briefing that the 2008 voter list accurately reflected the number of minority voters unlike in previous lists. On the other hand, the EU Final Election Observation Mission Report (2008) cites the low representation of minority groups in election administration: three out of 64 returning officers were Hindu, one was Christian, and 39 out of 483 assistant returning officers belonged to a minority group (34 Hindus, four Buddhists and one Christian). No political party belonging to an ethnic or religious minority was registered in the 2008 parliamentary election.

¹² Source: UNDP 2008.

and that minority groups expressed a greater sense of security during the pre-election and election periods. The Asia Foundation-supported domestic umbrella observer organization, the Election Working Group, reported that ethnic and religious minority communities that had historically faced particular security challenges expressed confidence in casting their votes without fear, intimidation or pressure. The European Union's final election report, released in March 2009, stated that no intimidation, incidents of violence, discrimination or major campaign messages raising religious or ethnic issues against religious or tribal minorities were observed during the campaign, on election day or in the post-election period.

Counting and Consolidation

Manipulation of results at the returning officer level was among the concerns most frequently raised with observers in the pre-election period. There were allegations in past elections that polling center results were altered at the district level before transmission to Dhaka. Ensuring transparency in counting and tabulation was among the most important step the BEC could take to build confidence in the election process.

In November, the BEC told the NDI pre-election assessment delegation that polling station results would be provided to polling agents and observers immediately after the count has been certified by the presiding officer, and that the results would also be posted at each polling station. Domestic observers, party agents and the media could then ensure that the results posted at the polling center accorded with those reported at the returning officer level before transmission to the BEC in Dhaka. Observers reported, however, that results were not posted publicly at several stations observed. Although the results from these stations were not in dispute, had there been allegations of tampering with election returns, failure to post the results could have undermined overall confidence in the process.

Observers generally noted confusion among election officials prior to the election as to whether assistant returning officers or returning officers were required to consolidate election results. However, domestic and international observers, as well as party agents, were permitted to witness the count in all stations observed. At one station, the presiding officer initially declined to allow domestic observers to watch the count, but he relented after intervention by the returning officer. Observers were also permitted a copy of the statement of the count upon request, provided there were sufficient copies available.

POST-ELECTION PERIOD

Results

The Election Commission released unofficial returns throughout the evening of December 29. State and private media reported returns in real-time over radio, television and on the Internet. By mid-morning on December 30, unofficial results had been released for 295 constituencies, with the final four announced later in the day. Official results were published by the BEC on January 1, 2009, with the Awami League gaining 230 seats and the BNP 29. On January 12, the BEC held the postponed election to Noakhali-1, which was won by the BNP candidate, bringing the party's total to 30 seats.¹³ The election was generally perceived as peaceful and credible.

Summary of the Bangladesh Ninth Parliamentary Elections (300 seats)*					
<i>*(Includes Noakhali election on January 12, but not the April 2009 by-elections)</i>					
Alliance	Party	Votes	%	Seats	Change
Grand Alliance	Bangladesh Awami League	33,887,451	49.0%	230	+168
	Jatiya Party	4,867,377	7.0%	27	+16
	Jatiyo Samajtantrik Dal	429,773	0.6%	3	+2
	Workers Party of Bangladesh	214,440	0.3%	2	+1
Four Party Alliance	Bangladesh Nationalist Party	22,963,836	33.2%	30	-163
	Bangladesh Jamaat-e-Islami	3,186,384	4.6%	2	-15
	Bangladesh Jatiya Party-BJP	95,158	0.1%	1	-4
	Liberal Democratic Party	161,372	0.2%	1	±0

¹³ Polling in Noakhali-1 had been postponed due to the death of AL-led Grand Alliance candidate Nurul Islam following a fire at his Dhaka residence on December 4.

Independents and others	3,366,858	4.9%	4	-2
Total	69,172,649	99.99%	300	

The newly-introduced ballot option of a 'no vote' – allowing any voter dissatisfied with the named candidates to cast a vote, in effect, against any of the candidates listed on the ballot – failed to exert any impact on the December 29 national election. Only .55 percent of voters selected the “no vote” alternative ignoring the candidates. The “no vote” provision was inserted into the new electoral law by the election commission at the suggestion of NGOs and civil society, despite strong objections by the political parties. Although a total of 382,437 “no votes” were cast in this election, and some constituencies saw a large number of no votes (i.e., Rangamati with 32,067 total “no votes”), their impact on the election was negligible.

Acceptance of Results

The strength of the Awami League’s victory surprised even AL leaders. However, the results were consistent with a general sense that the Awami League was the strong favorite, as well as with pre-election polling and exit polling conducted by the International Republican Institute.¹⁴

Early signals from the BNP that the party might reject the results found little support among the public, media and broader civil society. The day after the election, Begum Khaleda Zia alleged that the election was tainted by irregularities and rigging in dozens of constituencies and called the election “stage managed,” but stopped short of rejecting the results outright. On January 2, BNP Secretary General Delwar Hossain publicly accepted that the Awami League would form the next government, even if it was a “so-called elected government.” The newly-elected MPs took their oaths of office on January 3, and the new prime minister and her cabinet were sworn in on January 6. Despite initial hesitation and a disagreement over seat allocations in parliament, the BNP four party alliance MPs took their oaths of office on January 15, joining the Ninth Bangladesh Parliament for its inaugural session on January 25, 2009.

Post-election Violence

The post-election security environment was largely calm. Fears that the losing party would attempt to disrupt the transition of power were not realized, as the BNP chose peaceful means to register its complaints with the election commission.

Scattered incidents of political violence began shortly after the polls closed and, while locally serious, did not reach the levels seen following prior elections. Some local political cadres used the post-election period to settle old scores. Human rights watchdog Odhikar reported four dead and about

¹⁴ An IRI exit poll of 18,055 voters showed 60.3 percent claiming they had cast ballots for the AL Grand Alliance candidate and 35.1% for the BNP Four Party Alliance, with 4.6 percent cast for other candidates. Official returns showed 56.6 percent supporting the AL Grand Alliance, 37.8 percent for the BNP Grand Alliance, and 5.6 percent for other candidates.

200 injured in political violence between December 29 and 31, and hundreds more were injured in January and February 2009.

Factional violence within the Bangladesh Chhatra League (BCL), the student wing of the Awami League, erupted at Jahangirnagar University on January 16 and led to clashes between students and police. There was more extensive disruption at more than 20 universities in mid-February, including the campuses of Dhaka University and Rajshahi University of Engineering and Technology. The violence was widely condemned and Sheikh Hasina ordered the police to secure the campuses, suspended several units of the BCL, and pledged to take action against the perpetrators of violence on campuses, regardless of party. Nevertheless, serious incidents on university campuses continued into March and Prime Minister Sheikh Hasina finally resigned as organizational leader of the BCL on April 5.

2009 Upazila Elections

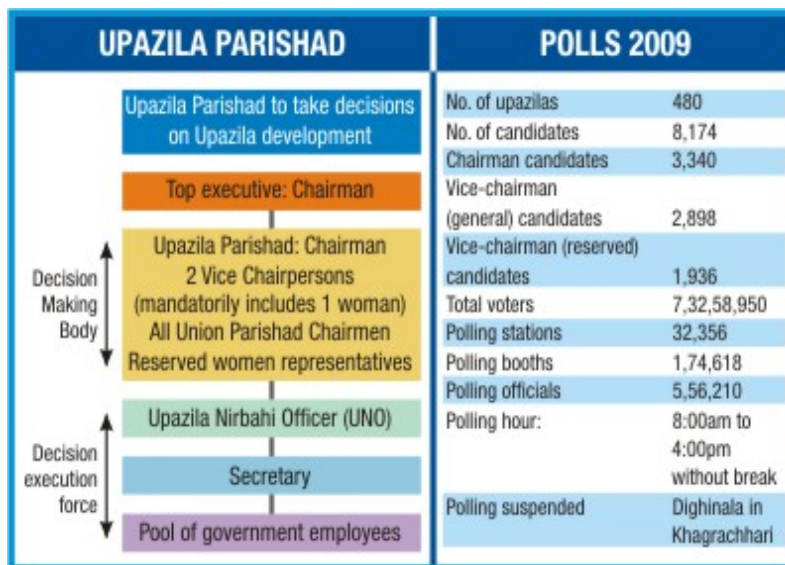
Holding elections to *upazila* councils was one of the major promises of the caretaker government as these elections were considered vital to divesting authority from parliament to local government. An *upazila parishad* is viewed by some experts as a "mini-parliament" with significant constitutional jurisdiction to run local administration and to implement plans for economic and social development. This layer of elected local government, however, had been dormant since the mid-1980s.

Although supportive of *upazila* polls in principle, both major parties questioned whether the polls were within the mandate of the caretaker administration and demanded that they be postponed until after the parliamentary elections. Shortly before the 2008 parliamentary elections, the BEC announced with the agreement of the parties that *upazila* elections would be held as soon as possible after the parliamentary polls.

Elections to 480 *upazilas* were held on January 22, 2009, at which voters were to select a chairman and two vice chairmen, one of which was to be a woman.¹⁵

NDI staff visited polling stations in 10 *upazilas* in six districts, visiting 142 polling booths in 39 polling centers. The military was not deployed for these elections, perhaps contributing to a general unease that caused a slow voter turnout throughout the country in the morning. Observers and media outlets initially estimated turnout to be low by Bangladeshi standards, around 55 to 65 percent. However, official results showed turnout to be somewhat higher, at 68 percent.

Party distribution of slips with voter registration details—a widely-noted concern of international observers in the parliamentary polls—was less visible, and the slips appeared to not carry a party



¹⁵ The 481st *upazila* poll was postponed after pre-election violence in Khagrachhari (Chittagong Division). The graphic inserted above was published in the *Daily Star*.

symbol. This may have contributed to what appeared to be greater difficulty in voters finding their voter registration numbers, increasing the burden on polling officials to assist voters. Party polling agents were present in fewer numbers and generally less active than in the December polls. Absenteeism among polling officials also appeared to be higher.

Although security forces were less visible than in the parliamentary polls, the overall security environment was calm on election day. However, the pre-election environment was marked by considerable violence and confusion within the parties over nominations, resulting in clashes within and between candidates even though the elections were officially non-partisan. Allegations surfaced afterward, brought primarily by the BNP and independently by the BEC, that some Awami League party senior officials influenced the election through intimidation and ballot-box stuffing during the polls.

In the week following the polls, the BEC received over 100 complaints of pre-poll violence and vote rigging, intimidation and improper influence by newly-elected members of parliament. Some of the complaints were accompanied by documentary evidence and supporting newspaper articles. The BEC demonstrated its commitment to respond promptly to credible allegations of serious irregularities. On January 27, the BEC suspended the election results of seven *upazilas*, in which it found credible evidence of severe irregularities. On February 10, the BEC announced that inquiries would be launched in an additional 11 *upazilas*, and referred complaints to district-level judicial inquiry committees headed by the chief district judge. The results of these inquiries were still pending at the time this report was completed.

Election commission officials expressed disappointment over the low turnout, reports of misconduct by party officials and newly-elected members of parliament, and scattered incidents of violence. They did, however, emphasize that the overall conduct of the polls was credible in most *upazilas*, even if problems were more widespread than in the parliamentary elections. The Bangladeshi electorate and international community have largely reached the same conclusion: although the difficulties encountered during the *upazila* polls called into question the ability of Bangladesh to replicate the success of the landmark December polls, the results, with some local exceptions, delivered a credible mandate to the newly-elected *upazila* officials.

Elected chairmen and vice chairmen assumed their posts on February 22 and 23 without any law in place defining their jurisdiction. On April 6, re-polling was held in five of the six postponed *upazilas*. NDI fielded five teams of 11 observers in three *upazilas*, visiting 238 polling booths in 59 polling centers on election day. The number of security forces deployed was significantly higher than during the original election held on January 22. Security forces were reported assisting voters to identify their voting booths, and candidates did not have a polling agent in many areas. Most of polling agents also did not have a voter list to cross-check the identity of voters, and some were under-age. Other than a lack of voter enthusiasm resulting in low turnout, perhaps due to the many elections held within a short time period, no significant incidents of violence were reported on election day. Notably, however, the number of invalid ballots was high, particularly for women vice chairman candidates, a newly-created reserved position in the *upazilas*. Voter education might have promoted greater recognition among voters for the women *upazila* vice chairmen.

On April 6, the same day that the *upazila* re-polling was occurring, the parliament unanimously passed a bill to reinstate the Upazila Parishad Act of 1998 allowing MPs broad control over local governance. The new law requires *upazila* officials in parliamentary constituencies to take the advice

of MPs in finalizing development plans, and requires that MPs be informed before contacting the government about any matter. The newly-elected *upazila* chairmen and vice chairmen opposed the bill, fearing interference from the lawmakers, while MPs from both sides of the aisle greeted the bill's passage by thumping desks. Due to fierce opposition from lawmakers, two amendments to limit MP control over *upazilas* could not even be offered.

Parliamentary By-elections

In addition to *upazila* elections, six by-elections were held on April 2, 2009, to fill parliamentary seats vacated by Prime Minister Sheikh Hasina (2), opposition leader Khaleda Zia (2), former President Ershad of Jatiya Party (2) and newly-appointed President Zillur Rahman (1). No election was held in the seventh vacated constituency as the Awami League candidate faced no opposition.

For the first time, the election commission appointed its own officials as returning officers and assistant returning officers. Traditionally, district and *upazila*-level members of the Bangladesh civil service have served as returning officers and assistant returning officers, respectively. The change demonstrates the intention of the BEC to strengthen its independence from political influence after the return to elected government.

NDI fielded six teams of 12 national staff to observe the parliamentary by-election in four districts. On election day, NDI staff visited 306 polling booths in 76 polling centers. Large numbers of police, Ansars and Rapid Action Battalion personnel were deployed as the army and Bangladesh Rifles (BDR) were not assigned to election duties. The election commission, for the first time in its history, held parliamentary polls using its own officials as returning and assistant returning officers. Mobile forces with magistrates, who are authorized to conduct immediate hearings in case of disputes, were also deployed and seen patrolling the constituencies.

Despite these precautions, observers noted that security forces were found assisting voters to identify the proper voting booth. In many cases, polling booths were set around open windows, potentially jeopardizing ballot secrecy. Party polling agents were seen in most centers actively engaged in observing the voting process, though they did not always have a voter list with them. Apart from some stray incidents of clashes between supporters of rival candidates, the polls held amid tight security were peaceful with low voter turnout. Voters from minority groups, including the physically challenged, were also observed voting without intimidation or significant difficulty.

The elections to the six constituencies resulted in three wins for the Awami League, two for BNP and one for Jatiya Party. The BNP, in spite of alleging irregularities at a number of polling centers, accepted the verdict in two constituencies in Bogra. Most BNP allegations of irregularities concerned centers in two constituencies, where voters were allegedly intimidated and barred from entering the polling centers. The BNP reported it had informed the election commission of the irregularities and filed formal complaints. The newly-elected BNP parliamentarians were sworn into office, along with their Awami League and Jatiya Party colleagues, on April 8, 2009.

Parties in Parliament (After by-election and reserved seats election)

	Total	AL	BNP	Jatiya Party	JSD	Jamaat	Workers Party	BJP	LDP	Indep.
Total MPs	345	270	35	30	3	2	2	1	1	1*
Reserved Seats for women	45	36	5	4	0	0	0	0	0	0

**In December 2008 parliamentary elections, four independent candidates won; however, three of them joined AL later on.*

Reserved seats

A constitutional amendment in 2004 reserved 45 indirectly-elected seats in parliament for women. In the Ninth Parliament, the Awami League was allocated 36 reserved seats, the BNP five and the JP four. The parties submitted their nominations on March 12 and the BEC declared the women elected on March 19. Including the 20 women directly elected brought the total number of women MPs to a record 65.

RECOMMENDATIONS

The elections for parliament and the subsequent polls held for lower level offices can provide the foundation for strong and sustainable democratic governance in Bangladesh. While they were not without controversy, they were all conducted in a transparent manner and attracted unprecedented participation by citizens who turned out as much in an endorsement of democracy as they did in support of partisan interests.

Unfortunately, the history of Bangladesh since independence is a cautionary tale of the fragility of democratic institutions and hopes. The progress made so far should not be taken for granted as it can be swept away by corruption and violence. All sectors of society must increase their efforts to enhance the effectiveness of the nation's political institutions.

Election Commission

- The election commission has proven to be the most transparent and accountable electoral body in the nation's history. It has shown, for example, that it is possible to create a national voter list that is accurate and has been produced transparently. It has also acted in a nonpartisan manner that is essential to restoring confidence in the electoral process. The parliament and the parties should continue to work closely with the commission and assure that it receives the resources and legal authority it needs as it moves forward.
- While the voter rolls and national voter cards represent an improvement over past practice, the process for election day still needs improvement. Some voters have continued to have difficulty identifying their assigned polling places and locating their voter ID number on lists. Voters have relied on political parties rather than election officials for voting information.
- To bolster the ability of election officials to perform well under challenging conditions the commission should move forward with a program of ongoing training and education for staff at all levels of the electoral process. This will help assure both nonpartisanship and professionalism. This training should address limited but serious concerns about ballot secrecy in polling places. Lack of attention to the placement of voting booths, which can jeopardize the secrecy of the ballot, can decrease confidence in the voting process.
- Nonpartisan domestic election monitoring also can enhance voter confidence in the integrity of the electoral process. While international election observers can play a useful role in monitoring voting, the ultimate responsibility for this task should rest with the citizens of Bangladesh. The Institute's experience in more than 60 countries has shown that nonpartisan domestic election monitors can play a vital role in helping citizens take responsibility for their own elections. Domestic monitoring also is more sustainable because international observers may not always be available. Unfortunately, the rules promulgated by the election commission appear to undermine the independence of domestic observers and are contrary to international standards for election observation. The commission should review the process for accrediting domestic observers to ensure that they can act – and be seen as acting – independent of election staff. The Institute encourages the commission to revisit this issue and enter into discussions with civil society to find a way to balance the need for citizen participation with regulatory requirements.

- In the area of campaign expenditures, many candidates expressed to the Institute a belief that spending ceilings did not reflect a realistic view of the costs of campaign organization and communications. The fact that so many candidates were unable to stay within the limits set by the commission suggests a review of the current limits might be in order. Such a review should be undertaken in consultation with political parties as well as outside experts.
- The commission should review its capacity to take on enhanced responsibilities. In particular, the commission should consider increasing staff and providing additional training for its staff for the purpose of enforcing the code of conduct and campaign expenditure regulations.
- The commission should continue to adjudicate complaints in a transparent and timely fashion. The lack of adjudication of complaints has been a consistent weakness in Bangladesh elections and must follow the rule of law. Stepping back from this principle at any time will raise doubts about the fairness of elections. The commission's work on the *upazila* elections is a good example of how attention to complaints can not only serve the interests of justice but provide important information to allow the commission to improve the integrity of balloting. When evidence was found that questioned the independence of local officials overseeing seven *upazila* elections, the commission was able to act to bring in neutral employees from other geographic areas. This practice restored public confidence in the re-balloting. The Institute recommends that the commission study this experience and see whether its action might have broader application for future races.
- While the dialogue with political parties in the run up to last year's elections was not without difficulties, a continuation of this process, particularly with respect to the code of conduct, will remove any doubts that might still remain about the nonpartisan direction of the commission.

Parliament

- While progress has been made in addressing challenges in the electoral process, historically they have often been easier to address than has been the restoration of effective, responsive and transparent government. Far too often political parties have turned away from the enormous tasks required to govern the country, offering instead solutions in the streets and through appeals based solely on populism. There are both structural and political reasons for this. To ensure the stability of democracy in Bangladesh parties must accept that after the election they have a responsibility not only to accept the results of the election but to shoulder the burdens of making government work. This requires goodwill but also a government that acts in a transparent and nonpartisan manner. Parliament must continue to review its rules and procedures to ensure that the rights of minority parties will be respected. In return, opposition MPs must accept that honest disagreements can be resolved through debate and engagement, and ultimately the ballot box. At one time or another all parties have refused to accept that compromise is necessary and that *hartals* and boycotts are no substitute for working within constitutional bodies. More can be done to make parliament responsive and effective if all members are willing to enter into a dialogue and accept that all MPs represent not only their party but the hopes and aspirations of their constituents.

Political Parties

- Parties must continue the process of reform. They should continue to open up their internal rules, procedures and decision-making. Party charters, finances, candidate selection and internal elections must be transparent and inclusive. Secrecy and lack of democracy in a political party can far too frequently be carried over by the party when it enters government. Ultimately, these are the conditions that allow corruption and authoritarianism to flourish.
- Finally, much progress has been made by Bangladesh under very challenging circumstances. The country now has an opportunity to make a break with its troubled past. It can do so and repay the faith shown by voters if differences can be put aside and dialogue can become as common as conflict once was.

Results by Party for Elections in 1991, 1996, 2001 and 2008

1991 ELECTIONS STATISTICS

<u>Round No. 1 (27 February 1991): Elections results</u>	
Voters	62,289,556 (approx.52%)
<u>Round No. 1: Distribution of seats</u>	
Political Group	Total
Bangladesh National Party (BNP)	169
Awami League	92
Jatiya Party	35
Jamat-e-Islami	18
Bangladesh Communist Party	5
Others	9
Independents	2

Source: http://www.ipu.org/parline-e/reports/arc/2023_91.htm

1996 ELECTIONS STATISTICS

<u>Round No. 1 (12 June 1996): Elections results</u>	
Number of registered electors	56,000,000 (approx)
Voters	74% (approx)
<u>Round No. 1: Distribution of seats</u>	
Political Group	Total
Awami League	146
Bangladesh National Party	116
Jatiya Dal	32
Jamaat-e-Islami	3
Others	3
Comments: Excluding the 30 seats reserved for women; 27 of these seats are held by Awami League	

Source: http://www.ipu.org/parline-e/reports/arc/2023_96.htm

2001 ELECTIONS STATISTICS

Round No. 1 (2001): Distribution of Seats	
Political Group	Total
Bangladesh National Party	193
Awami League	62
Jamaat-e-Islami	17
Jatiya Party	14
Others	8
Independents	6

Source: http://www.ipu.org/parline-e/reports/arc/2023_01.htm

2008 ELECTIONS STATISTICS

Round No. 1 (29 December 2008): Distribution of Seats					
Alliance	Party	Votes	%	Seats	Change
Grand Alliance	Bangladesh Awami League	33,887,451	49.0%	230	+168
	Jatiya Party	4,867,377	7.0%	27	+16
	Jatiyo Samajitantrik Dal	429,773	0.6%	3	+2
	Workers Party of Bangladesh	214,440	0.3%	2	+1
	Liberal Democratic Party	161,372	0.2%	1	±0
Four Party Alliance	Bangladesh Nationalist Party	22,963,836	33.2%	30	-163
	Jamaat-e-Islami Bangladesh	3,186,384	4.6%	2	-15
	Bangladesh Jatiya Party	95,158	0.1%	1	-4
Independent & Others		3,366,858	4.9%	4	-2
Total		69,172,649	99.99%	300	

Sources: <http://123.49.39.5/result/report4.php?lang=en>,
[Electoral Commission of Bangladesh seat-wise tally](#), [Election commission homepage](#)



**STATEMENT OF THE NATIONAL DEMOCRATIC INSTITUTE
PRE-ELECTION DELEGATION TO BANGLADESH'S
2008 PARLIAMENTARY ELECTIONS**

Dhaka, November 19, 2008

I. INTRODUCTION

This statement is offered by an international delegation organized by the National Democratic Institute (NDI) which visited Dhaka from November 16 through 19, 2008. The delegation assessed the political environment, electoral preparations and the legal framework for the upcoming parliamentary elections scheduled for December 18, 2008.

The delegation included: Sam Gejdenson, former United States Congressman and current NDI board member; Honorable Saumura Tioulong, Member of the National Assembly of Cambodia; and Peter Manikas, Senior Associate and Regional Director for NDI's Asia programs. The delegation was assisted by: Jacqueline Corcoran, NDI/Bangladesh Resident Senior Director; Dileepan Sivapathasundaram, NDI Program Manager for Asia; and Najia Hashemee, NDI/Bangladesh Resident Program Manager.

The delegation sought to express the interest and concern of the international community in Bangladesh's return to a democratically elected government. It met with electoral and government officials, political party and civil society leaders, and representatives of the news media and the international community. The delegation stresses that it did not seek to reach any final conclusions on the 2008 electoral process. The delegation offers its findings and recommendations in the spirit of international cooperation and recognizes that it is the people of Bangladesh who will ultimately determine the credibility of the upcoming elections.

This delegation has arrived in Bangladesh at a critical time. After almost two years of rule by a military-backed caretaker government, the nation is on the eve of national elections. If the elections are participatory and conducted in an impartial manner, they will be an important step toward restoring democratic rule. If, however, the elections fail to gain the confidence of Bangladesh's citizens, they could lead to a continued erosion of the nation's democratic institutions and further entrench the role of the military in governing the country. All of the nation's political parties have not yet agreed to participate in the coming polls. Broad participation in fair and credible elections is an essential feature of a democracy. The delegation hopes that the caretaker government and political parties can quickly resolve any outstanding issues so that the elections are as inclusive as possible.

The interruption of the democratic process in Bangladesh was a major setback for the nation. The pending transition is an opportunity to build the public's confidence in the ability to govern the nation effectively in the interests of citizens. Bangladeshis are weary of rampant corruption, hartals (general strikes called by political leaders) and political violence. An important opportunity will be lost if the transition back to elected government is not sustained through more accountable and modern political organizations capable of gaining the public's trust.

II. POLITICAL ENVIRONMENT

On January 11, 2007, Bangladesh's president, with the backing of the military, interrupted the democratic process and postponed pending elections with the stated purpose of restoring public order to the nation. The caretaker quickly adopted emergency powers that brought all political activity to a halt, placed restraints on freedom of expression and threatened critics of the government with criminal penalties. These measures, though severe, were apparently supported by many Bangladeshis.

While Bangladesh's constitution envisions a caretaker with powers limited to preparing for an election, the new caretaker government launched an ambitious reform program and announced that it would need two years to complete its tasks. The program included addressing economic problems, endemic corruption, independence of the judiciary, as well as civil service and electoral reform.

Many Bangladeshis hoped that a so-called "third force" would replace the existing configuration of political parties. On February 23, 2007, for example, the Nobel Prize laureate Dr. Mohammed Yunus, announced the formation of a new party, Nagorik Shakti (Citizens Power). The party sought to position itself as a more responsible alternative to the existing parties, but failed to garner public support. Two months after the new party was launched, it was disbanded.

As part of the government's anti-corruption drive, Sheikh Hasina, the leader of the Awami League, and Khaleda Zia, the head of the Bangladesh Nationalist Party (BNP), were taken into custody on corruption charges. It was widely reported that efforts were made to force both leaders into exile. This was labeled the "minus two" strategy. However, Sheikh Hasina and Khaleda Zia are no longer in custody and are heading their parties in the lead-up to the national elections.

While the political landscape remains much the same as before the January 11 military intervention, there are some new developments. Several new parties have emerged and plan to contest in the upcoming polls. These new entrants into the nation's political life demonstrate the continuing interest and enthusiasm of many to participate in the political process. The commission has registered 35 political parties and the registration of several more parties is pending. November 20 is the deadline for parties to file their nomination papers.

There remains strong support for many of the caretaker government's reforms. However, there is every indication, including public opinion polls, that Bangladeshis want an early return to elected government. The nation is enthusiastic about the coming election, but disappointment will again

result if political polarization, the failure to deal with corruption and the use of coercive tactics once again threaten to disrupt the political process.

III. ELECTION COMMISSION

The Election Commission is responsible for all election preparations including establishing the election schedule, delimiting constituencies, registering political parties and maintaining voter rolls. The commission is designated as an independent body in the Constitution but the appointment of key personnel is controlled by the prime minister, or in this case, by the chief adviser. Following the January 2007 military intervention, the new caretaker government replaced the commissioners appointed by the previous government. The new Chief Election Commissioner is highly regarded by most observers of Bangladesh's electoral process. However, the Election Commission became embroiled in a controversy when it invited a breakaway faction of the BNP to attend a series of dialogues the commission was conducting with the political parties. The commission has acknowledged that this invitation was a mistake.

There is general agreement that the election commission is a substantial improvement over those of the past. Former election commission appointments were viewed as politicized and undermined the credibility of past elections. Confidence in the impartiality and expertise of the Election Commission plays an important role in the ability of the country to hold an election acceptable to the voters and the political parties. The perception of bias or inefficiency may seriously erode confidence in not only the electoral process but also the electoral outcome.

The commission has worked to build confidence with political parties although some disagreements over the election rules and regulations remain. The commission discussed its proposed modifications to electoral laws with the political parties during three consultative rounds conducted this year. The recent amendments to the Representation of the People Order (RPO) 1972, Bangladesh's electoral law, include regulations that stipulate that the commission can cancel candidatures for electoral law violations and misconduct. This provision, in particular, has been criticized by the political parties as granting excessive discretion to election officials.

In addition, the amendments include the compulsory registration of parties and candidate disclosures, democratization of internal decision-making through regular party elections, transparency in finances and fundraising, a 33 percent minimum quota for women in all party decision-making bodies, and scrutiny of candidates' income and asset statements. While some political parties expressed concern with the level of information and documentation now required for candidate nomination, others indicated that the regulations generally seek to encourage openness and transparency in the political process. Potential candidates are required to file a 16-page form with the commission that includes detailed information on their financial holdings. While there were some delays in the final deadline for party registration due to party requests for extensions, 32 political parties were registered earlier this month.

The redrawing of constituency boundaries was also included in the electoral roadmap and completed by the commission. The 1976 Delimitation of Constituencies Ordinance requires redrawing after each census but the redrawing has not occurred since the 2001 census. The

commission conducted the constituency boundary delimitation which was published on July 10, 2007.

Although redrawing boundaries had been one of the tasks of the election roadmap, the commission did not hold dialogues with the parties on this issue until after the announcement of the initial delimitation boundaries and then within the context of other electoral issues. Political party leaders subsequently filed petitions in court challenging the commission's action which were recently dismissed. The pending litigation was a major concern for the commission since the lack of resolution on this matter was delaying the announcement of the poll schedule as well as the finalization of polling stations.

An accurate voters list helps to ensure that only eligible voters cast their ballots on election day and assists in preventing fraudulent voting practices. A study by NDI in December 2006 found that primarily through duplication error and migration, 12 million extra names were in the old electoral roll. Following mounting domestic and international pressure, the commission recently completed the creation of a new electronic voters list with photographs. The new electoral roll is widely considered the most accurate in Bangladesh's history. The list of 81 million names is consistent with census estimates of the voting-age population. If broadly used by election officials and party polling agents, the photographic list should reduce the risk of electoral fraud. Voters have also been issued photographic identification cards which have been enthusiastically welcomed by Bangladeshis. Although not required for casting a ballot, the cards can assist voters in identifying themselves to election officials and speed the process of locating the voter's name on the electoral roll.

The Election Commission stated that it would hold municipal and city corporation elections. These local elections, held in August 2008, were originally scheduled for December 2007 but were postponed due to delays in the voters list. On November 2, the date the courts dismissed the pending delimitation cases, the commission announced that the national parliamentary elections would be held on December 18, 2008 and subsequent elections for 486 upazilla parishads (sub-districts). Previously several parties demanded that the polls be conducted as soon as possible but some are now asking for changes to the election schedule.

The August 4, 2008, municipal and city corporation elections, which were non-partisan, were considered a test or pilot run for elections conducted under emergency rule. There were no major incidents of election-related violence that were reported and the candidates expressed their general satisfaction regarding the overall voting environment. While voting in four city corporations and nine municipalities proceeded smoothly with a relatively high voter turnout, there was widespread confusion over voter identification numbers. It was reported that a considerable number of voters returned home after spending hours in line because polling officials could not determine the identities of some voters despite having voters list with photographs. The commission reports that it will provide candidates with the new voters list well in advance of upcoming national elections. Some parties note, however, that the entire list is being provided only in digital form, thereby making it difficult for candidates without significant resources to effectively access the list, the cost of which would be considered a campaign-related expenditure falling within mandated spending limitations.

Another potential issue of concern is the transparency of the vote counting and tabulation process. After the closing of the polls, the ballots are counted at each polling station. Following the count, the results are transmitted to the district Returning Officer and then to the Election Commission in Dhaka. There have been allegations in past elections that polling center results were altered at the district level before transmission to Dhaka. It is vital to the credibility of the election process that the commission makes every effort to improve the transparency of the counting of votes and tabulation of results. The election commission told the delegation that, while official results will be announced after roughly seven days, polling station-level results will be provided to polling agents and observers immediately after the count at each polling station has been certified by the presiding officer. The results will also be posted at each polling station.

The commission is also conducting a dialogue with the media on a draft code of conduct. The four objectives of the draft code are to: provide a set of guiding principles for the mass media, ensure candidates' equitable access to mass media; provide adequate and accurate information on matters relevant to elections; and allow the media to perform their responsibility of providing voters with elections education. The proposed draft allows the media to report on opinion polls, election projection and exit polls. The media cannot present results as "official" until the commission has done so. Under the code, the media must also maintain a balance in the coverage of candidates and political parties. The government is considering suspending mobile phone networks on election day. Although this decision is designed to deter organized attempts at fraud and interference in the election process, it also makes it more difficult for candidates, party polling agents, and civil society organizations to rapidly share information on the election, including polling station results.

Domestic election observers can increase public confidence in the election and build the integrity of the election process. While the current election commission has been more receptive to domestic election monitors than have past commissions, it has crafted regulations that over-regulate the monitors and do not comply with international standards. The commission guidelines view the monitors as agents of the commission, rather than as a check on the electoral process as a whole. For example, they state that "domestic election observation is conducted to provide the commission unbiased information about the conduct of the elections that it may not receive from any other source." International standards now widely used throughout the world, conceive of domestic monitoring as primarily serving the broader public and providing impartial information on every aspect of the elections, including the workings of the election commission. The impartiality of the monitors and the public confidence in their findings are jeopardized if they are viewed as too closely linked with those responsible for the conduct of the elections.

Another concern in the electoral process has been with the complaint process which in the past has taken up to five years. The commission advised the delegation that recently adopted regulations stipulate that complaints will take no longer than nine months to be processed.

IV. LEGAL FRAMEWORK

The military's intervention on 11 January 2007 was justified on the grounds of preventing a slide into widespread violence. The caretaker government, headed by highly-regarded technocrats, but

heavily influenced by the military on sensitive matters, quickly ended street violence and raised hopes of political change. The caretaker government promised to tackle the corruption, nepotism and infighting that had crippled fifteen years of elected governments. It used wide-ranging emergency powers and argued that the exceptional situation legitimized its extended tenure and ambitious program. Overall, while the caretaker government assumed power with a high degree of public expectation, confidence has eroded.

The Emergency Power Rules (EPR), adopted by the caretaker, prohibited any procession, demonstration or rally without authorization from the government and imposed severe restrictions on press freedom by prohibiting any criticism of government deemed “provocative”. The government also imposed a ban on all forms of public and private political activity although some restrictions have been relaxed. The EPR also authorized any member of the military and security forces to arrest any person on suspicion without a warrant. In addition, it authorizes the use of force to execute any order and grants immunity to the government for any action performed under the authority of the ordinance. These broad powers for the security forces have resulted in arrests and arbitrary detentions, as well as claims of mistreatment. International human rights groups such as Human Rights Watch, as well as Bangladeshi human rights organizations such as Odhikar, have documented numerous cases of abuse including extrajudicial executions. These are often disguised as “crossfire killings” by the Rapid Action Battalion (RAB), a paramilitary unit drawing personnel from the police, military and other security agencies. The RAB’s abuse of power occurred under past administrations as well.

In past elections, minority groups including Hindus, Ahmadias, Urdu-speakers and women have been prevented from freely exercising their legal rights on election day and experienced post-election violence. The violence directed against minorities has repeatedly been initiated by political party activists. Law enforcement agencies, however have a responsibility to ensure that the rights of all citizens are protected.

One of the key components of the government’s ambitious reform program was tackling corruption. Although there is no reliable data available on the total number of arrests that have occurred, some human rights groups estimated that in the first year of the emergency alone tens of thousands of people were arrested, many of whom had no arrest warrants issued against them. While many were released, thousands were not, and the resulting public outcry prompted the government to rethink its strategy. Although there is broad public support for efforts to tackle corruption, the lack of due process during the anti-corruption drive has led human rights and civil society leaders to question the fairness and legality of the anti-corruption effort.

The caretaker government has used two bodies to underpin its anti-corruption drive: the Anti-Corruption Commission (ACC) and the National Commission on Combating Corruption (NCC). The ACC was established in 2004, but not fully implemented. The caretaker is attempting to breathe new life into this agency. It is currently led by a former army chief. The NCC is a temporary body designed to pursue anti-corruption cases until the ACC is fully organized. The government also established a Truth and Accountability Commission (TAC) under the 2008 Voluntary Disclosure Ordinance. The Commission was designed to permit persons to voluntarily disclose illegal gains received through corruption and return the proceeds to the government. The

Commission was found to be unconstitutional by the High Court on November 13, 2008 but two days later the Supreme Court stayed this order for one month until further notice.

Judicial reform was also an important part of the caretaker government's program. Several steps have been made to help guarantee judicial independence such as amending the Criminal Procedure Ordinance and the Judicial Service Commission Pay Order. To finally establish an independent judiciary, however, it remains necessary to amend Article 116 of Bangladesh's constitution. This can only be done by parliament.

Another issue of concern will be the role of the military and security forces in the upcoming national parliamentary election. During the municipal and city corporation elections, police were inside polling stations which contributed to allegations that ballot secrecy was jeopardized. Currently, the caretaker government has noted that the armed forces will be in the field along with other law enforcement agencies for 20 days from December 12 onwards to maintain law and order before and after the parliamentary and upazilla parishad elections. The army was deployed 14 days before the polling day in 2001, 18 days ahead of the June 1996 election and 23 days before the polling day in 1991. Over 50,000 army personnel were deployed to maintain law and order before and after the 2001 elections. In 2001, the armed forces will have the authority to arrest anyone on the polling day without any warrant and act against any activity that goes against the electoral code of conduct.

V. RECOMMENDATIONS

The delegation offers the following recommendations in the spirit of international cooperation:

Election Commission

The commission should:

- review campaign finance limitations, in consultation with the parties, to determine if such limitations are realistic;
- amend its Domestic Election Monitoring Guidelines to ensure the independence of monitors and not permit political parties to veto monitoring organizations or individuals without a hearing;
- review the issue of shutting down mobile phone networks to determine if there are alternative ways to ensure public safety on election day;
- provide the voters list in print form as well as digital to ensure that all parties and candidates are able to campaign effectively and reach eligible voters;
- adopt measures to ensure that minority groups can exercise their rights on election day and are not subjected to post-election violence.

Caretaker Government

The caretaker should:

- continue dialogue with the political parties and the election commission to ensure broad participation in the election;
- act in a completely neutral manner during the election and refrain from actions that, in fact or appearance, favor or oppose any candidate or party;
- lift the state of emergency so that political activity can begin as soon as possible;
- not deploy police or military personnel on election day in polling stations or in a manner that appears intimidating to voters or that interferes with the electoral process;

Political Parties

The parties should:

- agree to sustain several of the reforms adopted by the caretaker, including reforms to the Public Service Commission, anti-corruption efforts and securing judicial independence;
- continue efforts to reform their parties internally to make them more democratic and responsive organizations;
- agree to end hartals and to use their elected roles in parliament as the principal forum for constructive deliberation on issues and resolving disputes;
- provide for a meaningful role for the opposition in parliament.

Civil Society

The civil society should:

- educate the public about the need to refrain from violence, calling for accountability to the law through and beyond the elections.

Military

The military should:

- accept its proper role in a democratic society and refrain from intervening in the political process.



STATEMENT OF THE NDI ELECTION OBSERVER DELEGATION TO BANGLADESH'S 2008 PARLIAMENTARY ELECTIONS

Dhaka, December 31, 2008

This statement is offered by the National Democratic Institute's (NDI) international election observer delegation to Bangladesh's December 29, 2008, parliamentary elections. The delegation visited Bangladesh from December 25 to December 31, 2008, and was deployed throughout the country.

The delegation was co-chaired by Howard B. Schaffer, former U.S. ambassador to Bangladesh, and the Honorable Audrey McLaughlin, former Member of Parliament and former leader of the New Democratic Party (Canada). The delegation leadership also included Larry Garber, former U.S. Agency for International Development (USAID) mission director for West Bank/Gaza, and Peter Manikas, senior associate and NDI's director for Asia programs. NDI fielded 60 credentialed observers, including long and short-term observers. The delegation consisted of political and civic leaders, regional and election experts, media specialists, and human rights activists from 20 countries in Africa, Asia, Australia, Europe, and North and South America.

The delegation's findings were informed by an NDI pre-election assessment mission that took place from November 16 through 19. A team of 20 NDI long-term observers have been monitoring the electoral process since November 20. Prior to the elections, the delegation met with representatives of political parties, civil society, domestic election monitoring groups, the caretaker government, and the Bangladesh Election Commission. On election day, the delegation visited more than 185 polling centers and 270 polling booths throughout the country.

The delegation's purpose was to demonstrate the international community's continued support for advancing the democratic process in Bangladesh and to provide an impartial assessment of the December 29 parliamentary elections. NDI conducted its activities in accordance with the laws of Bangladesh and the Declaration of Principles for International Election Observation.

The delegation recognizes that it is still early in the post-election period, official results have not yet been announced, and election complaints and challenges still must be considered and resolved in accordance with the rule of law. The delegation, therefore, does not intend to render a complete or definitive assessment of the election process at this time. Indeed, it is the people of Bangladesh who will determine the credibility of these elections and their significance for ongoing democratization processes. Further statements may be released in the post-election period.

I. EXECUTIVE SUMMARY

On December 29, the people of Bangladesh went to the polls for the first time since 2001 to elect the members of their national parliament. Throughout the country, people voted enthusiastically and in large numbers. With a few exceptions, the elections were well-administered and took place in a peaceful environment, resulting in a credible electoral process that met international standards. A population that has been governed under an emergency order for the past two years is eager for a return to elected government.

The election process benefitted from a series of reforms instituted by the Bangladesh Election Commission (BEC) during the past two years. More than 80 million Bangladeshis were registered to vote in a process that produced the most accurate voter list in the country's history. The development of a new, digitalized voters' list contributed significantly to the credibility and efficiency of the December 29 elections, despite occasional problems that emerged on election day when voters could not easily find their assigned polling station.

For the most part, election officials were well-trained and ensured that the balloting and counting processes were carried out properly, and that voters were able to cast their votes secretly. The delegation also commends the political parties' presence and the collegial interactions between the agents of the two major parties at most polling sites. Nationwide, turnout was high, with an estimated 80 percent turnout.

Elections are an essential aspect of democracy, but they are only a step toward developing transparent, responsive and accountable governance. With Bangladesh's history of political polarization and discord, a successful transition will require all of the nation's political parties to abandon the dysfunctional practices of the past. Active participation by all parties in the new parliament is critical to avoiding the winner-take-all approach to politics that has characterized the political process. We were encouraged by the pre-election comments of the leaders of both major parties, who committed their parties to ensuring that the opposition plays a meaningful role in parliament; these commitments included designation of opposition members as deputy speaker and as chair of several committees.

Unofficial results released by the BEC show that the Awami League (AL)-led Grand Alliance obtained 262 of the 299 contested seats, the Bangladesh National Party (BNP)-led Four Party Alliance garnered 32 seats, the Liberal Democratic Party won one seat and four independent candidates were elected. The country, however, remains politically polarized. The BNP has already indicated it may not accept the results of the election because of alleged electoral manipulation.

The BEC must review all electoral complaints in a serious and credible manner. However, the delegations' observations of all aspects of the electoral process support a conclusion that the December 29 election provided the Bangladeshi people with a meaningful opportunity to select their leaders. Still, the success of this democratization process will require that the AL confront directly the challenge of a dominant party with minimal parliamentary opposition.

II. ELECTORAL CONTEXT

Since attaining independence in 1971, Bangladesh has spent almost one-half of its life under authoritarian rule. As a result, the nation has had little opportunity to develop mature democratic institutions. Between 1991 and 2001, the government peacefully changed hands three times; this is often considered the test for the consolidation of democracy. However, the nation has also experienced a high degree of political polarization, hartals (strikes called by political leaders), boycotts of parliament and widespread corruption for three decades.

In January 2007, a military-backed, caretaker government postponed elections scheduled for that month and adopted an Emergency Order banning political activity and restricting individual rights. Broad powers were granted to security forces to enforce the Emergency Order. These measures were apparently supported by many Bangladeshis who considered them necessary for restoring public order and avoiding widespread violence. However, Bangladeshi human rights groups, such as Odhikar, raised significant concerns about the due process rights of the thousands of political activists who were taken into custody and their treatment in prison.

The caretaker government also launched an ambitious reform program that included helping to develop an independent judiciary, civil service and election commission. It also initiated an anti-corruption program that resulted in the arrests and convictions of more than 100 high-ranking political party leaders and activists. Leaders of the two largest parties, Sheikh Hasina of the AL and Khaleda Zia of the BNP, both former prime ministers, were among those arrested during this period.

The Emergency Order was relaxed on December 12, permitting some political activity. However, it was not fully lifted until December 17, leaving a little less than two weeks to campaign. This limited time works to the disadvantage of smaller and new parties, as well as independents, which have more difficulty reaching or introducing themselves to the voters.

During the state of emergency, restrictions were placed on the media. These restrictions were relaxed in the weeks preceding the election, allowing candidates to effectively use the media in their campaign efforts. Unfortunately, a televised debate among the major party leaders was not held. However, both candidates addressed the people of Bangladesh through televised speeches.

The pre-election period was largely free of the level of violence that has plagued past elections. However, isolated incidents of violence took place in the days before the election. These included clashes between opposing camps of party activists and attacks on motorcades.

Thirty-seven parties contested 299 seats in parliament (parliament has 300 seats, but the election in one constituency was postponed due to the death of a candidate). The final number of candidates totaled 1555, with 148 running as independents. Several new parties appeared as the election approached. These include one new alliance, the Jukto Front, consisting of five parties (Gono Forum, Bangladesh Kallyan Party, Bikolpo Dhara Bangladesh, Progressive Democratic Partym and the Forward Party). In addition, the Liberal Democratic Party and the Oikyaboddho Nagorik Andolon (ONA) contested elections for the first time. Nonetheless, despite

developments of the past two years, including the formation of new parties, the political landscape is still dominated by the two major parties: the AL and BNP.

III. PRE-ELECTION OBSERVATIONS

Election Administration

The BEC accomplished several important achievements during the past two years. For example, it amended the electoral law to include: compulsory registration of parties and candidate disclosures; democratization of internal decision-making through regular party elections; transparency in finances and fundraising; and a 33 percent quota for women in all party decision-making bodies. In January 2008, the BEC completed the country's first comprehensive delimitation of constituencies since independence.

Two years ago, an NDI audit disclosed that the voters' list contained 12 million names in excess of the projected number of eligible voters. The BEC, with the assistance of the military, developed a new voters' list, which now includes photographs of all eligible voters. The improved voters' list was published on October 14 and included an estimated 23 million first-time voters, representing 31 percent of the electorate.

The BEC also successfully held City Corporation Elections in August 2008. These elections were held in four city corporations and nine municipalities and were primarily viewed as a test run for the December 29 polls. Civil society organizations and the political parties considered the elections to be credible and voter turnout was relatively high.

Both major parties alleged that the BEC did not always act neutrally in the run-up to the elections; specific concerns included decisions regarding delimitation and the designation of returning officers and other election officials. Nonetheless, public opinion surveys confirmed broad public confidence in the BEC. Based on the BEC's performance, the delegation believes this confidence is fully justified.

The Nomination Process

Bangladesh's election law requires that an individual submit a 16-page form disclosing tax, asset, and income information to the BEC to be qualified as a candidate. The election law also provides that prospective candidates may be disqualified if they have been convicted of a serious crime and exhausted their appeals, or if they have defaulted on a loan or failed to pay a "telephone, gas, water or any other bill of any government service providing organization."

Prior to the elections, the BEC's returning officers (ROs) scrutinized approximately 2,500 nomination papers filed by candidates for 300 constituencies. Five hundred and fifty seven were rejected, at least 75 specifically for defaulting on their loans. Many candidates appealed their rejection and 119 were cleared by the BEC after their appeal hearings. Another 21 individuals who initially had their nomination rejected by the BEC had their rejections overturned by the High Court.

IV. ELECTION DAY

Voting Process

Overall, voting on December 29 was orderly and peaceful at the vast majority of polling stations observed. Few reports of intimidation were reported. NDI observers reported several specific problems, including the challenges faced by prospective voters: a) in identifying their assigned polling station; and b) in having to rely on political party representatives to instruct voters on where to find their polling station and voter number. Because of the large number of new voters in this election, more extensive voter education would have been helpful. Additional minor election administration problems were identified by observers, including having an insufficient number of polling booths at some stations, resulting in lengthy waits to vote, the inadequate facilities where many polling sites were located, and the quality of the ballot paper which allowed ink to bleed through. However, observers saw no evidence of a pattern of infractions that would prejudice the elections.

Most observers noted that polling officials were well trained and professional. Candidate agents were present at all voting booths observed. Throughout the country, observers took notice of the collegial relationship between opposing candidate agents.

Counting of Votes

The counting process proceeded without major incident in most places, although in some instances the count seemed disorganized. Votes were counted at polling stations immediately following the close of the polls, the results were provided to the candidate agents and observers, and, in most cases, the results were posted outside the polling station as required by law. However, several observers expressed concern about the process of transporting the results and associated materials from the polling center to the Returning Officers' office, as at times there was no pre-arranged transport and some ballot boxes were transported by hailing rickshaws.

Role of Security Forces on Election Day

NDI's pre-election assessment statement expressed concern about the role the military and security forces play on election day. Prior to the elections, the military had been tasked with providing the BEC assistance with the voter registration process, specifically for logistical reasons. The BEC indicated that the military would not be present at polling stations, but would be available to respond to specific incidents.

The pre-election concern regarding military involvement on election day did not materialize. Police and other security forces were present and engaged in maintaining a calm voting environment at all visited polling stations. Observers reported that security personnel, including the military, behaved professionally and interfered only when necessary.

Participation of Women and Other Marginalized Groups

Although women lead the two major parties, women are generally under-represented in the Bangladeshi electoral processes. However, for the first time more women have registered to vote than men. Still, only 50 of the 1555 candidates who contested the election were women: 16 candidates from the AL, 14 from BNP, four from Gono Forum, two from Jatiya Party, three from Biklapodhara Bangladesh, and one each from Bangladesh Samajtantrik Dal, JP-Manju, Krishak Sramik Janata League, National Awami Party, National People's Party, Jatiya Samajtanik Dal parties. In addition, seven candidates ran as independents. Ultimately, 18 women were elected to the parliament and they will be joined 45 women elected by parliament to fill reserved seats.

On election day, observers noted that the lines for women were much longer than those of men. The lines also seemed to be moving much more slowly. The delegation observed many Polling Officers were women, but encountered only a handful of female Presiding Officers.

In previous elections, marginalized groups, including Hindus, Ahamadias, and Urdu-speakers, were prevented from freely exercising their legal rights on election day and experienced post-election violence. In this election, marginalized groups were again underrepresented in the electoral process, but overall the delegation found very few instances of intimidation and no incidents of violence reported at the polling locations observed.

Domestic & International Election Observers

Civil society organizations have monitored the electoral process from the early stages, including voter registration and the August 2008 City Corporation elections, conducted monthly public perception surveys, and implemented voter and civic education programs. The 32-member Election Working Group (EWG) deployed 181,000 observers on election day. The EWG plans on continuing its work beyond the election, promoting public dialogue on electoral reform as well as maintaining voter and civic education efforts. Domestic observers were seen at nearly all polling stations.

In addition to the National Democratic Institute and in collaboration with domestic groups, several international organizations also monitored the elections, including the European Union (EU), Commonwealth, International Republican Institute (IRI), Asian Network for Free Elections (ANFREL), and South Asian Association for Regional Cooperation (SAARC). These organizations shared information and avoided duplication of effort throughout the election period.

V. RECOMMENDATIONS

The delegation offers the following recommendations in the spirit of international cooperation:

Election Commission:

- adjudicate complaints in a timely manner;
- provide continuous training to election officials to ensure the effective administration of elections;

- identify and incorporate options that will allow those involved in the election process to vote;
- improve the process by which voters identify their assigned polling station and find their voter identification number on the voters' list;
- review the code of conduct in consultation with the political parties to help ensure its effective enforcement.

The New Parliamentary Majority:

- review parliament's rules of procedure to strengthen mechanisms for accountability, such as question and answer periods and greater oversight by committees;
- implement the Awami League's commitment to name a deputy speaker and some committee chairs from the opposition;
- continue reform efforts to ensure the independence of the judiciary and the anti-corruption, election, and human rights commissions.

Opposition Parties:

- pursue their electoral challenges through the mechanism established by law, while taking their seats in the new parliament and playing the enhanced role offered by the parliamentary majority;
- discontinue the use of hartals and boycotts as a potential tactic and instead use parliament as the principal means for resolving disputes.

All Political Parties:

- continue efforts to reform the parties internally to make them more democratic and responsive organizations;
- support additional opportunities for greater substantive policy debate in future campaigns, through mechanisms such as candidate debates.

Military:

- support the democratization process while respecting civilian authority.

Civil Society and Media:

- monitor the performance of the various governing bodies.

Domestic Election Monitoring Organizations:

- maintain an active role in promoting electoral reform and strengthen capacity to monitor future elections.

VI. THE DELEGATION AND ITS WORK

An accurate and complete assessment of any election must take into account all aspects of the process, and no election can be viewed in isolation from the political context in which it takes place. Among the factors that must be considered are: the legal framework for the elections set by the constitution, including electoral and related laws; the ability of citizens to seek and receive sufficient and accurate information upon which to make political choices; the ability of political competitors to organize and reach out to citizens in order to win their support; the conduct of the

mass media in providing coverage of parties, candidates, and issues; the freedom that citizens and political competitors have to engage in the political and electoral process without fear of intimidation, violence or retribution for their choices; the conduct of the voter registration process and integrity of the final voters' register; the right to stand for election; the conduct of voting, counting, results tabulation, transmission and announcement of results; the handling of election complaints; and the installation to office of those duly elected. It should also be noted that no electoral framework is perfect, and all electoral and political processes experience challenges.

The delegation arrived in Dhaka on December 25, and held meetings with Bangladeshi political and civil leaders, electoral authorities, domestic observers, and the international community in Dhaka. On December 27, 60 delegates were deployed in teams across Bangladesh. On election day, the teams observed voting and counting processes in more than 185 polling centers and 270 polling booths throughout the country. This short-term observation delegation was informed by a team of NDI's long-term observers who had been deployed throughout Bangladesh since November 20. NDI's short and long term delegations were citizens of 20 countries. Following the elections, the delegation members returned to Dhaka to share their findings and prepare this statement.

The delegation is grateful for the welcome and cooperation it received from voters, election officials, candidates, political party leaders, domestic election observers, and civic activists.

NDI CONTACT INFORMATION

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Appendix D

NDI Long-Term Election Observation Mission
Bangladesh Parliamentary Election 2008

Akeem Dele Sonubi

Binny Subba

Dasanayaka Mudiyansele

Kiran Kothari

Luis Gonzalez

Machill Maxwell

Maddalena Basevi

Marija Babic

Michael Verling

Mohamed Konneh

Niko Richter

Noran Panalunson

Roger Bryant

Samuel Turano

Sandra Gale

Sushmita Manandhar

Thanaporn Manunpichu

Timothy Baker

Tsungai Kokerai

NDI Short-Term Election Observation Mission
Bangladesh Parliamentary Election 2008

Akeem Dele Sonubi	Machill Maxwell
Audrey McLaughlin	Maddalena Basevi
Beverly Lindsey	Mary Margaret Dineen
Binny Subba	Michael De Golyer
Brady Williamson	Mohamed Konneh
Christine Fair	Neel Uprety
Dan Reilly	Niko Richter
Dasanayaka Mudiyansele	Noran Panalunsong
David Minge	Nuhu Yaqub
David Orr	Peter Manikas
Dawn Calabia	Rachel Kleinfeld
Emily Lau	Robert Barry
Emre Kocaoglu	Robert McMullan
Fareha Ahmed	Roger Bryant
Florentine Calabia	Samuel Frantz
Harry Blair	Samuel Turano
Howard Schaffer	Sanjeev Sherchan
John Durkin	Scott Hubli
Jony Ne	Sushmita Manandhar
Karen Levy-Brown	Telibert Laoc
Khashkhuu Naranjargal	Thambydurai
Krishna Pradhan	Muthukumaraswamy
Laura Grace	Thanaporn Manunpichu
Lawrence Garber	Theary Seng
Lesley Clark	Tsungai Kokerai
Luis Gonzalez	Xenia Dormandy



EUROPEAN UNION
ELECTION OBSERVATION MISSION
 Bangladesh Parliamentary Elections 2008

ইউরোপিয়ান ইউনিয়ন নির্বাচন পর্যবেক্ষণ মিশন বাংলাদেশ ২০০৮



Peaceful elections mark an important step in the restoration of democratic governance to Bangladesh

Dhaka, 31 December – The European Union Election Observation Mission (EU EOM) has released its preliminary findings and conclusions about the Bangladesh Parliamentary Elections. Following observation of all election preparations, and voting and counting on election day, the EU EOM has assessed that so far, these elections have marked an important step in the restoration of democratic governance in Bangladesh.

Chief Observer Alexander Graf Lambsdorff said, *‘Bangladeshi people turned out to vote in large numbers, and were able to do so in a peaceful environment. Minor technical difficulties aside, professionalism, transparency and credibility were the hallmarks of this election. The outcome of the election appears to reflect the will of the people of Bangladesh. Our observers did not report patterns of fraud in the process.*

The high democratic standard set by this election must be sustained in the following days and weeks as the country returns to democratic governance. This will depend on all political leaders and their supporters who have to demonstrate lasting respect for the spirit of parliamentary democracy. It is important to note that a healthy democracy requires a meaningful and constructive role for the opposition, acting in parliament.’

The campaign period began with the full restoration of key rights to freedom of assembly, movement, association and expression on 12 December, and all evidence suggests that these rights were respected. Campaigning was peaceful overall, despite some isolated incidents.

The election commission carried out its mandate in an impartial fashion and demonstrated its ability to conduct the technical preparations for elections, particularly regarding the new voters’ register, which has proved to be inclusive, accurate and reliable. Its main flaw is its ordering by number rather than alphabetically, making it more difficult for voters to know where they should vote. It was unfortunate that the electoral commission relied on the resources of party political representatives to inform voters of their correct polling booth. This introduced a degree of contact between voters and party representatives which it is best practice to avoid on election day. The counting of votes was carried out in an overall efficient, transparent and accurate manner.

The EU EOM was joined by a delegation from the European Parliament, led by Dr Charles Tannock, Member of the European Parliament. Dr Tannock said, *‘It has been a privilege for us to witness the peaceful and largely well-organised processes of election day and the enthusiasm to return to a representative form of government. With a responsible attitude from all political leaders, this achievement will be a foundation for a robust parliamentary democracy in Bangladesh.’*

The EU EOM’s preliminary findings and conclusions will be followed by a more comprehensive final report which will be presented in March and will include recommendations for future elections.

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IRI Preliminary Statement on Bangladesh's Parliamentary Elections

For Immediate Release
December 30, 2008

Dhaka, Bangladesh – The International Republican Institute (IRI) found Bangladesh's December 29, 2008, parliamentary elections a major step forward in demonstrating the country's commitment to strengthening democracy. The process appears to have yielded a result that accurately reflects the will of Bangladeshi voters.

What is crucial in the aftermath of this election is that Bangladesh's leaders recognize that Election Day is only one part of a democratic political process; political parties, candidates and citizens should accept the results and work together for a peaceful transition of power. IRI will continue to follow events in this election through the final counting and adjudication processes to the transfer of power.

IRI's 65-member delegation of short and long-term election observers monitored more than 250 polling stations in all six administrative divisions of the country. Prior to Election Day, observers were briefed by representatives of the Bangladesh Election Commission (BEC), major political parties and domestic monitoring groups. IRI also conducted two pre-election assessments in Bangladesh from July 31-August 8, 2008, and October 13-21, 2008. The teams evaluated the state of preparations for the parliamentary elections.

The delegation was particularly impressed with the dedication of the millions of Bangladeshi voters who stood patiently in line to exercise their civic rights and to participate in the political process. At the polling stations observed by IRI's teams, the process appeared organized and calm, and election officials were generally knowledgeable about election law. Though observers noted many procedural irregularities they did not believe them of the scope and severity that would call into question the legitimacy of the process or outcome.

The successes of Election Day were due in large part to the establishment of the new voter list. The Caretaker Government, the BEC, the Army and the United Nations Development Program are to be commended for their efforts to register more than 80 million eligible voters and ensure their inclusion in the new list.

IRI's delegates were also impressed by efforts to ensure procedural transparency. In addition to the more than 500 international election observers credentialed by the BEC, thousands of domestic observers and political party agents witnessed the voting and vote tabulation processes.

Though the campaign was abbreviated, political parties and independent candidates had an equal and adequate opportunity to make their case before the Bangladeshi public. In

addition, Bangladeshi media appears to have covered the campaign extensively giving Bangladeshi citizens timely information about election-related activities.

IRI observers did see room for improvement.

Specifically, steps should be taken to improve the process by which voters are identified at the polling station. This would help alleviate crowding and long lines. It would also remove the opportunity for political party activists to play an inappropriate role at voting stations on Election Day.

Delegates witnessed numerous instances in which political party agents assisted voters and/or displayed party materials in the polling station. In some instances, observers even noted campaigning taking place around the polling station, which is in direct violation of the law.

Inconsistencies in the vote consolidation process also led IRI observers to conclude there is a need for more thorough and consistent training of election workers.

Nonetheless, Bangladeshi leaders and citizens should be congratulated for an election that restores the electoral foundation of Bangladesh's democracy.

IRI's delegation was led by Constance Berry Newman, IRI board member and former Assistant Secretary of State for African Affairs. Other members of the delegation, which included representatives from Canada, China, Georgia, Greece, Hungary and Poland were: Anya Borshchevskaya, a researcher at Johns Hopkins School of Advanced International Studies; Li Fan, President of the World and China Institute; Michel Huneault, Senior Development Officer and Analyst for the Canadian International Development Agency; Nana Kashakashvili, Advisor to the Georgian Deputy Minister of Labor Health and Social Affairs; Irakli (Tony) Kavtaradze, International Secretary of the United National Movement and a member of the Georgian Parliament; Renata Kuras, an elections expert from Poland; Rati Maisuradze, Member of Parliament, Republic of Georgia; Constantine Makris, International Development Cooperation Agency Hellenic Aid at the Greek Ministry of Foreign Affairs; Heather Orrange, an international human rights and elections expert from Canada; Tamara Otiashvili, a consultant from Georgia with the Organization for Security and Cooperation in Europe's Office for Democratic Institutions and Human Rights; Scott Palmer, former Chief of Staff to the Speaker of the U.S. House of Representatives Dennis Hastert; Michael Rubin, Resident Scholar at the American Enterprise Institute; Deb Sofield, President, Executive Speech and Presentations Coaching Co; Jeno Istvan Szep, of Hungary, Project Manager for IDOM 2000 Consulting Co.; Joshua White, a doctoral candidate at Johns Hopkins University School of Advanced International Studies; and Ernest Wickersham, an independent elections expert from the United States.

IRI staff also served as observers and assisted in the mission. IRI staff was led by Judy Van Rest, Executive Vice President; Cynthia Bunton, Regional Director for Asia programs; and Jeffrey Vanness, Resident Country Director for Bangladesh.

IRI began working in Bangladesh in November 2003 with initial goals focused on strengthening domestic election monitoring; expanding the participation, leadership development and influence of women and youth in politics and civil society; and developing the advocacy skills of individuals who work to increase political party responsiveness to the needs of the Bangladeshi people. IRI also supports the National Election Observer Council (JANIPOP), a domestic election observation organization that trains and fields observers to monitor every stage of the election process.

IRI has monitored more than 130 elections since 1983.



ASIAN NETWORK FOR FREE ELECTIONS (ANFREL) FOUNDATION

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PRELIMINARY REPORT

Bangladesh Election Observation Mission 2008

On the invitation of the Bangladesh Election Commission (BEC), the Asian Network for Free Elections (ANFREL) carried out an international election observation mission to monitor Bangladesh's ninth parliamentary elections, held on 29 December 2008.

ANFREL deployed a total of 74 international observers from 18 different countries and 37 different organizations. The mission consisted of 20 Long-Term Observers (LTOs), deployed from 1 December to 3 January, and 54 Short-Term Observers (STOs), deployed from 24 December to 30 December. Observers were deployed in pairs, covering all 6 divisions of Bangladesh. A four-member Core Team supported the observers from Dhaka.

The mission impartially assessed the elections against international benchmarks of inclusive, free and transparent democratic processes, as set out in instruments such as the Inter-Parliamentary Union's (IPU's) Declaration on Criteria for Free and Fair Elections.¹ Observers and Core Team members adhered to the strict standards of neutrality mandated by the Code of Conduct for Foreign Observers issued by the BEC.

ANFREL's mission was led by Mr. Damaso Magbual, ANFREL's Chairman and leader of the National Citizens Movement for Free Elections (NAMFREL) in the Philippines. The two Co-Deputy Heads of Mission were Mr. Koul Panha, Executive Director of the Committee for Free and Fair Elections in Cambodia (COMFREL) and Mr. Surya Prasad Shrestha, former Chief Election Commissioner of Nepal and Chairperson of the National Election Observation Committee (NEOC).

This report is preliminary and a final report will be published in April 2009. ANFREL extends sincere thanks to the BEC and Care-Taker Government (CTG) for their cooperation and support of its observation mission.

¹ Declaration On Criteria For Free And Fair Elections, Inter-Parliamentary Council (154th session, Paris, 26 March 1994).

Executive summary

The polls held on 29 December 2008 to elect the ninth National Parliament of Bangladesh were conducted with integrity and credibility. The environment in the pre-election, Election Day and post-election periods was generally peaceful and inclusive. The local and international communities have welcomed the end of a prolonged military-backed administration and the restoration of democracy in Bangladesh.

The BEC conducted the election professionally, meeting key requirements to ensure a smooth and transparent electoral process. Security forces maintained a strong presence which helped to ensure a peaceful atmosphere. Isolated incidents of violence and intimidation were observed, but these did not affect the overall environment.

One of the most significant concerns raised by ANFREL observers was the difficulty faced by voters trying to find their allocated Polling Booth on Election Day, caused primarily by the numerical rather than alphabetical order of the voter list. This meant an increased reliance on political parties to assist voters. Other concerns were small numbers of unregistered citizens, a lack of uniformity in the implementation of polling procedures, large queues, and disorderly counting procedures.

Preparations for the polls included commendable measures such as the new voter list with photographs and freshly delimited constituencies. The new regulations introduced by the CTG and BEC meant more tightly regulated procedures for nomination of candidates, registration of parties and campaigning. While objections were made to certain provisions, and uncertainty was caused by late amendments and court decisions, this was a satisfactory framework within which to conduct the election.

The BEC and Civil Society Organizations (CSOs) such as the Election Working Group (EWG) played crucial roles in educating electors about voting processes and encouraging all electors, particularly women and youth, to exercise their right to vote. Even greater efforts for future elections can ensure similar programs reach all rural and remote communities. The participation of women in Bangladeshi politics remains low, although observers were pleased to see a strong female turnout on Election Day. Minority groups were some of the strongest supporters of the State of Emergency (SoE) continuing until Election Day, as many feared election-related violence, but the atmosphere has generally remained calm.

Electoral complaints and allegations of violence or intimidation must be pursued through the appropriate legal mechanisms in a timely manner. This election is the opportunity for the political parties and people of Bangladesh to move forward together towards a new era of democracy and development.

Background

The 29 December polls elected the ninth Jatiya Sangsad or National Parliament of Bangladesh. The term of the eighth parliament, governed by the Bangladesh Nationalist Party (BNP), expired on 27 October 2006. As per the country's constitution, a CTG was installed to prepare for elections which were initially scheduled for 22 January 2007. However, the military effectively replaced this CTG, indefinitely postponed the elections and declared a State of Emergency (SoE) on 11 January 2007 following widespread protests and violence.



The Jatiya Sangsad Bhaban

Under the emergency provisions, the CTG suspended certain fundamental rights guaranteed by the constitution and detained a large number of politicians and others on suspicion of corruption and other crimes. The Chief Adviser declared that elections would be held before the end of 2008. Amid doubts surrounding its constitutional legitimacy, the CTG also embarked on an ambitious program to refresh and reform Bangladesh election laws, in cooperation with the BEC and other stakeholders.

On 3 November 2008 the CTG relaxed the SoE by allowing more political activity and media expression. The SoE was further relaxed on 12 December before being lifted completely on 17 December. The restoration of constitutional rights of freedom of movement, association and expression, albeit at a late stage, set the stage for improved campaign and media environments.

Bangladesh has signed and ratified all core human rights treaties (ICCPR, ICESCR, CERD, CEDAW, CAT, CRC). However, it has entered reservations to several treaties, notably in relation to clauses on the guarantee of equality (ICCPR, ICESCR, CEDAW) and the implementation of convention obligations (CEDAW).² Bangladesh is obliged to uphold standards of periodic and genuine elections as set out in the ICCPR and Universal Declaration of Human Rights.

In the 2008 election, 299 of the total 300 parliamentary seats were contested. The election for Noakhali-6 constituency was postponed due to the death of a candidate. The 45 seats reserved for women will be allocated according to the proportion of contested seats won by each party.³

Legal Framework

On the expiry of an elected Bangladesh government's term, a CTG assumes power in order to facilitate the changeover of government and create an environment in which peaceful, fair and impartial elections can be held. The BEC is established under the Constitution to arrange and carry out elections.

The primary piece of legislation governing elections is the Representation of the People Order 1972 (RPO).⁴ The RPO was substantially amended by the 2007-08 CTG in an attempt to 'level the playing field' and lessen the influence of corruption in Bangladeshi politics. For example,

² Human Rights Forum on Universal Periodic Review (UPR), 1st September 2008.

³ According to article 65(3) of the Constitution of the People's Republic of Bangladesh.

⁴ This is supplemented by the Conduct of Election Rules 1972, the Delimitation of Constituencies Ordinance 1976, the Electoral Roll Ordinance and Rules 1982 and the Code of Conduct for Parliamentary Elections 2008.

registration was made mandatory for political parties, parties were obliged to adopt internally democratic procedures, and criteria for candidate nominations were tightened. The new option of a 'no vote' has been welcomed as an opportunity for voters to express their dissatisfaction with the contesting candidates.

However, a number of these amendments attracted controversy. In particular, candidates and parties criticized the new article 91E of the RPO, which gives the BEC the power to cancel candidatures if it receives information about a serious violation of election laws.⁵ One candidate likened political activity under article 91E to "swimming with your hands tied with a rope."

The Code of Conduct for Parliamentary Elections (Code of Conduct) regulates electoral campaigning. It requires political party candidates to obtain permission to hold rallies, bans the use of vehicles in processions, and limits the design and type of posters that parties may display. The Code has not been strictly enforced by the BEC. The leaders of both major parties, Sheikh Hasina of the Awami League (AL) and Khaleda Zia of the BNP, held large rallies before the formal campaign period began but neither were punished.

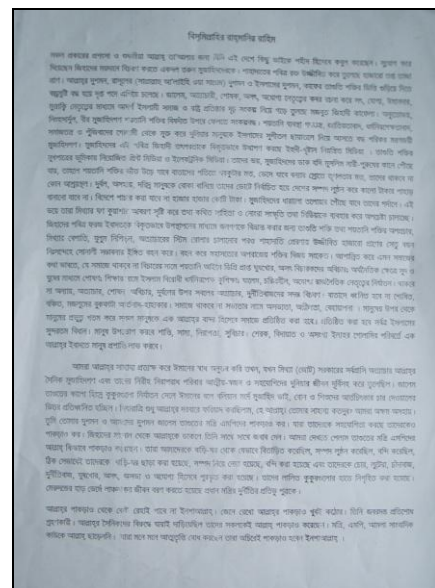
The BEC issued guidelines for both foreign and domestic observers, which outlined the accreditation process and highlighted their duty to uphold the BEC's codes of conduct for observers. The guidelines were concise and domestic groups were given opportunities to comment on draft versions. Domestic observer groups faced overly prescriptive restrictions, however, which created challenges in recruitment and deployment, and may have lessened the effectiveness of their observation. For example, limits were placed on the number of observers per constituency, the minimum age was 25 (7 years older than the voting age), and relatively high educational qualifications were required.

Pre-election environment

ANFREL observed a safe and peaceful pre-election environment in almost all areas. People looked forward to the elections and hoped that they would bring change to the country. Some incidents and clashes did occur in the pre-election period, and also on Election Day, but did not significantly disrupt the overall environment.

The atmosphere was observed to be tense in parts of Greater Mymensingh and Rajshahi, where candidates, journalists and other stakeholders received intimidating threats from the underground group Jamat'ul Mujahideen Bangladesh (JMB) several weeks before Election Day. Although some candidates were hesitant to campaign in certain areas, no violence eventuated.

Public opinion on the SoE, and its effect on the electoral environment, has been split. There was notably higher support for the SoE in rural areas. Communities and



Threatening letter sent to journalists by JMB, Rajshahi, in early December 2008

⁵ Before cancelling the candidature the BEC must investigate the matter and give the candidate a reasonable opportunity of being heard. The repeal of this article was one of four demands made to the CTG in a 48 hour ultimatum from the BNP on 21 November, 2008.

minority groups in rural Rajshahi and Chittagong wanted it to remain until Election Day as they felt it would reduce the influence of ‘muscle men’ and money. Urban residents were more skeptical of the SoE as they felt it restricted freedoms of speech, movement and political activity. Political party activists in all areas strongly objected to the SoE and continually urged for its withdrawal.



Bangladesh Rifles and RAB on patrol at an AL rally in Feni

Security was ensured during the immediate pre-election period and Election Day itself by the deployment of the Bangladesh army (from 20 December to 3 January). Early concerns were raised with respect to the severe ‘zero-tolerance’ approach being adopted by security agencies, and the potential for military actors to influence the polling process. However, security forces were not observed exerting any undue influence.

Electoral Administration

The BEC professionally administered the election and met key requirements to ensure a smooth and transparent electoral process. It was able to do so despite considerable constraints of time and resources. Regional BEC offices were well prepared to conduct the polls and had access to all necessary materials. Training of polling officers was completed in time for Election Day, although the method of the training varied from division to division. The BEC was rated as neutral by more than 70% of all voters interviewed by ANFREL observers.⁶

Electoral administration could have been improved in several areas. The BEC missed several self-proclaimed deadlines for completion of election preparations, such as finalizing the electoral law and the registration of voters and political parties. At some points, such as the accreditation of observers, the BEC did not appear to have sufficient resources to cope with its large workload. These factors, combined with unclear provisions in the RPO and the postponement of the election date, contributed to some degree of uncertainty and confusion about the electoral process among stakeholders.



Polling official training conducted by the BEC in Bogra

The BEC undertook a thorough review of parliamentary constituency boundaries during the first six months of 2008. The boundaries of 133 constituencies were redrawn to account for changed population figures and ensure the equal value of each vote. The BEC was criticized for carrying out the redelimitation after voter registration had ended and without adequate consultation with stakeholders. The matter was taken to the Supreme Court which eventually ruled in favor of the BEC, although this process further delayed election preparations.

⁶ ANFREL’s LTOs conducted a voter questionnaire of almost 900 respondents over four weeks across all six divisions.

Registration of voters, parties and candidates

Improving the voter list was a key aspect of election preparations. The lack of confidence in the 2006 list led to the BEC's decision to create an entirely new voter list including photographs. At the same time National ID (NID) cards were issued to Bangladeshis. With the help of the armed forces, voter registration teams travelled from village to village and into remote areas using boats and helicopters to reach the population. A total of 81,130,973 voters were registered, and, for the first time in Bangladeshi history, over fifty percent were women. Voters were highly confident that the new NID cards and photographic voter list would reduce electoral fraud, and the BEC should be congratulated for successfully completing this massive project in such a short period of time.

The voter registration process did not reach everyone, however. Reports of small numbers of eligible but unregistered voters were received in many locations across Bangladesh.⁷ The most common explanations given to observers were that voters were sick, pregnant or absent from their constituency during the registration process. Other reasons were that some homeless people were not permitted to register, the registration program did not reach all remote areas in the Chittagong Hill Tracts (CHT) and people were occasionally disinterested in the process. Voters were almost entirely unaware of the possibility of late registration, which was neither promoted to, nor taken up by, the people.

Party registration was made compulsory for the first time by an amendment to the RPO in August 2008. Under article 90B(iv), one of the pre-conditions to registration is that the central boards of political parties must finalize the nomination of candidates from recommendations made by district committees. Both the BNP and AL finalized candidate nominations without reference to these recommendations, but no action was taken by the BEC.

Under article 12 of the RPO, candidates are not eligible for election if they are in default under a loan within 7 days of the nomination deadline. Disqualified candidates can file an appeal before the regular courts. On 18th December, 21 disqualified candidates attained court rulings in their favor and the BEC was forced to allow them to contest the election. This placed considerable pressure on the already overworked BEC, as it had to print and distribute new ballot papers within a short time frame.

The scrutiny of candidates, an important part of the electoral administrative process, occurred during 3 – 4 December. Returning Officers strictly applied the election law and a significant number of nominations were rejected for noncompliance with regulations.⁸

Campaigning

The campaign period began on 12 December and lasted until midnight, 27 December. The campaign environment became much more festive following the lifting of the SoE on 17 December.

⁷ Reports were received from Dhaka, Mymensingh, Netrokona, Sherpur, Kishoreganj, Jamalpur, Barisal, Sunamganj, Meherpur, Kushtia, Chittagong, Feni, Khagrachhari, Rajshahi and Sylhet districts.

⁸ Of 2,454 nominations, 1,538 candidates contested the election. This number includes candidate withdrawals.

Campaigning generally remained peaceful throughout the country. Bangladeshis eagerly joined processions, conducted door-to-door campaigns, and broadcast political messages from loudspeakers in cars and rickshaws. The large rallies of Khaldea Zia and Sheikh Hasina tended to create a carnival atmosphere, but were overshadowed by a heavy security presence. Women tended not to participate in these activities, at least partly due to binding cultural and religious traditions. Isolated incidents of intimidation and violence were observed, such as low level threats from JMB and sporadic fighting between supporters of opposing parties, but they did not affect the overall campaign environment.

Reports were received of intimidation of minority groups in the CHT, but the nature of the terrain and somewhat closed society in these areas made the claims difficult to verify. Timely investigations should be held into these matters.



Vehicle being used to campaign, with posters pasted on the outside, in Feni

Very few instances of fraud or intimidation were observed. Instances of vote buying by candidates were reported to observers in Comilla and Pirojpur, but were not confirmed. Gifts such as sarees and jackets were distributed to voters in Noakhali and Jessore. Local media reported the seizure of 410,000 taka in Chittagong the night before the election, allegedly meant for vote buying. However, incidents such as these were not prevalent across the country.

Parties generally abided by campaigning restrictions in the Code of Conduct and RPO, although minor breaches were common (such as using a microphone outside permissible hours and pasting posters on vehicles and walls). Vehicles were used in a number of processions in Chittagong division. Some campaign materials distributed in Dhaka and Sylhet were designed to discredit the two major parties.

The involvement of children in campaigning was widespread and continued during the cooling period and Election Day. In one example, an AL procession on 22 December in Mymensingh featured approximately 300 – 400 children. While this may be an accepted practice in Bangladesh, it raises the possibility of exploitation of children for political gain, or potential exposure to politically motivated violence.



Children wearing party headbands in Tangail

Media Environment

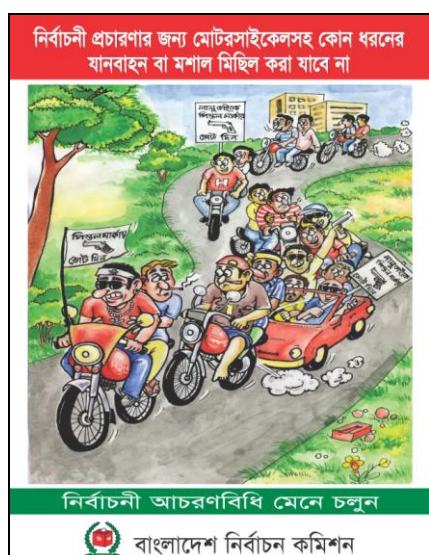
ANFREL observers questioned voters, journalists, editors and other election stakeholders on their perception of the media's role in this election. A common concern raised was that under the SoE the media was pressured to disseminate only favorable messages about the authorities. The lifting of the SoE was a positive step of the CTG that reinstated freedom of expression in the media.

Some journalists also commented that it was difficult for smaller political parties to gain exposure through the media, which is dominated by the two major parties.

Rural interviewees tended to believe that the media was fairer and more balanced than their urban counterparts. A lack of access to media in many rural areas limited the dissemination of party policies and voter education messages to rural voters.

Voter Education & Civil Society Organizations

Ensuring that voters were sufficiently aware of the issues and processes behind the election was one of the greatest challenges for Bangladeshi authorities and CSOs. The high illiteracy rate and lack of media access in some rural areas meant that a significant proportion of Bangladeshis were not familiar with new voting processes or the election as a whole. There was also much confusion over what identification would be necessary to vote. Observers were concerned that voters would not fully comprehend the process on Election Day and invalidate their ballots by making mistakes.



BEC poster explaining that parties cannot use motor vehicles in campaigning

The first initiatives of the BEC focused on educating people about the Code of Conduct, and included distributing posters and airing a series of election-related cartoons on national television. Later, it aired a number of Public Service Announcements (PSAs) about polling procedures on national television. These PSAs played a crucial role in ensuring voters were familiar with the process on Election Day. Television was an appropriate medium for the BEC's efforts as it reaches almost all areas of Bangladesh, including lesser developed rural villages.

The BEC has traditionally left large scale voter and civic education duties to CSOs such as EWG, a national 32-member coalition of CSOs and the most prominent group undertaking voter education activities for the ninth parliamentary elections. EWG was also the largest domestic election observation network, deploying 155,000 stationary and 1,500 mobile observers on Election Day. EWG distributed 9 million voter guides and 300,000 posters before Election Day through its Upazilla-level

network.⁹ It also aired PSAs on national television and radio channels to encourage women and youth to vote and exercise freedom of choice. Local CSOs undertook smaller voter education programs in a number of districts. While programs of the EWG and other CSOs were some of the most effective in terms of public outreach compared with other stakeholders, greater efforts will be needed in the future to ensure that all voters in rural and remote areas are sufficiently prepared for elections.

These initiatives proved a worthwhile investment as the great majority of voters cast their ballots on Election Day correctly and with confidence. A considerable number, however, seemed confused by the voting process, and many did not understand the option of a 'no vote.' Observers reported ballots stamped three times, voters carrying the official stamp out of Polling Booths, voters marking ballots in open areas, and voters unsure of what to do with the marked

⁹ EWG established Citizen's Alliances for Promoting Transparency and Accountability (CAPTAs), comprised of respected businessmen, teachers and other community leaders, to plan and implement its local voter and civic education activities.

ballot. In one case a voter had inserted her NID card into the ballot box. These observations indicate that voter education could have been increased. Further initiatives to reach out to rural areas would address the most significant areas of need.

Participation of women and minorities

The level of participation of women in Bangladeshi politics has traditionally been low, due to a number of cultural and religious factors. Women did not generally join political rallies or nominate as candidates.¹⁰ However, observers were pleased to see a strong female voter turnout and long lines of women queuing on Election Day.

Minority groups interviewed in Barisal and the CHT generally stated that they are marginalized and discriminated against in various ways, such as employment in the military or civil service, but feel free to express their political opinions. Minority Hindu communities closer to Dhaka did not feel the same marginalization.

In general, minority groups expressed that they felt safer under the SoE and many supported its continuation to Election Day. Minority Hindus in Khustia and other minorities in Feni interviewed expressed concerns over violence and intimidation from party cadres and would feel safer with higher levels of security.

Election Day

The 29 December polls were conducted with integrity and credibility, and saw an unprecedented 87 percent voter turnout. The environment was generally inclusive, peaceful and festive. Polling staff performed their duties competently in most cases and all necessary materials were available. Party Agents and domestic observers were present in almost all Polling Centers observed.

Security forces maintained a strong presence across Bangladesh. This did not cause any discernible apprehension among voters, except in some areas of Chittagong division. Several isolated incidents of violence took place, such as the assault of voters by Jamaat-e-Islami supporters in Comilla and a fight between BNP and AL supporters in Jhalokati, both leading to the suspension of polling. However, violence and intimidation were not prevalent on Election Day and the overall environment was not significantly affected.



Ballot paper stamped twice in Baruna Bazaar, Khulna.

Tension arose among agents and voters when a Presiding Officer in Khulna¹¹ began stamping ballot papers twice, once on the counterfoil and once next to the logo of Jamaat-e-Islami (scales). Polling was halted for approximately 30 minutes and some voters left without voting. Authorities should expedite investigations into incidents such as this to determine if re-polling or prosecutions are appropriate.

¹⁰ Only 52 out of 1,538 candidates were women.

¹¹ At the Polling Center at the BDC Collegiate School, Baruna Bazaar, Dumuria Upazilla, Khulna.

One of the most significant concerns raised by observers was the confusion surrounding booth allocation. The serial numbering of the voter list, as opposed to alphabetical order, made it difficult or impossible for voters to find the correct Polling Booth. Signs were displayed at some Polling Centers indicating which Polling Booth voters should attend, but were of no use to voters who did not know their voter number. In Dhaka city, the delimitation of boundaries may have compounded the problem. Many voters gave up after repeatedly standing in long queues as they tried different booths.

The difficulties in identification of Polling Booths meant an increased reliance on the services of political parties on the day, who were issuing chits listing voter numbers. It also led to an increased opportunity for party supporters to campaign or influence voters on Election Day, and in some cases Party Agents were observed assisting voters directly.

While the polling process went well, observers reported a lack of uniformity in the implementation of some procedures. This did not affect the overall conduct or integrity of the poll. Inconsistencies observed include voters being denied the opportunity to cast a tendered ballot; polling staff not checking voters' fingers for ink; inking before and after giving the ballot paper to the voter; not inking some voters; not providing a sufficiently secret area to mark the ballot; and Presiding Officers deferring to Party Agents for decisions about whether to allow particular voters to vote.



Massive queues in Gazipur

Bangladeshis faced long queues at many Polling Booths, due in part to a slow polling process. A greater number of polling officials and/or more official stamps and secret areas would have made the process faster. Sometimes, one or more Polling Booths at one Polling Center were overwhelmed with people while others were empty.

Some Polling Centers were located in schools with multiple levels, where voters often had to climb several flights of stairs to reach their Polling Booth. Other Polling Booths were very dark. Elderly, disabled and pregnant voters faced difficulties in these cases, although polling staff in general were willing to assist these voters. In remote areas such as Rangamati, voters faced walks of up to 20 kilometers to reach their polling station.

Closing and counting

As with opening, observers noted very few concerns with the closing process. Counting was achieved quickly in most areas observed. No objections were raised by Party Agents about the integrity of the seals or authenticity of the cast ballots at the end of the day. EWG observers were present for counting at almost all Polling Centers observed.

The method of counting – emptying ballot boxes together in a pile, and bundling ballots into piles – concerned many



Party Agent (far right, wearing ID) participating in the count in Comilla

observers. The counting areas were often overcrowded, and combined with poor lighting and a lack of intense supervision, individuals may have had the opportunity to interfere in the count.

Some variations were observed in counting processes at different Polling Centers, for example showing or not showing ballot papers to those present, and permitting different people to participate. Party Agents were permitted to participate in the counting process in Comilla-9.¹²

Post-election environment

The post-election environment has generally remained calm across the country, despite some incidents of violence and claims of vote-rigging. The people of Bangladesh have welcomed the restoration of democratic rule and the winning party, AL, has committed to cooperate with other parties. All domestic and international observer groups have recognized the result as an accurate reflection of the will of the Bangladeshi people.

On 30 December the BNP complained to the BEC that vote rigging had occurred in 220 Polling Centers, but does not seem to be seriously pursuing these claims. The BEC and other national and international stakeholders have urged all parties to accept the election results.

A number of isolated violent incidents have marred the otherwise peaceful post-election atmosphere. Local media reports that at least seven people have been killed and over 265 injured in post-election violence. Victims of allegedly politically motivated violence have not always reported such violence to the appropriate authorities. Some have chosen to hold press conferences instead which may only serve to exacerbate tensions, particularly as some local media outlets have exaggerated post-election violence.

Given the public acceptance of the result and endorsement of domestic and international stakeholders, the ninth Jatiya Sangsad election marks the transition of Bangladesh from a prolonged period of political instability and military-backed administration to a new era of legitimate democracy and development.

Recommendations

Campaigning

- Political parties should focus on promoting their policies and/or manifestos rather than agitating in order to increase political understanding among voters.
- Political parties should abide more strictly by regulations on campaign finance and activities.
- Effective mechanisms to monitor compliance with campaign regulations should be developed, and parties and candidates should be penalized for breaches.
- Political parties should cooperate with the BEC and other authorities to stamp out the practice of vote buying, whether in cash or by giving gifts. The BEC could issue clear definitions of what activities will not be permissible.
- Political parties and candidates should avoid involving children in political campaigning. The BEC could make provision against child exploitation in campaign regulations.

¹² At the Laksham Girls School, Comilla-9, Party Agents sat next to polling officials during the counting and occasionally took possession of ballot papers to check them.

Election Administration

- The voter list should be reorganized alphabetically to facilitate the location of voters' allocated Polling Booths.
- Greater measures could be taken to inform voters of where they need to go to vote. For example, the BEC could send invitation letters to voters' household containing information about polling locations and time. This would reduce problems as well as the influence of political parties on Election Day.
- The voter list should be reviewed and updated to include the eligible voters who are not currently registered. Corrections could be made at the same time, and blurry photos retaken.
- Bangladeshis who are out of their constituency on Election Day should be able to vote. The BEC should review the current postal ballot system and consider provision for overseas voting and early voting.
- Polling officers should receive more intensive training, with a focus on standardization in polling and counting procedures. This is important to ensure a uniform electoral process and may reduce the number of problems and complaints.
- Polling officers should be screened for their impartiality during the recruitment period.
- Prisoners and hospitalized voters should have the right to vote, through mechanisms such as postal voting or mobile polling stations.
- The accreditation process for domestic observers should be decentralized for the sake of efficiency, though accreditation of organizations can still be managed at the central level.

Election Day

- Polling officials should establish Information Desks to assist voters on Election Day. This would reduce the opportunity of fraud and improper influence being exerted by Party Agents.
- Polling officers should have access to a polling procedure manual for quick and easy reference on Election Day. This would promote uniformity in polling procedures.
- The management of queues should be undertaken by polling officials and not by policemen with weapons, as their duty is to ensure security.
- Special arrangements to prioritize elderly, disabled, sick and pregnant voters should be available at every Polling Center.
- Restrictions against unauthorized persons entering Polling Centers should be strictly enforced.
- Military personnel, polling officials and domestic observers who are on duty should be able to vote at the Polling Center where they are deployed on polling day, or by some other means.
- Polling officials should pay greater attention to the identification of voters. The checking of fingers for ink and comparing of faces to the voter list should be emphasized during training. Female voters wearing veils may feel more comfortable in being identified by female polling officials, and so the deployment of female polling officials is particularly important.
- The area surrounding Polling Centers should be free from campaign materials. Party Agents should not wear any equipment related with their party, such as ID cards, hats, and t-shirts prominently displaying party logos.
- Children should not be allowed to enter Polling Centers (unless it is necessary in the circumstances, for example a child being carried by a mother).

Counting Process

- The counting process should be reviewed and a more effective and transparent methodology adopted. Mixing, bundling and counting ballot papers is one of the most sensitive periods during the election process and should be more clearly visible to Party Agents and observers.
- The use of tabulation paper should be considered in order to make the process more transparent.
- Clear directions and examples should be issued with respect to valid/invalid ballot papers. This is necessary to avoid disputes and misjudgment among counting staff.

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Commonwealth Observer Group

Bangladesh Parliamentary Elections

29 December 2008

INTERIM STATEMENT

H.E. Cassam Uteem, Chair of the Commonwealth Observer Group
Wednesday 31 December 2008

Credible elections meet most key democratic benchmarks

A crucial step in the continuing effort to strengthen democracy and improve governance in the country

The 29 December Parliamentary Elections have been of crucial importance for Bangladesh and are an integral element in the on-going efforts to improve democratic governance in the country. As a result of the elections, democratic life in the country can be resumed and the parliament re-constituted, nearly 2 years after the imposition of the State of Emergency.

The Commonwealth has closely followed developments in Bangladesh and was pleased to receive an invitation from the Foreign Affairs Adviser to observe the elections. The decision to deploy this Observer Group was taken once it was confirmed the State of Emergency would be fully lifted, allowing at least for the conduct of the election campaign and polling under the normal conditions and the regular legal framework.

The Commonwealth Observer Group has been present in the country since 22 December. We have met with a range of stakeholders, including the Chief Adviser, the Election Commission, political parties, civil society, media and other observer groups. For the voting and counting processes Commonwealth Observers were present in all six Divisions of the country, and we have also co-operated closely with other observers, both national and international, building up a comprehensive picture on the conduct of the electoral process.

Key Findings

- The 29 December elections in Bangladesh for the 9th Parliament have been competitive and inclusive, with many of the basic rights and freedoms provided, once the State of Emergency had been fully lifted.
- Whilst some of the decisions and reforms instituted by the Caretaker Government and Election Commission may have proved unpopular with one party or another, and whilst some aspects do represent a more heavily regulated environment and framework, we feel the intention and outcome have been to achieve as credible an election as possible in an extremely polarized political environment.
- To this point in the process the Observer Group found that the election has been credible and met many of the benchmarks for democratic elections to which Bangladesh has committed itself. Particular mention must be given to the major effort involved in the successful registration of voters.

The significantly improved voter list increased public and political confidence in the process and ensured that universal suffrage was largely provided for.

- The legal framework provided the basic conditions for genuine elections, such as the right of political parties and candidates to participate, provision of basic campaign freedoms and improved conditions for equal suffrage by the recent delimitation of 133 of the 300 constituencies.
- The State of Emergency did impact negatively on the environment in the build-up to the election, limiting basic rights and freedoms, including the ability of parties and individuals to associate freely and placing limitations on freedom of expression.
- During the campaign there were reports of some clashes between party activists, particularly in the build-up to election day, though thankfully these were of a limited and isolated nature.
- On the day of the election Commonwealth Observers reported from all six divisions. Whilst incidents were reported in some areas and some complaints filed with the Election Commission, overall Observers found people peacefully turned out to vote in extremely large numbers, the right to vote was provided for and people were free to express their will and cast a vote in secret. The tabulation and results processes were transparent, particularly as candidate agents could receive a certified copy of the result at the Polling Centre and individual Centre results were publicly posted at the site.

Comments on the Process

For the purpose of these parliamentary elections, a number of reforms were undertaken to the Representation of the People Order (RPO) and a fairly strict Code of Conduct for Parties and Candidates was introduced. In addition the Election Commission and its Secretariat were reconstituted and a comprehensive voter registration process was undertaken and successfully completed.

The registration of some 81 million eligible voters for this election, with photographs, in the relatively limited time available was a phenomenal effort. Discontent with the previous voter list was a major point of grievance in 2006. This grievance has now been addressed, resulting in greater public and political confidence in the process and providing key safeguards for the voting process. It is unfortunate that persons turning 18 in the last year were not able to be included on the list, but at least the register can now be regularly updated maintaining a high quality register of voters for future elections.

For the first time political parties had to be registered for the election. The criteria for registration were reasonable, and 39 parties were actually registered. All of the main political forces in the country contested the election, making it an inclusive and competitive poll.

The right to stand in the election is provided for, and over 1,500 candidates contested the polls. However, the nomination and registration of candidates for the election has been problematic. Under the revised RPO candidates who are, among other things, loan defaulters, persons accused of corruption, guilty of a serious crime with a sentence of two years or more or in an 'office of profit' were ineligible. However, a number of such prospective candidates did come forward and a number of court decisions effectively overturned these limitations in the RPO.

One report estimated that over 100 persons accused of corruption or murder contested the election, which is incongruous with the law as it stands, the spirit of the reform process and also good governance principles. In addition, the last minute timing of some of these court decisions caused the Election Commission a severe administrative problem as it required the reprinting of over 2 million ballots and caused political tensions within parties and alliances over possible re-allocation of the party symbol.

According to reported figures, women represent some 51% of the 81 million registered voters. However, despite the presence of a woman leading each of the 2 largest parties, women represented just 3% of the total number of candidates contesting the election. Results show that there was a notable increase in the number of women winning seats, which is a positive indicator. However, women remain largely absent or a distinct minority in senior positions in the Caretaker Government, Judiciary and election administration.

The Code of Conduct for Parties and Candidates provided for a more highly regulated environment. Many have claimed this resulted in a calmer and more manageable campaign than previously and helped keep

campaign expenditure to more modest proportions. Whilst the Code was not entirely enforced, with the Election Commission deciding instead to issue warnings in some instances, and whilst some incidents of violence were reported, the campaign generally passed off calmly and the basic freedoms of assembly, expression and movement were provided for.

The revisions to the RPO and the introduction of the Code of Conduct were rigorous reforms. Collectively these changes were an attempt, and an aspiration, to re-shape the electoral environment in terms of creating a more independent election management body, somewhat re-defining who can participate as a candidate and establishing the parameters for the conduct of the campaign.

However, there appears to have been a lack of time and capacity to fully implement them on this occasion, and later court decisions have somewhat reversed some aspects of the reforms. The in-coming parliament has to consider the large number of ordinances passed by the Caretaker Government. Included in these will be the various electoral reforms, so at that stage it will become clearer as to what extent such progressive reforms are maintained or not.

On the day of the election, Commonwealth Observers reported that voters turned out in significant numbers in a largely peaceful environment. The security presence was heavy in most areas, but found to be helpful. Polling staff worked extremely hard and diligently to properly administer the process and the necessary materials were all in place. The high level of illiteracy represented a challenge for poll staff and voters alike. Candidate Agents and domestic observers were present in most of the polling centres visited.

It is unfortunate that the system for organizing names on the voter list necessitated the use of ID cards and party 'information' desks outside polling centres, neither of which are foreseen in the law, in order to facilitate the process. Also the postal vote facility was unfortunately not adequately implemented or utilized, resulting in hundreds of thousands of persons, including poll workers de facto losing the ability to vote.

We have heard that some complaints have been lodged with the Election Commission on individual incidents and also that there were some isolated clashes on election day. However, overall, observers have found the voting process was well conducted, with voters appearing to be free to express their will by a secret ballot.

The count at the polling centres was generally well conducted and transparent. Importantly in the instances we observed, agents were able to receive a copy of the certified result and the result was posted at the Centre. The tabulation process proceeded quite quickly and was also conducted transparently with preliminary results being reported by the media as well as the various levels of election administration.

Conclusion

The elections have been credible, meeting many of the key benchmarks for democratic elections, and represent a crucial step in the continuing effort to strengthen democracy and improve governance in the country. It is a time for leaders on all sides to grasp this opportunity and display statesmanship, with political forces, whether they are a future government or opposition, working in a spirit of mutual respect and co-operation to address the challenges facing the country.

The final stages of the process are on-going, with complaints and appeals yet to be fully dealt with, results to be completely finalized and at least one by-election to be held. Where the results or process are contested in any Constituency then the stipulated procedures for investigation and adjudication need to be followed. The Commonwealth team will continue to monitor the process, checking on the response to the results and the post-election environment.

The Commonwealth Observer Group will issue a final detailed report on the overall process including recommendations for changes to the process. This will be issued in approximately two weeks time.

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EWG Observation Report January 3 2009

Bangladesh Ninth Parliamentary Elections
December 29, 2008

Preliminary Election Observation Report EXECUTIVE SUMMARY

The Election Working Group (EWG)—a non-partisan, 32-member national coalition of civil society organizations that share a common commitment to free and fair elections and good governance in Bangladesh—planned and implemented a comprehensive election observation strategy for the Ninth Parliamentary Elections. The strategy included pre-election observation, Election Day observation by stationary and mobile observers, and post-election observation. The Election Day observation component was designed to provide comprehensive coverage of all polling booths. EWG planned to deploy 177,107 Election Day observers and 1,500 mobile observers. By midday on January 2, 2008, the EWG secretariat had received over 155,000 completed stationary observer forms and 228 completed mobile observer forms. The scale of effort made EWG the largest domestic election observation network and the only coalition active throughout Bangladesh.

EWG faced a series of external and internal challenges in meeting its Election Day observer deployment objectives. The external challenges included conformity with certain conditions prescribed in the Bangladesh Election Commission (BEC)'s domestic election observation guidelines. EWG is grateful to the BEC for the positive steps taken to establish clear and precise observer guidelines and for extending the opportunity to civil society to review and comment on draft guidelines. While the domestic observation guidelines were generally well crafted, the practical application of certain accreditation requirements proved cumbersome. EWG looks forward to sharing details of its election observation experience under this first application of the observer guidelines with the BEC and to working with BEC counterparts in reviewing certain conditions that hampered the efficiency of domestic observation. In the case of internal challenges, EWG notes that a few member organizations were unable to fulfill their Election Day observer deployment commitments in accordance with the comprehensive observation strategy. EWG is taking this matter very seriously in reviewing member performance on a constituency-by-constituency basis to understand the factors that contributed to performance variations among member organizations and to take steps to address problems in future.

Taking account of variations in the quality of observer data collected from across the country, this report focuses on the findings from 88 percent of constituencies. EWG is confident that this report provides a statistically sound and conclusive assessment of the integrity of the Ninth Parliamentary Elections.

On the basis of its comprehensive election observation findings, EWG concludes that the Ninth Parliamentary Elections held on December 29, 2008 were credible elections,

consistent with international standards of freedom, fairness, and transparency. EWG is confident that the election results represent the clear will of the Bangladeshi electorate.

EWG commends the people of Bangladesh for the overwhelming enthusiasm with which they participated in this first parliamentary election since 2001. It was especially satisfied with:

- the exceptional 87 percent voter turnout;
- the keen participation of women voters, who now represent more than 50 percent of the electorate;
- the record number of women Members of Parliament elected;
- the confidence of members of ethnic and religious minority communities in casting their votes without fear, intimidation, or pressure; and
- the first-ever participation of the Bihari people in the elections.

EWG congratulates the Bangladesh Election Commission (BEC) for its superb organization and management of the election, and the determination of its three commissioners in fulfilling their commitment to hold the parliamentary election by the end of 2008. EWG noted the high level of public confidence and trust in the BEC, whose 76 percent confidence rating affirmed in an EWG perception survey just prior to the election was 33 percent higher than in 2006. EWG notes the introduction of the milestone electoral roll with photographs, electoral law reform, and voter and civic education initiatives among the key steps taken by the BEC to ensure the integrity of the parliamentary election.

EWG notes that the election included minor incidents and irregularities of the kind expected in administering an election on the scale of 81 million voters, but found no evidence to suggest any systematic abuse of the electoral system that would have any effect on the overall integrity of the election. EWG's observation methodology focused on several key elements of the electoral process:

Preparations for Opening the Polls: Election officials were generally well prepared to open the polls, having received transparent ballot boxes, the voters list, a supply of indelible ink, and other key materials in advance of Election Day. While there were isolated instances in which the opening of polling booths was delayed beyond the 0800 start time, such minor delays had no significant effect on the subsequent polling process or integrity of the election.

Polling Process: The polling process from 0800 to 1600 met a consistently high standard. At the same time, in many polling centers with a large number of polling booths voters faced difficulties and time delays in locating their designated polling booths, in finding their names on the electoral rolls, and in queuing for long periods in order to vote. Some voters held voter registration chits but could not locate their names on the voters list. Many of those who were disappointed to be turned away on this basis protested noisily.

Accessibility: The EWG observers found most polling centers and individual booths to be accessible to voters of all ages and mobility levels. Yet, while election officials and

voters were generally respectful of the rights of elderly voters, pregnant women, and disabled persons, future elections will benefit from improved arrangements for polling station and polling booth access by those who require special facilities.

Counting Procedures: Election officials were generally well prepared to complete ballot counting, but in some cases counting began rather chaotically, with a debate among polling officials and polling agents about procedures before settling down. Counting was generally free from intimidation or threats.

Security Environment at the Polling Center: Although there is no evidence of systemic violence, there were on occasional reports of confrontation between rival party activists resulting in the temporary suspension of proceedings in some polling centers.

Bangladesh Ninth Parliamentary Elections
December 29, 2008

PRELIMINARY ELECTION OBSERVATION REPORT

I. ABOUT EWG

The Election Working Group (EWG) is a non-partisan, 32-member national coalition of civil society organizations that share a common commitment to free and fair elections and good governance in Bangladesh. It was established in 2006 with a focus on three primary objectives:

To support free and fair elections through pre-election, election day, and post-election observation;

To conduct voter education and awareness in key thematic areas to encourage all segments of society to participate in the electoral process. EWG activities promote greater accountability and integrity among candidates and elected officials, women's participation, the needs and interests of youth voters, and the rights and participation of religious and ethnic minorities, disabled persons, and residents of geographically remote areas. EWG activities also aim to reduce the risk of election and post-election violence.

To promote public dialogue on electoral reform.

II. EWG VOTER AND CIVIC EDUCATION PROGRAM FOR THE NINTH PARLIAMENTARY ELECTION

EWG designed and implemented a voter education program whose national and local-level components aimed to enhance voter knowledge, oversight, and engagement with candidates and elected officials, and to promote greater understanding of the roles and responsibilities of elected representatives and of candidate and political party

perspectives on issues of priority interest to voters.

The national-level voter and civic education program included:

Production and distribution of 9 million copies of four parliamentary Voter Guides on the role and responsibilities of Members of Parliament as national policy makers and lawmakers, women's electoral participation, issues of interest to first-time voters (youth vote), and the election manifestos of major political parties.

Production of four public service announcements (PSAs) for television and radio broadcast on the themes of independent voter choice, accountability of elected representatives, the importance of women's participation in elections, and the role and expectations of first-time voters.

The local-level voter and civic education initiative included:

Establishment of Citizen's Alliances for Promoting Transparency and Accountability (CAPTAs or accountability committees) at the upazila level. The CAPTA committees of respected business persons, school principals and teachers, women's leaders, religious leaders, and other community members) contributed to the planning and implementation of local voter and civic education activities.

Local program activities included candidate meetings, rallies, cultural performances, and other activities on the themes of accountability, election violence prevention, women and youth issues, and the electoral rights and participation of religious and ethnic minorities and disabled persons.

III. EWG OBSERVATION OF THE NINTH PARLIAMENTARY ELECTION

EWG planned and implemented a comprehensive election observation strategy that included pre-election observation, Election Day observation by stationary and mobile observers, and post-election observation.

A. Pre-Election Observation

In the run-up to the parliamentary elections, EWG has conducted a series of surveys to gauge the attitudes of the public to various aspects of the political and electoral processes, as well as issues of importance to them.

Since February 2007 EWG has conducted monthly national public perception studies that focus on national issues such as citizen confidence in the Caretaker Government, security concerns, election preparations, and the economy. In October 2008, EWG conducted a national survey to explore citizen knowledge and awareness about the roles of different levels of government—in particular the role of Member of Parliament and upazila officials. With a special focus on issues of concern to women and youth, the survey results informed the design and implementation of voter and civic education materials and program activities. Survey findings highlighted weaknesses in citizen understanding of the roles and responsibilities of different levels of government—a matter that EWG wished to address in its voter and civic education materials. It also highlighted which issues were of most concern to both women and youth voters. The findings were included

in separate voter guides for women and youth.

Finally, EWG implemented two pre-election environment assessment surveys. Conducted by district coordinators in all districts of the country, the surveys brought interesting data to the public's attention concerning developments and trends in the election environment, including security concerns, confidence in election officials and observers, and awareness of EWG voter and civic education materials and program activities.

B. EWG Election Day Observation

1. Deployment Plan and Reporting Structure

EWG's Election Day observation strategy was designed to provide comprehensive coverage of all polling booths. Deploying an observer at every polling booth provides the greatest deterrent to electoral malpractice, and represents the most effective means of determining the legitimacy of an electoral process by allowing an evaluation of the election in each constituency. EWG planned to deploy 177,107 Election Day observers and 1,500 mobile observers. By midday on January 2, 2008, the EWG secretariat had received over 150,000 completed stationary observer forms and 1,460 completed mobile observer forms. The scale of effort made EWG the largest domestic election observation network and the only coalition active throughout Bangladesh.

Stationary observers were recruited by EWG member organizations in the particular constituencies for which the organizations received institutional accreditation from the Bangladesh Election Commission (BEC) and assumed responsibility to implement EWG voter and civic education and observation activities. In accordance with BEC accreditation guidelines for domestic observation, only one EWG member organization was active in each constituency.

Stationary polling booth observers were tasked with submitting their observation reports to their polling center team leader following the close of the polls and observation of the closing procedures on Election Day evening. The team leader was also responsible for observing the subsequent vote count in the polling center, and for passing all completed observation forms—together with the results of the vote count observation form—to the local union coordinator. The union coordinator then collected and passed all forms for polling centers in his or her union to the constituency coordinator. The constituency coordinator in turn delivered the forms to the district coordinator, who personally traveled to Dhaka to deliver all completed forms to the EWG secretariat for further aggregation and analysis.

2. Practical Challenges in Deployment

The large-scale mobilization of nearly 180,000 election observers was an ambitious undertaking that depended on the efforts of many individuals. EWG is grateful to its member organizations and Election Day observers for their hard work in pursuing the deployment target and demonstrating that ordinary Bangladeshis were committed to

make a personal contribution to the electoral process. EWG believes that such high levels of commitment and participation by voters are essential if democracy is to continue to lay deep roots in Bangladesh.

EWG faced a series of external and internal challenges in meeting its Election Day observer deployment objectives. The external challenges included conformity with the strict conditions prescribed in the BEC's domestic election observation guidelines. EWG is grateful to the BEC for the steps taken to establish clear and precise observer guidelines and for extending the opportunity to review and comment on draft guidelines. While the domestic observation guidelines were generally well crafted, certain requirements proved highly cumbersome. EWG looks forward to sharing details of its election observation experience under this first time application of the accreditation guideline with the BEC and to working with BEC counterparts in reviewing certain conditions that hampered the quality and efficiency of domestic observation—the most significant of which are discussed in further detail in Sections V and VI, and Annex 1 of this report.

In the case of internal challenges, EWG notes that a few member organizations were unable to fulfill their Election Day observer deployment commitments in accordance with the comprehensive observation strategy. EWG is taking this matter very seriously in reviewing member performance on a constituency-by-constituency basis to understand the factors that contributed to performance variations among member organizations and to take steps to address problems in future.

Taking account of variations in the quality of observer data collected from across the country, this report focuses on the findings from 88 percent of constituencies. EWG is confident that this report provides a statistically sound and conclusive assessment of the integrity of Ninth Parliamentary Election.

C. Post-Election Observation

EWG will conduct a post-election environment survey, the third in a series conducted by district coordinators. Conducted in the second week of January, the survey will assess public satisfaction with the parliamentary elections, the impact of voter and civic education activities in promoting increased citizen engagement in public affairs, and expectations for the new government and the role of the opposition. The results will be released just prior to the upazila elections that are scheduled to be held on January 22, 2009.

IV. ELECTION DAY FINDINGS

A. General Findings

On the basis of its comprehensive election observation findings, EWG concludes that the Ninth Parliamentary Elections held on December 29, 2008 were credible elections, consistent with international standards of freedom, fairness, and transparency. EWG is

confident that the election results represent the clear will of the Bangladeshi electorate.

Exceptional voter participation and enthusiasm: EWG commends the people of Bangladesh for their overwhelming enthusiasm to participate in the first parliamentary election to be held in seven years. The voter turnout, estimated at 87 percent, is exceptionally high by international standards, and demonstrates that citizens attach great importance to parliamentary democracy.

Women voters and elected women candidates: EWG is especially pleased with the high turnout of women voters and first-time voters on Election Day, as evidence by its observation of long queues of women voters across the country, and the record number of women Members of Parliament elected.

Confidence of religious and ethnic minorities: EWG is also pleased to note that the ethnic and religious minority communities that faced significant threat and incidence of violence in the 2001 parliamentary election voted in large number and generally felt very secure in casting their votes. In addition, EWG welcomes the first-ever electoral participation of the Bihari people.

BEC leadership: EWG congratulates the BEC for its excellent organization and management of the Ninth Parliamentary Elections in accordance with its electoral roadmap. All members of the BEC—from the three election commissioners to local officials working in polling centers across the country—were driven by a tireless determination to make the election a success. Their collective effort yielded the most credible election in the nation's history. EWG national public perception research indicates that public trust and confidence in the BEC stood at 76 percent on the eve of the election—33 percent higher than a similar poll conducted in 2006. Notable achievements of the BEC that contributed to the quality and integrity of the elections include the first national application of the milestone electoral roll with photographs. The new electoral roll virtually eliminated the risk and incidence of electoral fraud at the polling booth—as reflected by the low incidence of tendered or challenged ballots noted by EWG observers across the country. Electoral law reforms undertaken, together with voter and civic education materials produced and disseminated, by BEC further enhanced the quality of the election and contributed to greater voter knowledge and engagement in the electoral process.

Minor administrative irregularities and incidents had no impact on the overall quality and integrity of the elections: EWG observers nationwide noted minor administrative irregularities and incidents of a kind to be expected in administering elections for over 81 million voters in 299 constituencies, over 35,000 polling centers, and nearly 180,000 polling booths. The same new administrative systems and procedures that in broad application contributed to the high quality of the election were certain to face certain challenges in their first-time application. The minor Election Day irregularities and incidents observed in different polling centers had no impact on the overall quality and credibility of the election.

EWG interaction with international election observation missions: EWG welcomed the opportunity to cooperate and exchange information with leaders and members of several international observation missions at the national and sub-national level.

B. Findings of EWG Observers

The following sections report EWG stationary and mobile observer findings with respect to several elements of the election, including preparations for the opening of the polls, polling procedures over the course of Election Day, security, security environment at the polling center, accessibility, counting procedures, and observation.

1. Preparations for Opening the Polls

Election officials were generally well prepared to complete opening procedures in polling centers and individual polling booths across the country. Transparent ballot boxes, voter lists, ballot papers, indelible ink, and other essential materials reached individual polling centers and booths in good time. With the exception of minor variations noted in isolated cases, election officials followed correct procedures in sealing ballot boxes and setting up the polling booths. In some cases the opening of polling booths was delayed beyond the specified 0800 start time as preparatory tasks were completed or polling agents (party representatives) arrived late, but delays of this kind had no impact on the overall quality of the polling process. Polling agents were present in large numbers in polling booths across the country, with most adequately prepared for their assignments. In some cases, polling agents were permitted to enter the polling center without being checked to confirm their identity and accreditation, while some polling agents did not wear identifying badges.

In a few isolated cases, election officials sought to expedite busy Election Day duties by completing envelopes and observer and polling agent witness lists on the evening prior to the election. Some officials took corrective measures after learning that these time-saving actions were inconsistent with good practice.

2. Polling Process

The polling process between the 0800 opening of polling booths 1600 closing set a consistently high standard across the country. While no major problems affected the overall quality of the polling process, EWG observers noted certain issues that may be remedied in future elections:

Challenges and delays in locating polling booths and voter names on the voter list: In many polling centers—especially those that operated in large school facilities with numerous polling booths on multiple levels—voters faced challenges and time delays in locating their designated polling booths and finding their names on the electoral rolls. Voter names were listed by serial number rather than alphabetically. The provision of chits with registration details by political parties expedited the process in most polling centers, but in many cases considerable time and effort was needed for voters to confirm

their polling booth, locate their names on the voters list, verify their identity, and complete the voting process.

Long voter queues: Many polling centers experienced long queues during peak voting hours. While most men and women voters were content to stand patiently in long lines to cast their votes, in some cases voters discouraged by the long wait left the polling center without voting.

Voting patterns: Some EWG observers reported a striking variation from past elections, when voters who lacked confidence in earlier national electoral rolls would arrive at the polling center early in the morning to cast their vote with the aim of reducing the risk of identity theft. Public confidence in the integrity of the electoral roll with photographs prompted voters to take a more leisurely approach in visiting polling centers later on Election Day.

Application of national ID cards: Inconsistencies were observed in the application of national ID cards, which technically were not required to establish a voter's identity. While most election officials followed the correct procedures of applying the voters list with photographs as proof of identity, some insisted on the national ID card as proof.

Individuals missing from the voters list: EWG observers noted isolated cases in which voters held a voter registration card but could not locate their names on the voters list. In some cases, those turned away from the polling center without voting were upset and protested vigorously.

Tendered ballots or challenges: As noted previously, there were few instances of tendered ballots cast or challenges, which affirmed the integrity of the electoral roll with photographs. EWG observers reported a few cases in which voters claimed to have discovered on arrival at the polls that their vote had already been cast.

Ballot papers: Some voters were confused by the compact size of the ballot paper and sought clarification from election officials on whether to place the seal on the party symbol or party name section of the ballot paper. Some voters were confused by the double-sided format and thinness of ballot papers, while others struggled to fold the ballots in the specified manner in the absence of clear instructions.

Voter privacy: Polling station officials were left to their own ingenuity and available materials in preparing screened areas in which voters could cast their votes in private. While the overall quality of arrangements was satisfactory, the privacy afforded varied significantly between rudimentary privacy screens made of light fabric and more substantial screens.

Translucent ballot boxes: While the newly introduced translucent ballot boxes generally worked very effectively, observers noted in some cases that double-sided ballot papers pressed against the side of the box could be clearly read as a vote for a particular political party.

Placement of ballot boxes: In most cases, election official placed ballot boxes in prominent locations that were easily visible to polling station officials, party poll agents, and election observers; however, in some cases the ballot box was placed in a less prominent location.

Voters in the queue at poll closing time: With few exceptions, election officials permitted voters who were in the queue by the 1600 closing time to complete the polling process. In some cases, election officials took initiative to reduce the wait for those in line by dividing the voter list in half and creating two shorter lines.

Election observers and party agents: While EWG observers were not permitted to observe the polls in isolated circumstances, in most polling centers election observers and polling agents were permitted to observe the polling process.

Finger marked with ink: The indelible ink markers used to identify voters generally worked well; however, the ink could be removed quite easily. In some instances, observers reported that the markers dried out and had to be replaced.

Names and numbers of voters called out clearly: Polling officials were generally well informed of their administrative duties, including clearly calling out the name and number of voters and stamping ballot papers.

3. Security Environment Between Polling Centers

EWG mobile election observers evaluated the security environment between polling centers. They reported that the intra-center security environment was generally acceptable, but noted a few isolated problems:

Election campaign posters displayed within 400 yards of polling centers: In several cases nationwide candidate campaign posters were observed hanging within 400 yards of polling centers in contravention of BEC guidelines.

Instances of illegal Election Day campaigning observed: EWG observers noted a series of unrelated incidents around the country in which candidate loyalists engaged in obvious or discrete campaigning on Election Day in contravention of BEC guidelines.

Voter intimidation or denial of access to polling centers: While isolated incidents of voter intimidation or denial of access to polling centers were reported—particularly in the Chittagong Hill Tracts, there was no evidence of any widespread effort to intimidate voters or deny them access to polling centers.

Candidate arrangement of transport or refreshment for voters: EWG observers reported several cases of candidates or their supporters arranging rickshaw and other transportation of voters to or from polling centers and providing midday snacks and refreshments.

4. Security Environment at Polling Centers

The security environment at polling centers was significantly improved from previous parliamentary elections. Minor incidents of intimidation were noted by EWG observers, but these only escalated to violence in rare occasions. Voter expressed confidence in the security of polling centers and adjacent areas. Of particular significance, members of ethnic and religious minority communities that have historically faced particular security challenges expressed confidence in casting their votes without fear, intimidation, or pressure. Law enforcement officials present in polling centers and polling booths generally discharged their security functions in a neutral manner.

Isolated incidents of violence: EWG observers noted several minor incidents of violence involving clashes between rival political factions. In some cases, the disruption was sufficient to prompt election officials to suspend polling until law enforcement officials restrained or otherwise dispersed those involved in violence.

5. Accessibility

EWG observers found most polling centers and individual booths to be accessible to voters of all ages and mobility levels. The widespread designation of schools as voting centers ensured convenient and secure central access in all but the most remote communities. Issues noted for future improvement include:

Inadequate arrangements for polling center access by elderly or women voters: The efficiency of arrangements for polling center access varied among different centers. In the case of large polling centers in urban schools, multiple levels and a labyrinth of narrow corridors posed access challenges for elderly and disabled voters and pregnant women and resulted in significant crowding at peak times. While election officials and voters were generally respectful of voters with special assistance needs, future elections will benefit from better arrangements—as discussed in the recommendations section. Some polling centers had few windows and inadequate ventilation, while others had inadequate water supplies and sanitary facilities to support voters, election workers, polling agents, and observers for the day.

Inadequate guidance: While election officials and party agents were generally helpful in assisting or directing voters once they reached their designated polling booth, the voting process was slowed by the absence of persons to provide directions at the entrance to polling centers.

6. Counting Procedures

Election officials were generally well prepared to complete the ballot counting procedures in polling centers, ensuring an efficient transition from voting hours to closing procedures and the counting process. EWG observers noted that in most cases polling agents of all political parties were permitted to observe the counting process, with no

unauthorized persons allowed access to the counting center. The counting process was generally free from intimidation or threats, while in most cases election officials properly reconciled used, unused, and spoiled ballots and applied the same standards for determining valid and invalid ballots for all parties and completed the counting process with no objection or demand for recounting. Likewise, in most cases polling sheets were signed by the presiding officers and distributed to all polling agents, while observers were permitted to record the polling results posted by the presiding officer.

Periodic delays in the start of counting procedures: In some polling centers around the country counting procedures were delayed for some time following the closure of the polls. In some cases, the counting process began rather chaotically, with heated debate among polling officials and polling agents, but gradually settled into a more orderly procedure.

Exclusion of EWG Observers: As reported in Section V below, EWG observers were barred from the counting process in several polling centers around the country, including Sirajgonj-3. The problem resulted from miscommunication between the BEC secretariat and election officials in the field, or cases of local election officials taking independent decisions in contradiction of BEC guidelines.

7. Observation

EWG observers noted polling agents representing several major political parties were present in most polling booths around the country. While in most instances, observers were permitted to observe the entire process, in several cases election officials or other administrative officers refused access to polling centers or ordered EWG observers to leave. EWG observers frequently met and interacted with representatives of several international observer missions on Election Day, but encountered relatively few domestic observers representing other civil society organizations. Mobile observers found EWG stationary observers in most but not all polling centers across the country. They also noted that while most EWG stationary observers wore their identifying orange t-shirts, many dressed for cool weather and wore their t-shirts under jackets or pullovers, making it difficult to identify them. In particular, many women observers were uncomfortable wearing the t-shirts and were consequently difficult to identify as EWG observers. In future, EWG may opt for an identifying cap or visor rather than a t-shirt.

V. CHALLENGES FOR ELECTION OBSERVERS

EWG encountered several significant challenges in completing its comprehensive election observation strategy. These challenges included issues specific to Election Day proceedings and final accreditation procedures, as described in the section that follows, and others related to the general enabling environment for domestic election observation in Bangladesh, which are discussed in Annex 1.

Delayed accreditation: In some constituencies, the accreditation of individual observers carried on until the evening prior to the election, leaving little time to complete logistical

and other arrangements for individual observers. For example, in Dharmapasha Upazila in Sunamgonj District, observers never receive accreditation cards in time to observe the election. In some cases, observers were subject to a supplementary tier of accreditation review involving questions from the police and/or members of the Rapid Action Battalion (RAB). These interviews by law enforcement agencies made some observers sufficiently uncomfortable that they abandoned plans to observe the election.

Denial of access to polling centers: While most EWG observers were permitted to perform the election observation duties for which they were accredited without any hindrance, in several areas observers were refused access to the polling center or polling booth by election officials, had their accreditation cards confiscated, or were ordered to leave the center or booth. In some locations—including Faridpur, Chittagong, Tangail, Sarajgonj, Shariatpur, and Kushtia—local election administrators made changes to the EWG deployment filed with the BEC secretariat, which resulted in confusion on Election Day. It was reported that a Chief Judicial Magistrate in Charchat Upazila and Pourashava (Nanadanhachi Primary School of Nimpara Union and Charchat Pilot Primary School) of Rajshahi-6 constituency accused an EWG observer of acting in collusion with the administration, snatched his accreditation card, ripped his t-shirt, treated him with disrespect by ordering him to do push-ups, insisted that he write a note acknowledging fault, and expelled other EWG observers from adjacent polling centers.

VI. EWG RECOMMENDATIONS

The EWG makes the following recommendations to improve Election Day procedures and the environment for election observers to carry out their duties and responsibilities.

A. Election Day Procedures

(1) Before Opening

More consistent use of identification by all officials and accreditation for party workers.

There should be a booth outside each polling station to provide voters with their serial numbers and to help find the correct voting booth.

The BEC, rather than the political parties, should ideally provide voters with information on their serial number and polling station. If political parties are to continue to provide chits to assist voters, it is recommended that the chits be prepared in conformity with a standard format specified by the BEC, which should not include candidate photographs.

Future arrangements for the presence of accredited, non-partisan volunteers inside the polling centers would help voters find the correct polling booth. Bangladesh Scouts or student volunteers could potentially perform this role.

(2) Polling Process

Rather than depending on party poll agents, the BEC should designate officials to guide voters to their designated polling booth. Again, if the practice of political party chits is to continue, it is recommended that the BEC specify a standard format with no party designation, as the existing practice constitutes campaigning.

In future the BEC should prepare standard, reusable screens for all polling booths and avoid independent arrangements at each polling booth. The standardized screen should ensure full privacy, be easily installed and removed, and be easily stored between elections.

Ensure that local election officials clearly understand the function of the national ID card and the steps to be followed in establishing voter identity on the basis of the electoral roll with photographs.

Provide voters with information on the basic steps to be followed in completing the polling process, including the format of the ballot.

Ensure that election officials are clearly instructed on the placement of ballot boxes in a prominent place, where they can be clearly seen by officials, voters, poll agents, and election observers.

(3) Accessibility

Polling centers and booths should be designated with the aim of ensuring optimal access and assist those that require assistance, and arrangements made to provide assistance to voters. For example, all polling centers with multiple floors should include one ground-floor facility for elderly or physically disabled voters, pregnant women, and others who will otherwise struggle to ascent and descend steep stairs.

Encourage election officials to grant preference in voting queues to the elderly, disabled persons, and pregnant women.

(4) Security Environment Between Polling Centers

The BEC should strictly enforce the prohibition on election campaign posters within 400 yards of polling centers, Election Day campaigning, and transportation and other incentives offered by candidates.

(5) Security Environment at the Polling Station

Increase the number of female security personnel for female voting booths

(6) Counting Procedures

Provide election officials with supplementary training in counting procedures.

B. Election Observation

(1) Election Specific

Ensure that all election officials at the local level receive correct and consistent information about who is permitted to observe elections, and provide training on the formal grounds on which observers may be barred from entering the polling center.

(2) Future Enabling Environment for Domestic Observation

Any organization that wishes to observe elections should be accredited to do so, provided that it meets basic legal status requirements, leaving it to citizens to judge the performance and credibility of the observer organization.

The limit on the number of organizations per constituency permitted to observe elections should be relaxed to permit more than just two accredited organizations.

The minimum age limit for observers should be the same as for voters.

The minimum qualification for observers should be lowered to accommodate any citizen who can read and write and complete a required training program on election observation.

All restrictions on where observers can observe should be dropped

Any accreditation process of observers should ideally be completed at least 6 weeks prior to an election.

Once an organization receives BEC accreditation to observe elections, candidates should not have the ability to reject individual observers at the local level.

Observers should not be obliged to undertake information gathering tasks for organizations other than their own.

C. Voter and Civic Education

Plan and conduct voter education program on the basic technical aspects of voting, including the layout and procedures of polling stations, the format of the ballot paper, folding the ballot, and other basic details.

Ongoing efforts should be made to strengthening the capacity of domestic election observation organizations.

Enabling Environment for Domestic Observation

Domestic election observation is an important element of overall efforts to enhance the quality and integrity of elections. EWG is grateful for the initiative taken by the BEC to establish clear and concise guidelines for domestic election observation, and for the opportunity extended by the BEC to review and comment on draft guidelines. EWG is likewise grateful to the BEC for the patient assistance rendered in completing the accreditation process, finalizing the deployment plans of accredited organizations, and issuing clarifying instructions to election officials in the field who insisted on following procedures inconsistent with domestic observer accreditation guidelines specified by the BEC. At the same time, EWG views certain elements of the guidelines as overly prescriptive and not consistent with international standards of good practice.

Several of the prescriptive regulations that apply to domestic observers are unique to Bangladesh. Rather than supporting domestic observation, they have the effect of restricting it, posing certain challenges to sustainable, cost-effective future observation efforts, and disenfranchising voters—a result inconsistent with the commitment of the BEC to voter participation and the encouragement of first-time voters. The regulatory approach taken by the BEC appears to have been prompted in large part by political party allegations that partisan loyalties among domestic observer organizations have affected the results of past elections—a claim that has never been supported by convincing evidence.

International good practice holds that all citizens should be allowed to participate in observing elections without restrictions and that the state should devise rules and regulations to support rather than hinder domestic observation. Certain elements of the present accreditation guidelines for domestic observers are inconsistent with this fundamental principle, and certain of the challenges faced by EWG in preparing for the parliamentary election resulted from such excessive regulation. EWG believes that reducing regulations will limit organizational problems in future and looks forward to the opportunity to share its experience and recommendations in this first practical application of the observer guidelines through follow-up dialogue with BEC counterparts.

EWG believes in principle that:

Any domestic organization that wishes to observe elections should be allowed to observe as a fundamental right, leaving it to the citizens of Bangladesh to determine whether observer organizations are credible and neutral.

Subject to reasonable bounds, there should be no limitation on the number of organizations that may receive BEC accreditation per constituency. Local organizations should be permitted to observe local political processes and should not have a prescribed minimum or maximum geographic or electoral area to observe. For organizations that associate through a coalition structure like the EWG network, the sharing of responsibility among several organizations working in a constituency provides a strong check-and-balance in reducing the risk of bias and in monitoring organizational

performance.

The minimum age limit for observers should be the same as for voters. Observers are deployed to ensure the rights of ordinary voters, and should accordingly be equated with voters. The minimum age requirement of 25 years lacks reasonable justification. Internationally, the majority of election observers are drawn from persons in the 18 to 25-year age group, representing a demographic that is best able to devote voluntary time to participate in observer trainings and observation. EWG member organizations faced far greater challenges in recruiting volunteer observers in the context of the 25-year age minimum than they did in the case of the August 2008 city corporation elections, in which no minimum age requirement was set.

EWG submits that the minimum educational qualification should likewise be lowered to accommodate any citizen of legal voting age who can read and write and is thus able to complete an appropriate training course and complete an observer form on the basis of thoughtful observation. Since there is no education requirement to register as a voter, the same rights should be extended to anyone who wishes to serve as a domestic election observer.

While EWG is grateful to the BEC for reducing the prohibition on domestic observer deployment in home upazilas to a union-level restriction, geographic restrictions of any kind have a serious impact on sustainable domestic observation. As observers are expected to commence Election Day duties at the opening of the polling center, a geographic restriction effectively deprives an observer of his or her fundamental right to vote—at least until alternative arrangements are in place to allow observers to vote through postal balloting or comparable facility. In addition, the geographic restriction places logistical and financial burdens in requiring observers in more remote areas to travel to their designated observation place one day prior to the election. It may also necessitate up to two nights of overnight accommodation in areas where available facilities are very limited. The prohibition poses even greater difficulties for women and disabled observers whose ability to travel is typically more restricted than that of men. The application of the union-level deployment bar posed challenges for EWG observation of the Ninth Parliamentary Elections of a kind not encountered in the August 2008 city corporation elections.

While EWG appreciates the serious and sincere efforts of the BEC to establish a rationale process of domestic observer accreditation, the length of the accreditation process followed in preparation for the parliamentary elections left domestic observer organizations little time to complete their final program preparations. The process should ideally be completed several weeks before Election Day. For a large coalition like EWG, it is difficult to organize a comprehensive national observation program involving the recruitment and training of thousands of observers, distribution of materials, and other preparatory steps when organizational accreditation is only completed three weeks prior to the election and individual observer accreditation continues until hours before the election in some cases. Again, EWG welcomes the opportunity to share the practical lessons of recent experience with BEC counterparts.

Domestic election observation provides election commissions with an important independent check on the integrity of an election. In international good practice, domestic observers are free to determine and report on the observation details of their choice, and should not be encumbered with an obligation to implement a supplementary observation on behalf of an election commission or to face potential revocation of accreditation should they fail to supply the prescribed information. EWG incurred additional time and expenses to collect supplementary information on behalf of the BEC, but should ideally have been free to determine its observation protocols without the added burden of supplementary information collection. EWG welcomes the opportunity to cooperate with the BEC in determining more efficient ways to meet the specific information needs of the BEC.

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9th Parliamentary Election Observation Report Odhikar

Reporting Date: 31 December 2008

Executive Summary

One of the broader missions of Odhikar is election observing. Since its inception in 1994, Odhikar has established itself as a credible and reliable organisation in Bangladesh regarding the observation of elections, both national and local. Internationally it has earned a good reputation and established relationships with regional election and democracy campaign organisations. Odhikar does not limit its election observing activities only within observing the procedural aspects of elections, but it also watches the condition of the civil and political rights of the electorate.

Being a member of the Election Working Group (EWG), Odhikar observed 56 constituencies of 40 districts under 6 divisions during the 2008 national election¹. A single team consists of five mobile election observers, deployed in each of the 56 constituencies. Odhikar observers were responsible for identifying and gathering key information on irregularities, intimidation, violation of the election Code of Conduct and incidents of election-related violence within each constituency.

Background

Article 123 (3) of the Constitution of the People's Republic of Bangladesh states that "A general election of Members of Parliament shall be held within ninety days after Parliament is dissolved, whether by reason of the expiration of its term or otherwise than by reason of such expiration".

According to Bangladesh's electoral system, a caretaker government is obligated to hold the elections in due time, which must be held within ninety days of dissolving a parliament². However, the last government's tenure ended on 26 October 2006 and the Caretaker Government came to the power and prepared to hold an election on 22 January 2007. On 11 January 2007 the military took over power and established a military backed regime under the Chief Advisorship of a former World Bank official Fakhruddin Ahmed, who declared the state would hold elections in two years time. This gave rise to the question of the legitimacy of the regime and the Election Commission under the Constitution.

As per the self proclaimed electoral roadmap of the Election Commission, the Commission missed its own deadline of completion of some tasks. The Commission missed its June 2008 deadline for the registration of political parties; for delay in finalising reforms of the electoral law. In keeping with the electoral roadmap, all electoral reforms, including finalisation of the conditions for registration of political parties, were to have been completed by 22 February 2008. According to the roadmap, the field-level task of voters' registration was to be completed by 30 June 2008, but the Commission missed the deadline. The Commission undertook the task of delimiting the parliamentary constituencies amid protests from all the major political parties; it missed the June 2008 deadline for completing the delimitation through gazette notification. The election date had been finally decided as being 18 December 2008. However, it was rescheduled for 29 December 2008 when the election finally took place. Though it was decided earlier by the Election Commission that about 68,000 prison inmates would be able to vote, in spite of taking two years time, the Commission was not able to make proper arrangements for them to send their votes by postal ballot. Furthermore, more than five thousand election officials were also unable to cast their votes, as the Election Commission could not arrange postal ballots for them either.

¹ Which were held on 29 December 2008.

² Article 123 (3) of the Constitution of the People's Republic of Bangladesh.

Selection of Constituencies

Odhikar selected the following constituencies to observe, based on various aspects such as fairness of election procedures and the violation of human rights. Odhikar observed the following constituencies on Election Day:

Name of the Division	Name of the Constituency
Dhaka	Dhaka-4, Dhaka-6, Dhaka-11, Gazipur-2, Munshigonj-1, Munshigonj-2, Munshigonj-3, Narayangonj-4, Narayangonj-5, Mymensingh-4, Tangail-1, Tangail-4, Netrokona-2, Kishorganj-6 and Rajbari-2
Chittagong	Chittagong-8, Chittagong-12, Cox's Bazar-1, Comilla-9, Brahmanbaria-3, Feni-2, Laxmipur-2, Noakhali-4, Rangamati and Bandarban.
Rajshahi	Panchagarh-1, Lalmonirhat-3, Thakurgaon-1, Kurigram-2, Dinajpur-1, Dinajpur-6, Gaibandha-2, Chapainawabganj-1, Naogaon-6, Rajshahi-1, Rajshahi-2, Sirajgonj-2, Sirajgonj-5 and Pabna-4.
Khulna	Khulna-2, Khulna-5, Jessore-3, Jessore-6, Satkhira-2, Jhenaidah-2, Jhenaidah-4 and Kushtia-4.
Barisal	Barisal-1, Barisal-3, Jhalokati-2, Pirojpur-1 and Pirojpur-2
Sylhet	Sylhet-1, Sylhet-2, Sunamgonj-5 and Moulavibazar-3

Two hundred and eighty local mobile observers, five observers for each constituency, were selected for election observation. This report summarises the findings of Odhikar's 280 mobile election observers, deployed in 56 constituencies under 40 districts. The key findings of the irregularities have been given below:

Key findings

- Irregularities and violations of the Election Code of Conduct have been recorded in 28 out of the 56 constituencies observed.
- False votes could easily have been cast, because the assistant presiding officers did not compare photographs on the list with the person claiming to be the voter. As a result, people impersonated and cast vote for others who came to the polling station to find their vote already cast. This has foiled the aim of preventing false votes. This can be attributed to lack of training and the negligence of the assistant presiding officers.
- Campaigning by BNP³ and Awami League supporters on the election day was observed in a number of electoral areas in Khulna-5, Kurigram-2, Kushtia-2, Chapainawabganj-1.
- Presiding Officers were found to be reluctant in maintaining order in some polling stations in Munshiganj-3. Security personnel were also found inactive in some polling stations, allowing influence to take place towards voters.
- Various candidates of different political parties provided rickshaw/van as transportation to carry voters to some polling centres of the observed constituencies. This was recorded in Jessore-3, Khulna-5, Mymensingh-4, Jhenaidah-1, Kushtia-4, in contravention to electoral laws.
- Presiding officer Md. Ikhtiar Uddin did not allow Odhikar observers to observe the polling booth in Shankarspur Govt. Primary School centre in Jessore-3.

³ BNP: Bangladesh Nationalist Party, led by Begum Khaleda Zia.

- Both the Grand Alliance and Four Party Alliances were largely involved in violating the electoral laws, in particular, the Code of Conduct on the election day.
- In Joinakuthi, Shohortoli of Potuakhali, there were rickshaws with posters of the ‘Boat’ symbol⁴ pasted on the back of rickshaws which were transporting voters from one centre to another. A woman named Farida Begum was arrested by Rapid Action Battalion (RAB) while she was campaigning for BNP in the Chor Chapli polling centre at Kolapara in Potuakhali-1.
- Some incidents of false voting were recorded in some polling centres in Jessore-3, Jessore-6, Naogaon-6, Khulna-2, Khulna-5, Brahminbaria-3, Munshiganj-2, Jhenaidah-1
- There were some incidents of negligence of election and security officials in two or three centers of the Munshiganj- 3 constituency. In this constituency, local BNP leaders attempted to influence voters. Two ward members of Bakultala Union Parishad Amanullah and Sayed, and local BNP leader Moshiur Rahman were seen inside the Bokultala High School centre.
- Polling agent Babul Rana of the BNP candidate was found influencing voters to vote for the symbol ‘sheaf of paddy’⁵ in Sahera Sobhan Govt. Primary School polling centre in Brahminbaria-3.
- Polling Booths in some polling centres were found inadequately enclosed in Panchashar Madrassa polling centre in Munshiganj-3 constituency. Voters could not vote in a number of polling centres in Munshiganj-3, Dhaka-4, Jessore-6, Khulna-5 and Brahminbaria-3 as their names were not appeared on the voter’s list.
- Four Party Alliance and Grand Alliance supporters were found present in a number of polling centres in Munshiganj-3, Kurigram-2, Khulna-5 influencing voters
- Polling booths in many polling centres in Khulna-5, Jessore-6 were not found to be properly protected.
- Apart from its monitoring areas, Odhikar had been informed that the UPDF⁶ candidate Ujjal Smrity Chakma in Khagrachhori constituency had not accepted the result of the votes. He complaint against the District Administration for favouring a specific party candidate to be elected, claiming some polling centres had closed before the official closing time.

Election Administration

The Election Commission allowed Odhikar to observe 56 constituencies, though it applied for observing 60 constituencies. In the name of a security background check by the Special Branch of police, Odhikar observers were unnecessarily harassed. It was observed that the Returning Officers were well-equipped for the elections and the electoral materials had been distributed properly to the presiding officers of respective electoral areas.

The Election Campaign

The purpose of an election campaign is to enlighten the voters about the programmes and policies of the political parties and candidates. An adequate opportunity was given to all political parties and candidates for conducting meetings, rallies, and processions during the campaign period⁷. The new Code of Conduct set out by the Election Commission imposes reasonable restrictions on election campaigns as to serve the

⁴ The ‘Boat’ is the electoral symbol of the Awami League.

⁵ The Sheaf of Paddy is the electoral symbol of the BNP

⁶ UPDF: United People’s Democratic Front, a Chittagong Hill Tracts based political organization.

⁷ The campaign period was from 14 December to 27 December 2008.

exact purpose of campaign. According to the Election Code of Conduct, campaigns can only begin three weeks before the polling. Political or election related programmes can not be organised without the prior permission of the concerned Returning Officers. However, campaign had to be suspended 48 hours before the polling started. No election campaigns or distribution of campaign materials were allowed during this timeline. However, election campaign materials of the Four Party and Grand Alliance were observed being distributed in some polling centres even on the election day.

Security Environment

The security environment was found to be stable. On election day, necessary security arrangements were made by the government and the Election Commission as to enable the citizens to exercise their right to franchise without any fear. Incidents of violence had not been recorded in any of the observed constituencies during election observation.

Election Observation

Despite the prevalence of election related violence during the campaign period in a number of constituencies, the voter turn out in 56 constituencies was full and festive. People had come out in full force to fulfil their duty as citizens and they had contributed the most in making the election free, fair and peaceful. The large turn out of young, first time voters and female voters proved again that the people of Bangladesh still believe in democracy.

Mobile Observers

On election day two hundred eighty local mobile observers visited nearly 560 polling centres, representing rural, urban and industrial areas across the country to observe the elections. On election day, mobile teams observed polling centers and reported their findings in the prescribed 'election day observation forms'. Some irregularities were found in various polling stations, as mentioned.

In general, the atmosphere in and around the 560 polling centres covered by Odhikar were festive and relatively peaceful. Initiatives of the government contributed to the safe and stable environment on the polling day. Combined efforts to uphold law and order by members of the civil service and the various security forces, including Police, RAB, Army, Bangladesh Rifles and the Village Defence Force, also encouraged voters to participate actively in the elections, although isolated cases involving the intimidation of voters and negligence of Presiding Officers were reported in some areas.

Constituency-wise Detailed Findings

Jessore-3

Voting was hampered as there were no similarity between national identity cards and voter serial numbers in Mahmudur Rahman High School polling centre. No other polling agents of the political parties were seen, other than from the BNP and Awami League.

Almost all the candidates provided rickshaw/van as transportation to carry voters in Ramnagar Govt. Primary School centre and Shankarspur Govt. Primary School centre.

Presiding Officer Md. Ikhtiar Uddin did not allow Odhikar observers to observe the polling booth in Shankarspur Govt. Primary School centre.

It was observed that there were insufficient polling booths for women voters in Ambottola polling centre. For this reason women voters had to wait for about four hours in a queue to cast their votes.

One Polling Officer, Rasel Rana of Sujolpur Govt. Primary School centre was arrested by police for voting in the Vekutia Girls School polling centre. He went another polling centre, which was far from his duty station.

Jessore-6

Two voters named Sanjoy Das (VSL⁸ # 163) and Anjoli Biswas (VSL # 105), residents of Keshabpur Pourashva could not cast their votes as their votes had already been cast. The presiding officer did not allow the stationary observers to observe polls in the Jessore-6 constituency.

Two polling booths out of six had no doors, windows, or roof in Sadia Ittedia Madrassa polling centre.

In Vallukshor polling centre, one Amena Begum (VSL # 897) could not vote as her vote had already been cast. Two voters named Sadia Khatun (NID⁹ # 4113885394492) and Nurul Islam (NID # 4113885834513) were unable to vote as they were not included in the voter list.

Khulna-5

Jamat-e-Islami provided transportation to carry voters to the Shiromoni High School polling centre. One BCL¹⁰ leader Robiul Islam was seen influencing voters in Alka High School while AL¹¹ leader Miju was providing Tk. 200 per rickshaw van for carrying voters to the same polling centre.

AL supporters were found campaigning inside the polling centre at Phultola Govt School. However, voting was hampered as a gathering took place among women voters in booth no.1, but the security personnel were silent on lookers. Polling agents were seen influencing voters in Dhopakali Govt. Primary School. It was learnt that local AL leader allegedly paid Tk. 200 per voter in this area.

Rahila Begum (NID # 4713040263889) could not vote as her vote had already been cast by someone else in the Khornia High School polling centre.

Khulna-2

One Monirul Islam (NID # 4798518256162) could not cast his vote as his vote had already been cast earlier in Talimul Millat Madrassa polling centre. Polling booths were found to be uncovered.

Brahminbaria-3

There was no polling agent except from the BNP in Norashangshar polling centre while no agent was seen other than from the AL in Mohanata Govt Primary school. One female voter in Anjumana School and Collage centre could not vote despite showing her national ID card as her name was printed on voter list.

Comilla-9

Many voters faced problems due to absence of voters slips in the polling centres at Comilla-9 constituency. It is notable that only one police constable was on duty in each polling station. There was no facility for handicapped voters.

Naogaon-6

Polling ended in a fair way in the 10 polling centres observed, except one incident of false voting in which a woman claimed that her vote had already been cast by someone else before she came to the polling centre.

Kurigram-2

At 11.45 pm in Kanthalbari GP School centre at Sadar Upazilla some activists of the Four Party Alliance tried to cast false votes and the supporters of the Grand Alliance protested. The law enforcement

⁸ VSL: Voters Serial Number.

⁹ NID: National Identity Card.

¹⁰ BCL: Bangladesh Chhatro League, a student wing of the Awami League.

¹¹ AL: Awami League, one of the largest political parties in Bangladesh.

members reached the spot and stopped a probable clash. Some supporters of the Grand Alliance shouted out slogans for the 'Plough' symbol¹² at around 1.30 pm when Kurigram District BNP President came to visit the centre in Horikesh GP School polling center. In response to that, Four Party Alliance supporters also started shouting. Both parties came face to face and were about to attack each other. An army mobile team came to the spot and took control of the situation.

Golam Rahman (81) of Narikelbari, Kajir Chok failed to cast his vote as his national ID number and the voter number did not match. Many voters from the centre Narikelbari GP, Kajipara VDP, Najimkhan High School, Rajarhat High School faced this kind of problem and thus failed to cast their votes.

At the Khawriar Chor Secondary High School polling centre in Chilmari, an activist of Islami Chhatra Shibir¹³, was beaten by a mob when he tried to campaign for his party. He was later handed over to the police. The incident took place at 11 am. Officer-in-Charge (OC) of Dhushmara Police station said that Aatur Rahman (20) a resident of Dewaner Khamar, Vurungamari upazilla and a 4th year student of the Management Department of Kurigram Government College was forcing people to vote for Jamat-e-Islami candidate Nur Alam Mukul while giving away his voting slip. That is why people handed him over to police after beating.

Gaibandha-2

In the Badiakhali School centre of the constituency, some polling agents of BNP suddenly started asking voters in the queue for vote for the BNP candidate, prompting the Awami League agents in the centre to urge voters to vote for AL. This led to a strong argument between the agents of the two parties and the supporters of both the parties waiting outside the centre joined in, creating panic among the other voters. However, the authorities soon had control the situation.

In the Jhaobari Primary School centre, there was reportedly a quarrel between two people. The police beat them and, without any incitement, continued indiscriminately beating other voters in the centre, leaving 3 voters seriously injured.

Panchagarh-1

Polling in the 10 centres of the constituency, which Odhikar observed, was reported to have been fair and peaceful except for two incidents in which supporters of the Four Party Alliance and Grand Alliance were reportedly seen chanting slogans for their party symbols.

Chapainawabganj-1

Polling was conducted in a relatively free and fair manner in Chapainawabganj-1. However, a few cases of irregularities were found. In the Kanshat Government Primary School, Krishnachandrapur Government Primary School, Chak Kirti High School and College and Bishwanathpur Mahbul High School centres, supporters of the Gono Forum candidate were seen with campaign posters on their backs and chests.

In the Narikalyan High School centre, supporters of the BNP candidate were reportedly seen arranging rickshaws for carrying voters to the polling centre.

In another incident, a man was allowed to vote despite the fact that his appearance did not correspond with the photo in the electoral roll, though his name and voter number corresponded with those in the roll.

Rajshahi-2

Polling was reported to have been held in a fair manner with one significant violation in one centre. In the PTI Keshabpur centre, supporters of both the Alliances were reportedly seen motivating people by showing their electoral symbols on the bags they were carrying.

¹² The plough symbol represents the Jatiyo Party (E), part of the 'Mohajote' or the Grand Alliance.

¹³ Student wing of the Jamaat-E-Islami Party.

Lalmonirhat-3

In two centres out of the 10 centres Odhikar observed, several voters found problems in finding their voter number in the voter roll. In the Kulahat High School centre and Tiktikirhat High School centre, several voters find their voter number missing in the voter roll. Some of those voters were, however, allowed to cast their vote though many of them left the polling centre without doing so.

In the Nutan Ruppur Government Primary School centre, several Awami League supporters interrupted women heading towards the polling centre. A young man called Tony, who protested this act were beaten by the Awami League supporters Shahjahan, Surya and Zia. They also beat and injured another BNP supporter, Chandan who came to Tony's aid.

Rangmati

The National ID card and voters list created confusion among voters in some polling centres observed. Voters thought that the ID card was mandatory for voting. However, it took a lot of time to resolve these complications. Women voters were mainly the sufferers of this problem.

Chittagong-8

In Muslim Girl High School centre, one incident of false voting was reported. A few voters who failed to vote commented that the scope of casting false vote may have arose as the people were getting the opportunity to vote on the basis of the serial number in the voter list in the absence of a National ID card.

Feni-2

Supporters and activists allegedly of the Grand Alliance were seen casting false votes in Feni Govt Pilot High School polling centre. Being informed of that news, the Army came to the spot. Hearing of the Army's presence, the false voters fled away. In this polling centre, a few supporters of the BNP were allegedly obstructed from casting their vote. Police was seen to be reluctant to do anything about it.

Munshiganj-1

Four Party Alliance candidate, Shah Moyazzem complained that some unidentified persons cast false vote for the Grand Alliance at Sir J. C. Bose Institution center under Sreenagar Thana at 10.25. Due to this, chaos erupted between the two Alliances and voting was suspended for 25 minutes. Then police took steps to control the situation.

There was no electricity at different booths at Kathalbari Government Primary School and Kamargaon Government Primary School center under Baghra and Bagyokul Union in Sreenagar Upazila.

Munshiganj-2

Lucky Aktar, daughter of Wasuddin and Monoyara Begum, holding NID # 5914413592628, complained that an unknown woman cast her vote in her stead at Louhajang Girls Pilot High School center under Louhajang Upazila.

Taslina Begum, spouse of Md. Miraj Bepary and daughter of Maria Begum, NID # 5919423398478, complained that an unknown woman cast her vote in her stead at Boloj Government Primary School center under Tongibari Upazila.

Munshiganj-3

Due to the fact that two booths were in the same room and there was only one opening for both, vote casting was hampered on Bhasanchor Mijikandi Government Primary School center under Adhara Union in Munshiganj Sadar Upazila when huge lines of pollsters took hours to diminish. The police and army took the situation under control and vote casting restarted at 11.30am.

A few women voters could not vote in Muktarpur Primary School centre at Munshiganj-3 constituency as their names did not appear in the voters list, despite having a National ID cards.

Dhaka-4

Voter slips were found with marks of different political parties at all centers of the Dhaka-4 constituency. There was no enough space to cast votes at center no.32 of Dhaka-4. Mismanagement reportedly took place during voting at center no.8. Polling officials were seen to have closed the booth and stop the polls at center no.70 to have lunch, which was in contravention to the Code of Conduct.

Dhaka-11

Grand Alliance activist Marium Begum was openly campaigning at center no. 37 of Dhaka-11 constituency.

Narayanganj-4

Most of the polling centers had inadequate space, which made over-crowding in constituency Narayanganj-4. International observers were seen in a number of centers while EWG¹⁴ stationary observers were not found in most of the polling stations in the Narayanganj-4 constituency.

Narayanganj-5

Activists of the Four Party Alliance were seen campaigning at Joy Gobinda High School center. There was insufficient light at Narayanganj Model Girls High School center and Morgan Girls High School center. A female voter was assaulted for allegedly casting a false vote at Kushiara Government Primary School center under Nabiganj in the Narayanganj-5 constituency.

Mymensingh-4

Polling agents of all candidates were not present and EWG observers were present only in six booths at center no.-1 of Mymensingh-4 constituency. Candidates paid to bring voters to the polling centre no.-2 of Mymensingh-4 constituency.

Gazipur-2

There was no toilet or water supply at Pagar Ulum Senior Madrasa center in the constituency Gazipur-2. There was no open space in the Pagar Ulum Senior Madrasa center in Gazipur-2 causing a problem for people standing in long queues.

Jhenaidah-1

Polling agents were absent for three candidates out of five in Garaganj Govt. Primary School polling centre of this constituency.

BNP and AL candidates provided rickshaw vans as transportation to carry voters to Bazukhali Govt. Primary School polling centre. In this centre there was no electricity.

The AL candidate provided rickshaw vans as transportation to carry voters to the Khas Raninagar Govt. Primary School polling centre. No EWG stationary observers were present in polling booth no. 3 and 4 in this polling centre.

A false vote had been cast in the name of Bolai Kumar Biswas, voter no. 504 in Kabirpur High School polling centre. Later on that false vote was treated as a disputed vote.

Nargis Akter, voter no. 250 was not allowed to cast her vote as it had already been cast by another person in Bosontopur Govt. School polling centre.

¹⁴ EWG: Election Working Group.

Kushtia-2

Polling started 15 minutes late in Kursha Govt. Primary School polling centre. Windows behind the polling booth was found to be open in Tithilia Madrasa polling centre.

Molla Mahmud Hassan, Upazila Nirbahi Officer of Mirpur, seized the fax machine from ABC Computers and Multimedia in Mirpur Bazar and took it to his office. Odhikar's observers were denied use of this fax when they requested it.

Kushtia-4

The supporters of all candidates were openly campaigning in Choroikul Govt. Primary School, Tebaria Sherkandi Govt. Primary School, Gosaidangi Govt. Primary School polling centres.

Transport facilities were provided to carry voters on behalf of all candidates to the Tebaria Sherkandi Govt. Primary School Paikpara Mirzapur Govt. Primary School, Joyonti Hazra Govt. Primary School, Batikamara Govt. Primary School polling centres.

No stationary observers were present in Tebaria Sherkandi Govt. Primary School, Paikpara Mirzapur Govt. Primary School polling centres.

Kumarkhali, Kushtia UNO Mr. Nuruzzaman ousted an observer named Sohel Rana of Jagorono Chokkro from Batikamara Govt. Primary School polling centre as he was talking with voters in the queue.

Concluding Remarks

1. Despite certain irregularities, violence and some cases of post-election incidents of death, it is difficult to raise any major allegations against the way the elections were conducted. The choice of the people of Bangladesh is loud and clear: military backed regime must go in order to make room for elected government. The depoliticisation process initiated by the so-called 'minus two' theory: eliminating two women leaders of the two major political parties and demeaning politics generally, has failed. Implicit and explicit denials of the role of political leaders as agents of political reform and change was not accepted by the people. People have participated massively in the polls, women and younger generations in particular, to vote for the leaders of their choice to power.
2. A massive turn out of voters was also a move to foil possible hidden designs, if any, that might have disrupted the right of the people to elect their own government. The design to govern Bangladesh by enacting Ordinances by the bizarre 'Caretaker' regime, which was not accountable to people, and their extension for nearly two years (that could hardly be explained by the existing constitutional provisions), was rejected the day State of Emergency was declared¹⁵. Massive polls to end such a regime must be read as a strong political statement against those who sponsored and supported such a regime uncritically. Blatantly blaming political parties and the political processes for all the malaise of governance, without taking account of the consequences of the neo-liberal economic policies of the past decades and the culture of corruption installed by the various development interventions, seemed to be the main task of the military-backed 'caretaker' regime.
3. The success of the people of Bangladesh to end the non-political regime and bringing the electoral processes at the center of politics is a sign of political sanity that has prevailed so far in all quarters of power and politics including the army and the bureaucracy. No matter how the result is going to transform the domestic class and power relations and the future course of politics, Bangladeshis have loudly made it known regionally and internationally that the propaganda against the 150 million people of this country, who are mostly Muslim, that Bangladesh has been turned into a haven of Islamic militants, has been proved wrong through this poll. The campaign that the country is on the brink of eroding into a 'failed state' has also been

¹⁵ State of Emergency was declared on 11 January 2007.

proved to be nonsense, given the fact that the economic viability of the country and the political awareness and motivation of the people in general are great. The election of 2008 will remain proof against assumptions and false prejudices.

NOTE:

Post-election Violence

Four persons were reported killed and about 200 people injured in post-election violence in different places across the country. Supporters of AL and BNP-Jamaat were found to be involved in such clashes. In many districts AL activists attacked the houses and shops of the Four Party Alliance supporters and vandalised their property. This section of the report reflects the incidents of post-election violence that took place between 29-31 December 2008.

In Pabna, a BNP activist was killed and his associate injured when Awami League supporters attacked them at village Dighi-Goalmari under Sadar Upazila on 30 December 2008. The deceased was identified as Shahabuddin Pramanik alias Saheb Ali (35). AL supporters attacked the house of Shahabuddin at about 7:00am and severely beat him and his associate Alauddin. Shahabuddin died on the spot. They also set the house on fire. Later that day, Alauddin died in hospital.

In another incident, unidentified persons severely beat BNP leader Abdul Hye, also Manikhat Union Parishad Chairman in Sujanagar, leaving him critically injured. He was admitted to a clinic.

In Chittagong, a Juba League activist, Rahim Badsha (25) was stabbed to death at Bhatiary under Sitakunda upazila at about 11:30pm on 29 December following an altercation over the polls. He was called on by Shibir activists from Moulabipara, who cut the tendon of his foot. BNP activists allegedly beat up four AL men Abul Hashem, Abul Kalam, Abdus Salam and Anik and also vandalised a house at Dakkhin Rajanagar in Rangunia Upazila.

In Savar, an AL activist was beaten to death by BNP activists on 31 December. The deceased was identified as Habibur Rahman Hobi, a residence of Yarpur Union.

Six AL supporters were injured as local BNP activists allegedly attacked them at Sheikhpura village under Terokhada upazila in Khulna. AL supporters also occupied a local BNP office.

In Bagerhat, AL men allegedly attacked the houses of BNP leader, Abul Kalam, and his relatives at Panchakaran of Morolganj upazila and looted valuables. Seven persons, including two women, were reportedly injured in the attack.

At least 25 leaders and activists of BNP and its front organisations were injured in attacks allegedly led by AL activists at Sharsha, Jhikargachha and Monirampur upazilas, in Jessore.

In Moulvibazar, at least 20 workers of Rajghat tea Garden were injured in an attack allegedly by the activists of the BNP-led Four Party Alliance following the announcement of the election results on the night of 29 December.

However, in many districts, clashes between AL and BNP supporters took place, leaving several people wounded. Incidents of attacks on houses and other personal property were also reported during this period. AL supporters were found to be more active in attacking BNP supporters and also vandalising local party offices in Bogra, Jessore. Apart from that, more than 80 people were injured in the districts mentioned herewith. Six people in Gazipur, three in Feni, five in Munshiganj, two in Jhalokati, three Nilphamari, 10 in Jhinaidah, 20 in Barisal, 15 in Sirajganj, 20 in Narayanganj, 10 in Bhila and 12 persons in Bagerhat were reportedly injured.

GUIDELINES FOR FOREIGN ELECTION OBSERVERS

These Guidelines are intended to provide the foreign election observers a broad overview of the electoral management system of Bangladesh, procedures for accreditation as observer and a code of conduct to be followed by them. Vital information about Bangladesh, a sample Application Form for accreditation, a Pledge Form and a list of important telephone numbers have been annexed to the main write-up. Bangladesh Election Commission hopes that the guest observers would find this booklet handy and useful. Should they need any further information, they may contact the relevant persons mentioned in the list at Annex IV.

A. COUNTRY BRIEF OF BANGLADESH

Bangladesh emerged as an independent country in 1971 following a nine-month liberation war. The country has bravely faced many calamities and has been marching ahead in achieving the millennium development goals. The micro credit concept pioneered by Dr. Muhammad Yunus as a tool for poverty alleviation and extensively used by the Grameen Bank earned them the Nobel Peace Prize for 2006.

Land and People

Bangladesh is the lowest riparian of the three mighty rivers entering its borders after traversing through several countries. The Ganges, Brahmaputra and Meghna together constitute one of the largest basins of the world, of which only 7% area falls within the Bangladesh territories. During the rainy season covering the months from June to September, the country witnesses heavy rainfall. About one-third of the land in Bangladesh goes under water every year and this is what local people call normal flooding. For generations, people living in those areas have adjusted their way of life to the hydrological cycle and the annual event is taken for granted as part of their life. In some years, abnormal floods are triggered by high volume of upstream river flows accompanied by intensive local rainfall. The intensity and duration of floods vary from place to place and year to year.

The country has an extensive coastline of 710 kms at the southern end of the delta stretching from east to west. The coastal zone of Bangladesh is located to the north of a funnel-shaped shallow stretch of the Bay of Bengal. The coastal environment is dominated by huge river flows, strong tidal and wind actions and tropical cyclones and their associated storm surges.

Being basically a floodplain, Bangladesh consists of extremely low and flat land. The low-lying topography, funnel shaped coast exposing the land to cyclones and tidal surges and seasonal flooding have particularly made the country vulnerable to climate variability. The sea level along the Bangladesh coast is rising at about 3 millimeters a year and the sea surface temperature is also showing a rising trend. Concerted action would be needed at national and international level to combat the menace of climate change.

The occasional natural calamities, though causing temporary hardships, have never been able to damage the pristine beauty of the countryside or dampen the resilience of its people. In the south, the 100 km long unbroken sandy beach of Cox's Bazar is reported to be the longest in the world while the natural mangrove forests in the southwest of Bangladesh, known as the Sunderbans, have been declared as a world heritage site. The scenic beauty around the hills in the Chittagong Hill Tract districts is timeless and breadth-taking. The water bodies, called in

Bengali language *haors, baors and beels*, in the north-east of the country are precious assets of the country. These water bodies account for a large share of the natural capture fisheries and provide a habitat for a wide variety of aquatic vegetation and birds.

Bangladesh is one of the most densely populated countries of the world, inhabited by about 140 million people on a meager 147570 sq. km of land. However, it is a homogenous country with an overwhelming majority of people having the same race, language, religion and cultural heritage. They live in harmony and peace along with the members of the minority communities.

System of Government and Elections

At independence, Bangladesh started its journey with a unitary and parliamentary system of government. In 1975, it switched over to a presidential system and reverted back to parliamentary system again in 1991 through two constitutional amendments. Of the three traditional branches of government, the legislature and the executive, depend fully or in part, on elections for their composition and legitimacy. According to the Constitution of the People's Republic of Bangladesh, all legislative powers of the Republic are vested in the National Parliament. The Parliament consists of three hundred members elected from single member constituencies. In addition, forty-five seats are reserved exclusively for women members who are elected by the members of Parliament. The tenure of Parliament is for five years unless dissolved sooner.

Since independence, parliamentary elections have been held eight times leading to formation of eight successive governments. In 1991, elections were held under an interim administration and a democratically elected government took office after a lapse of about a decade. Through a constitutional amendment carried out in 1996, the system of Non-Party Care-Taker Government (CTG) was introduced to hold the National Assembly polls. Such a government would come into being on assumption of office by the Chief Advisor upon dissolution of the Parliament and its term would expire on assumption of office by the new Prime Minister. The idea of a CTG emanated primarily from a desire to hold parliamentary polls under a neutral administration. There has been peaceful transfer of power in 1996 and 2001 as a consequence of countrywide national elections held under the aegis of the CTG. Unfortunately for the country, persistence of a self-defeating and confrontational political culture has been hampering the full flowering of democratic political systems. Elections for constituting the 9th Parliament were scheduled for January 22, 2007. This election was postponed due to countrywide agitation against holding of election on the basis of a faulty voter list and large-scale politicization of public officials who are traditionally engaged on temporary basis for management of the polls. In these circumstances, emergency was declared in the country on January 11, 2007 and a new caretaker government was installed with a promise to hold a free and fair election at the earliest opportunity.

Election Management: Bangladesh Election Commission

The primary responsibility of holding the stalled 9th Parliamentary election rests with the Bangladesh Election Commission. The CTG is to provide all necessary assistance to the Commission in performing its assigned tasks. The Commission also needs the support of a number of public sector agencies, private institutions, civil society and non-Government organizations, media and, above all, the political parties and the voters.

The legal and institutional framework for the electoral management is provided by the relevant provisions of the Constitution of the Republic and the various laws and rules made under those provisions. The Commission is mandated to discharge the following functions:

- i hold election to the office of the President of the Republic
- ii hold election of members of Parliament
- iii delimit the constituencies for the purpose of elections to Parliament; and
- iv prepare electoral rolls for the purpose of elections to the office of President and to Parliament.

Additionally, the Commission has to perform such other functions as may be prescribed by the Constitution or any other law. It is to be noted that conduct of elections to various local bodies and conduct of referendum are done under specific provisions of the relevant laws.

The Election Commissioners are appointed for a term of five years by the President on such terms and conditions as may be determined by him except that they can only be removed from office in like manner and on the like ground as a judge of the Supreme Court. The number of Commissioners has varied from Commission to Commission from a minimum of 2 to a maximum of 5. The present Commission constituted on February 5, 2007 consists of 3 Commissioners.

The Commission is an independent constitutional body in the exercise of its functions and subject only to the Constitution and any other law. The Election Commission has a full-fledged Secretariat under it to render all assistance to execute the decisions and orders of the Commission. The Secretariat, in its turn, is assisted by a moderate field establishment. There are 9 Deputy Election Commissioners, 83 District Election Officers and 505 Upazila/Thana Election Officers posted respectively at the Divisional, District and Upazila/Thanas. Their main functions are to maintain liaison with the next higher level of hierarchy and to provide support to the many activities carried out by the Secretariat in fulfilling the mandate of the Commission. The permanent staff of the Secretariat consists of around 2006 persons. For conducting the parliamentary polls, the Commission needs to mobilize around half a million polling staff while for conducting the upazila polls the requirement is about one hundred thousand more staff. These figures do not contain the number of persons drawn from the law enforcing agencies deployed to ensure peaceful poll environment.

Electoral Reforms: Preparation of Voter List

It is a mandatory responsibility of the Commission to prepare appropriate and correct voter list of all voting age population prior to holding of election to the Parliament. Till the election to the eighth Parliament, voter list has been prepared by following what may be termed as traditional method. Under this system, a large number of enumerators are deployed to collect data on voters in the prescribed form through door to door visits. Each statement is verified by a supervisor who has to certify to the effect that the entries have been verified or corrected after house to house visit. A draft electoral roll is thereafter prepared on the basis of the statements and published by the Registration Officer after verification of entries to the extent of at least ten percent through house to house visit by an authorized officer together with a

notice inviting claims or objections. After disposing of the claims and objections, the Registration Officer publishes the final electoral roll in the print form.

This system, however, has always been suspect of many malpractices. The enumerators and their supervisors were paid very poorly for such an arduous task as door to door visit. There is also a widespread practice of voters to register at more than one place, generally at their current work places and at their home addresses, though the legal provisions strictly prohibit registration in more than one place. This led to undesirable duplication of enrolment opening the floodgate for malpractices during polling.

In response to the demands for holding credible, free and fair elections, the reconstituted Election Commission considered a number of options for preparing a trustworthy and generally acceptable voter list. It finally decided to go for voter listing with photographs by using the latest computer-based technology. It was also decided to use the same database to execute a National Identity Card (NID) program as it did not require any extra time for the effort. In carrying out the joint voter registration and NID program, the Commission made a blending of the traditional system with the new technology. Basic data is collected by the traditional enumerators through door to door visits following which the voter is required to pay a visit to the designated registration center on the appointed day for data entry and giving his photograph and fingerprints. The task was challenging not only in terms of its enormity but also in terms of logistics. It involved reaching 80 million people, an overwhelming majority of them living in the rural areas and in many cases in inaccessible areas, and then asking them to come to the registration centers to give their photographs and fingerprints. Serious doubts were expressed by knowledgeable quarters if the women, particularly the purdah-observing ones, would at all be willing to give their photographs and the poor and the disadvantaged would ever make it to the registration centers. The size of the voter population required the laying out of an operational plan that involved procurement of 10,000 laptops, web cameras, finger print scanners and other equipment and accessories that are not available off the shelf, mobilizing 3,11,078 data collectors, 1,04,025 data entry operators, 62,069 supervisors, 5,708 Assistant Registration Officers and a good number of technical managers and proof readers. Mobilizing such a huge manpower and procuring the enormous number of equipment and accessories within a tight time-frame was not something out of the ordinary.

The Election Commission entrusted this challenging task to the Bangladesh Army. The process that had begun with pilot-testing at Sreepur in July, 2007 has been successfully completed by them on schedule. Electronic database for more than 80 million people has been created and similar number of national identity cards issued in less than 11 months. In a large measure, this voter registration project owes its success to the fruitful partnership between the Bangladesh Army and the Election Commission. Through this partnership, the Commission not only had access to a highly disciplined and experienced set of professionals but also to a resource base long before it could procure its own equipment and accessories.

In the process of computerized registration, the project has trained more than one hundred thousand young men and women as data entry operators who would constitute a technical pool to be used by the country towards developing its ICT infrastructure in the near future. The registration process has also brought more than 80 million people of this country face to face with the computer technology, many of whom have not seen this instrument in their life time. Never before in the history of Bangladesh had such a mobilization of people and their exposure to a new technology on such a large scale taken place. The possession of national

identity card has given a sense of empowerment and belonging to the disadvantaged and marginalized people of the country, particularly women.

The computerized database is an essential first step towards ensuring a free and fair election not only for the forthcoming 2008 election but for many elections to be held in the future. Information collected in respect of all eligible voters all over the country are stored in a central database for annual updating with facility for decentralized use at the district and upazila levels.. This new approach would be considered a landmark in the management of elections in Bangladesh where getting a trustworthy voter list had remained elusive in the past.

Electoral Reforms: Amendments of Laws

The Election Commission has also carried out reforms of very fundamental nature in the electoral laws to facilitate institutionalization of democratic process. It involved dialogue with 16 political parties in three successive rounds. Opinion of senior editors and journalists, various professional groups, civil society and non-Government organizations and many other stakeholders were also earnestly sought. The Commission has largely succeeded in amending the basic law relating to election management, namely, the Representation of People Order, 1972 and two other rules relating to registration of political parties and their code of conduct during polls. The reforms have concentrated in the areas of qualification and disqualification of candidates, limiting election expenditure, code of conduct during poll period and registration of political parties. The dialogue with the political parties has been a very pleasant and unique experience for the Commission where participants discussed freely and frankly relevant issues and came to a consensus on most of them. The registration of the political parties with the Commission provides an institutional framework through which a sound working relationship would develop between them.

Electoral Reforms: Delimitation

Another mandatory task accomplished by the Commission is the delimitation of the electoral constituencies. The relevant law requires such delimitation after each census. However, only minor adjustments were made to the constituencies following the release of the censuses in both the early 1980s and the early 1990s. The 2001 Census Report was published only in 2007 making it obligatory on the part of the Commission to carry out the task prior to holding of elections by December, 2008.

Because only minor changes to the boundaries had been made in the last 24 years, the existing constituencies varied dramatically in population. The Commission decided to do a thorough job and used the geographic information system as the basic tool for the exercise. In the span of six month's time, it closely scrutinized the boundaries of all 300 constituencies with reference to the principles to be followed for delimitation and redrew the boundaries of 133 constituencies. Delimitation is indeed a very sensitive task and despite some adverse criticism, it successfully completed the task on time and the upcoming polls would be conducted on the basis of these changed constituency boundaries.

Electoral Reforms: Translucent Ballot Boxes

Another important decision taken by the Commission for ensuring free and fair election is the introduction of translucent ballot boxes. The use of translucent boxes will prevent the recurrence of many traditional malpractices. Since the ballots inside these boxes are visible from outside, it will not be possible to place filled up boxes at polling booths or take away half empty boxes to be filled later on by tricking polling agents or election observers. Moreover, each box is numbered and can be tracked through computer program centrally. In case of takeover of a polling station, the miscreants may not be able to seal the boxes as prescribed as they may not get the plastic strings that are also serially numbered or they may not be able to lock them up without training.

Media

The electronic and print media play a vital role in mobilizing public opinion in Bangladesh. Economic, social, political, religious and cultural issues are raised in the media and these are passionately discussed and debated in different forums. Media also takes the pain to unearth information to the general public that are not ordinarily accessible to them.

The Commission, in its turn, tries to maintain a good working relationship with the media and try to feed them as much information as it considers necessary. The Commission also takes care to see that the state-owned newspapers and electronic media provide balanced and objective news coverage of contesting candidates. In this behalf, clear guidelines have been prepared recently for strict adherence by all concerned.

Election Observation

The Election Commission encourages both domestic and foreign observation of polls to ensure their neutrality and fairness. The existing Guidelines have recently been reviewed by the Commission and two separate Guidelines have been issued, one for the international and the other for the domestic observers. Both domestic and foreign observers are permitted to watch the polling processes and their sponsors are expected to submit written reports soon after the conclusion of the poll.

Civil Society

The presence of civil society is very strongly felt in the domain of electoral process in Bangladesh. In addition to a large number of local civil society organizations, quite a few foreign entities also operate like civil society. The Asia Foundation, the National Democratic Institute and the International Republican Institute are a few notable examples. These societies carry on election observation work, substantive research on improving the electoral process and institutional and legal framework and hold seminars and workshops for educating the concerned people for improving the electoral system and methods. They also arrange interregional workshops for exchange of views among officials of concerned organizations.

NGOs

Non-governmental Organizations assist the Commission in creating voter awareness, particularly sensitizing the disadvantaged women, tribal people and members of minority communities about their voting rights. Like the civil society, they also engage in election observation and monitoring.

Though conduct of polls is the sole responsibility of the Election Commission, it is not possible for the Commission to accomplish the task alone. It needs the whole-hearted cooperation of all concerned operatives. In the past, the Commission has received the help and support of a multiplicity of organizations and expect to get such help in the future. The Commission works for the people to ensure their voting rights and it is their unwavering support that keeps the Commission going.

B. ACCREDITATION OF FOREIGN OBSERVERS

The following procedures shall be followed for accreditation of foreign observers.

a) Application Procedure:

- I. Foreign observers intending to observe the forthcoming elections need to apply to the Commission in the prescribed form annexed to the Guidelines. Filled out forms may be sent to the Commission either through e-mail (pro@ecs.gov.bd) or by fax (880-2-9129773). Local offices of foreign diplomatic missions or of regional groups or international organizations may forward the applications directly to the Commission by special messenger or mail.
- II. Applications received through e-mail or fax or locally shall be scrutinized by the Secretariat of the Commission and forwarded to the Ministry of Home Affairs for clearance with a simultaneous copy to the Ministry of Foreign Affairs. The Ministry of Home Affairs shall convey its clearance directly to the Ministry of Foreign Affairs under intimidation to the Commission.
- III. Subject to clearance by the Ministry of Home Affairs, the Ministry of Foreign Affairs will instruct the concerned Mission abroad for issuing the necessary visas. In case of necessity, it may also instruct the Airport Immigration to issue “on arrival” visas.
- IV. Observers intending to travel from countries, where currently there are no Bangladeshi Missions, should send their application forms directly to the Ministry of Foreign Affairs who shall then send these to the Ministry of Home Affairs and the Election Commission for further necessary action.

b) Grant of Visa:

- I. Election observers will be granted tourist visas. The validity of visas for long term observers would be for two months while for short term observers the period would be three weeks.
- II. Immigration officials at the Zia International Airport would mark the “Election Observer” seal on the passports of the observers.

- III. Observers traveling from countries where Bangladesh has its diplomatic missions will have to obtain visas prior to their journey. However, in exceptional cases, “on arrival” visas may be arranged.
- IV. Observers traveling from countries where Bangladesh does not have any diplomatic mission will have to obtain their visas from the neighboring Bangladesh Missions or follow the procedure as detailed at BIV above.

c) Airport Help Desk:

An Airport Help Desk would be set up by Airport Immigration 10(ten) days prior to the actual date of polling for reception and assistance to incoming observers and journalists.

d) Observation Cell:

Ministry of Foreign Affairs would run an Observation Cell to coordinate with all concerned agencies for processing of visas and other related matters.

e) Foreign Journalists:

- I. Foreign journalists intending to cover the forthcoming polls would have to follow the same procedures for obtaining visas as in the case of the observers.
- II. Ministry of Information and Broadcasting will open a Media Center with all modern facilities for transmitting news and messages by the foreign journalists.
- III. Upon arrival at the airport, the Airport Help Desk will arrange to establish their contact with the Media Cell who in its turn will contact the Election Commission for providing them with identification cards and stickers for vehicles and other necessary documents.

f) Security:

- I. Ministry of Home Affairs will instruct the concerned Deputy Commissioners and Superintendents of Police to provide the necessary security to the foreign observers and journalists during their visit to different polling stations of the country. The sponsoring organizations of the observers and journalists must provide their itinerary of visits well ahead of time to the Ministry of Home for ensuring the needed service. Bangladesh Government or the Election Commission will not be responsible for any mishap encountered by any such visitor who follows his own program.
- II. A list of all observers and foreign journalists will be sent to the Deputy Commissioners and Superintendents by the Election Commission and the Ministry of Home Affairs.

g) Health Care:

Ministry of Health and Family Planning will alert all medical establishments under its control to provide the necessary health care to all visiting foreign observers and journalists should such occasions arise during their visit to different polling centers throughout the country.

C. CODE OF CONDUCT

International election observation is conducted by intergovernmental and international nongovernmental organizations and associations in order to provide an impartial and accurate assessment of the nature of election processes. Much, therefore, depends on ensuring the integrity of international election observation and, all who are part of these missions, must subscribe to and follow this Code of Conduct.

Respect Sovereignty and International Human Rights

Elections are an expression of sovereignty, which belongs to the people of a country, the free expression of whose will provides the basis for the authority and legitimacy of government. The rights of citizens to vote and to be elected at periodic, genuine elections are internationally recognized human rights, and they require the exercise of a number of fundamental rights and freedoms. Election observers must respect the sovereignty of the host country, as well as the human rights and fundamental freedoms of its people.

Respect the Laws of the Country and the Authority of Electoral Bodies

Observers must respect the laws of the host country and the authority of the bodies charged with administering the electoral process. Observers must follow any lawful instruction from the country's governmental, security and electoral authorities. Observers also must maintain a respectful attitude toward electoral officials and other national authorities. Observers must note if laws, regulations or the actions of state and/or electoral officials unduly burden or obstruct the exercise of election-related rights guaranteed by law, constitution or applicable international instruments.

Respect the Integrity of the International Election Observation Mission

Observers must respect and protect the integrity of the international election observation mission. This includes following this Code of Conduct, any written instructions (such as a terms of reference, directives and guidelines) and any verbal instructions from the observation mission's leadership. Observers must: attend all of the observation mission's required briefings, trainings and debriefings; become familiar with the election law, regulations and other relevant laws as directed by the observation mission; and carefully adhere to the methodologies employed by the observation mission. Observers also must report to the leadership of the observation mission any conflicts of interest they may have and any improper behavior they see conducted by other observers that are part of the mission.

Maintain Strict Political Impartiality at All Times

Observers must maintain strict political impartiality at all times, including leisure time in the host country. They must not express or exhibit any bias or preference in relation to national authorities, political parties, candidates, referenda issues or in relation to any contentious issues in the election process. Observers also must not conduct any activity that could be reasonably perceived as favoring or providing partisan gain for any political competitor in the host country, such as wearing or displaying any partisan symbols, colors, banners or accepting anything of value from political competitors.

Do Not Obstruct Election Processes

Observers must not obstruct any element of the election process, including pre-election processes, voting, counting and tabulation of results and processes transpiring after election day. Observers may bring irregularities, fraud or significant problems to the attention of election officials on the spot, unless this is prohibited by law, and must do so in a non-obstructive manner. Observers may ask questions of election officials, political party representatives and other observers inside polling stations and may answer questions about their own activities, as long as observers do not obstruct the election process. In answering questions observers should not seek to direct the election process. Observers may ask and answer questions of voters but may not ask them to tell for whom or what party or referendum position they voted.

Provide Appropriate Identification

Observers must display identification provided by the election observation mission, as well as identification required by national authorities, and must present it to electoral officials and other interested national authorities when requested.

Maintain Accuracy of Observations and Professionalism in Drawing Conclusions

Observers must ensure that all of their observations are accurate. Observations must be comprehensive, noting positive as well as negative factors, distinguishing between significant and insignificant factors and identifying patterns that could have an important impact on the integrity of the election process. Observers' judgments must be based on the highest standards for accuracy of information and impartiality of analysis, distinguishing subjective factors from objective evidence. Observers must base all conclusions on factual and verifiable evidence and not draw conclusions prematurely. Observers also must keep a well documented record of where they observed, the observations made and other relevant information as required by the election observation mission and must turn in such documentation to the mission.

Refrain from Making Comments to the Public or the Media before the Mission Speaks

Observers must refrain from making any personal comments about their observations or conclusions to the news media or members of the public before the election observation mission makes a statement, unless specifically instructed otherwise by the observation mission's leadership. Observers may explain the nature of the observation mission, its activities and other matters deemed appropriate by the observation mission and should refer the media or other interested persons to the those individuals designated by the observation mission.

Cooperate with Other Election Observers

Observers must be aware of other election observation missions, both international and domestic, and cooperate with them as instructed by the leadership of the election observation mission.

Maintain Proper Personal Behavior

Observers must maintain proper personal behavior and respect others, including exhibiting sensitivity for host-country cultures and customs, exercise sound judgment in personal interactions and observe the highest level of professional conduct at all times, including leisure time.

Violations of This Code of Conduct

In a case of concern about the violation of this Code of Conduct, the election observation mission shall conduct an inquiry into the matter. If a serious violation is found to have occurred, the observer concerned may have their observer accreditation withdrawn or be dismissed from the election observation mission. The authority for such determinations rests solely with the leadership of the election observation mission.

Pledge to Follow This Code of Conduct

Every person who participates in this election observation mission must read and understand this Code of Conduct and must sign a pledge to follow it.

ANNEX 1: Vital Statistics of Bangladesh

A. General	
Name of the Country	The People's Republic of Bangladesh
Capital	Dhaka : Area-1416 Sq.Km. Population 12 million (2008 estimate)
President	Professor Dr. Iajuddin Ahmed
Chief Advisor	Dr. Fakhruddin Ahmed
Area	1,47,570 sq.km; Economic Zone-Upto 370.40 km. in the high seas measured from the base line
Boundary	North: India West : India East : India and Myanmar South: Bay of Bengal
Religious Affinity	Islam (88.3%), Hinduism (10.5%), Buddhism (0.6%) and Christianity(0.3%)
Unit of Currency	Taka
Time	GMT+6.00 hours.
Administrative Units	Division: 6; District: 64; City Corporation: 6; Municipality:308; Sub-district (upazila) 481; Police Station: 596; Union: 4498 and Village: 87319
Major Cities	Dhaka, Chittagong. Khulna, Rajshahi, Mymensingh, Comilla, Barisal and Sylhet
Climate	Average Winter temp (Max 26.5° C Min 13.9° C). Average Summer temp (Max 40° C Min 21° C)
Monsoon Rainfall	Lowest 453mm. Highest 1733 mm (Average)
Humidity	Highest 99% Lowest 73 %
Main Seasons	Winter (November – February), Summer (March –June), Monsoon (July – October)
Language	Bengali but English is widely used
Principal Rivers	Padma, Meghna, Jamuna, Bhahmaputra, Teesta, Surma and Karnaphuli in all 230 rivers including tributaries
Principal Minerals	Natural Gas, Coal, Limestone, Ceramic, Clay and Glass Sand
Principal Crops	Rice, Jute, Wheat, Tobacco, Sugarcane, Pulses, Oilseeds, Spices, Potatoes, Vegetables, Jackfruit, Banana, Mango, Coconut and Tea
Principal Industries	Garments, Jute, Textile, Tea, Paper, Newsprint, Cement, Fertilizer, Sugar, Engineering, Electric cables , Leather, Fish.
Principal Exports	Readymade garments, Jute and Jute products, Tea, Leather and

	Frozen fish and food.
Sea Ports	Chittagong and Mongla.
Airports	Dhaka, Chittagong , Jessore, Rajshahi, Iswardi, Sylhet, Cox's Bazar, Syedpur and Barisal .
B. Social Indicators	
Population	Approximately 158.6 million (2008 estimate); annual growth rate 1.8% (2001-07 average) and density 939 persons per square km (2005)
GNI (US\$ billions)	75
GNI per capita (US\$)	470
Life expectancy at birth (Years)	65.1
Infant Mortality (per 1000 live births)	52
Literacy(percentage of population age 15+)	47
Gross Primary Enrollment (% of school-age population)	103
Male	101
Female	105
Ratio of girls to boys in primary education	49.51
Average annual growth of labor force(2001-07)	2.1
C. Economic Indicators	
GDP (US\$ billions)	42.3
GDP (Average annual growth 2006)	6.5
GDP per capita (Average annual growth 2006)	4.8
Export of goods and services (US\$ millions 2007)	13,537
Import of goods and services (US\$ millions 2007)	18,256

Export of goods and services (average annual growth)	25.8 (2006)	
Import of goods and services (average annual growth)	25.2 (2006)	
Percentage of GDP (1997)	25.8	
• agriculture	25.1	
• industry	15.6	
• manufacturing	49.1	
• service		
D. Election-related Data on Parliamentary Polls		
	2001 Election	2008 Election
Number of Districts	64	64
Number of Parliamentary Constituencies	300	300
Number of Voters	7,49,46,364	8,10,58,698
Number of Polling Stations	29,978	35,216
Number of Polling Booths	1,49,288	1,77,107
Voter per Polling Station		2302
Number of Returning Officers	68	66
Number of Assistant Returning Officers	525	586
Number of Presiding Officers	29,978	35,216
Number of Assistant Presiding Officers	1,49,288	1,77,107
Number of Polling Officers	2,98,576	3,54,214
Total Polling Personnel	4,77,842	5,66,537
Number of Registered Political Parties	54 parties contested, there being no system of party registration	32

ANNEX: II APPLICATION FORM



Bangladesh Election Commission
Sher-e-Bangla Nagar, Dhaka
www.ecs.gov.bd

Two
Photographs
(Stamp size)

Foreign Election Observation Application Form

- 1. Name :.....
- 2. Delegation/Group/Country:.....
- 3. Passport Details : Number :.....
Date of expiry:.....
- 4. Nationality :.....
- 5. Coming from :.....
- 6: Address in Dhaka :
.....
- 7. E-mail :.....
- 8: Phone (if available) :.....

By signing this application I hereby confirm that I will respect the guidelines issued by the Bangladesh Election Commission for the role of the International Election Observers. And I confirm that the Election Commission has the right to reject my accreditation

Date:

Signature

ANNEX III: PLEDGE TO BE SIGNED BY INTERNATIONAL ELECTION OBSERVER

I have read and understand the Code of Conduct for International Election Observers that was provided to me by the international election observation mission. I hereby pledge that I will follow the Code of Conduct and that all of my activities as an election observer will be conducted completely in accordance with it. I have no conflicts of interest, political, economic nor other, that will interfere with my ability to be an impartial election observer and to follow the Code of Conduct.

I will maintain strict political impartiality at all times. I will make my judgments based on the highest standards for accuracy of information and impartiality of analysis, distinguishing subjective factors from objective evidence, and I will base all of my conclusions on factual and verifiable evidence.

I will not obstruct the election process. I will respect national laws and the authority of election officials and will maintain a respectful attitude toward electoral and other national authorities. I will respect and promote the human rights and fundamental freedoms of the people of the country. I will maintain proper personal behavior and respect others, including exhibiting sensitivity for host-country cultures and customs, exercise sound judgment in personal interactions and observe the highest level of professional conduct at all times, including leisure time.

I will protect the integrity of the international election observation mission and will follow the instructions of the observation mission. I will attend all briefings, trainings and debriefings required by the election observation mission and will cooperate in the production of its statements and reports as requested. I will refrain from making personal comments, observations or conclusions to the news media or the public before the election observation mission makes a statement, unless specifically instructed otherwise by the observation mission's leadership.

Signed

Print Name

Date

ANNEX IV: IMPORTANT TELEPHONE NUMBERS

Sl. No.	Name	Office
Bangladesh Election Commission		
01	Dr. A T M Shamsul Huda Chief Election Commissioner	8115315
02	Muhammed Sohul Hussain Election Commissioner	8122598
03	M. Sakhawat Hussain Election Commissioner	8115796
Election Commission Secretariat		
04	Md. Humayun Kabir Secretary	8115631
05	Md Rafiqul Islam, Phd Joint Secretary	8115480
06	N I Khan Joint Secretary (Law)	8122065
07	SM Asaduzzaman Public Relations Officer	8114176
Ministry of Foreign Affairs		
08	Md. Touhid Hossain Secretary	9562122
09	M. Zulfiqur Rahman Directo General, External Publicity Wing	9562113
10	Tareq Ahmed Director (FSO)	9557029
Ministry of Home Affairs		
11	Md.Abdul Karim Secretary	7160405
12	Maksumul Hakim Chowdhury Joint Secretary (Political)	7164610
13	Md Abdur Rob Hawlader DG-Imigration and Passport	8159878
14	Md Rafiuddin Ahmed Director, Passport and Visa	8159960
15	Airport Emigration Help Desk	8950250
Ministry of Information		
16	Jamil Osman Secretary	7168555
17	Principal Information Officer Iftekhar Husain	7161091
Bangladesh Police		
18	Nur Mohammad IGP	7176677
19	Naim Ahmed Police Commissioner, Dhaka	8316248
20	Police Control room	8616551-3, 8613400 01713373119
Imporatnt Telephone Number		
21	Parjatan Corporation	9899288-91
22	Civil AvationAuthority Zia International Airport	8914810-19, 8960002-5
23	Biman Bangladesh Airline	8917400-39
Hotels		
24	Pan Pacific Sonargaon Hotel	8111005, 8112011

25	Radison Water Garden Hotel	8754507-20
26	Dhaka Sheraton Hotel	8330001, 8358060
27	Hhotel Abakash	8811109, 9899290
Hospitals		
28	Dhaka Medical College & Hospital	8626812, 8626823, 8626812-19
29	BIRDEM	9661551-6
30	Holy Family Hospital	8311721-25
31	BSMMU	8612550-4

Appendix L

DECLARATION OF PRINCIPLES
FOR INTERNATIONAL
ELECTION OBSERVATION

and

CODE OF CONDUCT
FOR INTERNATIONAL
ELECTION OBSERVERS

Commemorated October 27, 2005, at the United Nations, New York

DECLARATION OF PRINCIPLES FOR INTERNATIONAL ELECTION OBSERVATION

and

CODE OF CONDUCT FOR INTERNATIONAL ELECTION OBSERVERS

Commemorated October 27, 2005,
at the United Nations, New York

Endorsing Organizations as of October 24, 2005:

African Union

Asian Network for Free Elections (ANFREL)

The Carter Center

Center for Electoral Promotion and Assistance (CAPEL)

Commonwealth Secretariat

Council of Europe European Commission for Democracy
through Law (Venice Commission)

Council of Europe – Parliamentary Assembly

Electoral Institute of Southern Africa (EISA)

European Commission

European Network of Election Monitoring Organizations
(ENEMO)

Electoral Reform International Services (ERIS)

IFES

International IDEA

Inter-Parliamentary Union

International Republican Institute (IRI)

National Democratic Institute (NDI)

Organization of American States (OAS)

Organization for Security and Cooperation in Europe,
Office of Democratic Institutions and Human Rights
(OSCE/ODIHR)

Pacific Islands, Australia & New Zealand
Electoral Administrators' Association (PIANZEA)

Pacific Island Forum

United Nations Secretariat

*This Declaration and the accompanying Code of
Conduct for International Election Observers remain
open for endorsement by other intergovernmental
and international nongovernmental organizations.
Endorsements should be recorded with the United
Nations Electoral Assistance Division.*

DECLARATION OF PRINCIPLES FOR INTERNATIONAL ELECTION OBSERVATION

October 27, 2005

Genuine democratic elections are an expression of sovereignty, which belongs to the people of a country, the free expression of whose will provides the basis for the authority and legitimacy of government. The rights of citizens to vote and to be elected at periodic, genuine democratic elections are internationally recognized human rights. Genuine democratic elections serve to resolve peacefully the competition for political power within a country and thus are central to the maintenance of peace and stability. Where governments are legitimized through genuine democratic elections, the scope for non-democratic challenges to power is reduced.

Genuine democratic elections are a requisite condition for democratic governance, because they are the vehicle through which the people of a country freely express their will, on a basis established by law, as to who shall have the legitimacy to govern in their name and in their interests. Achieving genuine democratic elections is a part of establishing broader processes and institutions of democratic governance. Therefore, while all election processes should reflect universal principles for genuine democratic elections, no election can be separated from the political, cultural and historical context in which it takes place.

Genuine democratic elections cannot be achieved unless a wide range of other human rights and fundamental freedoms can be exercised on an ongoing basis without discrimination based on race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status, including among others disabilities, and without arbitrary and unreasonable restrictions. They, like other human rights and democracy more broadly, cannot be achieved without the protections of the rule of law. These precepts are recognized by human rights and other international instruments and by the documents of numerous intergovernmental organizations. Achieving genuine democratic elections therefore has become a matter of concern for international organizations, just as it is the concern of national institutions, political competitors, citizens and their civic organizations.

International election observation expresses the interest of the international community in the achievement of democratic elections, as part of democratic development, including respect for human rights and the rule of law. International election observation, which focuses on civil and political rights, is part of international human rights monitoring and must be conducted on the basis of the highest standards for impartiality concerning national political competitors and must be free from any bilateral or multilateral considerations that could conflict with impartiality. It assesses election processes in accordance with international principles for genuine democratic elections and domestic law, while recognizing that it is the people of a country who ultimately determine credibility and legitimacy of an election process.

DECLARATION OF PRINCIPLES FOR INTERNATIONAL ELECTION OBSERVATION

International election observation has the potential to enhance the integrity of election processes, by deterring and exposing irregularities and fraud and by providing recommendations for improving electoral processes. It can promote public confidence, as warranted, promote electoral participation and mitigate the potential for election-related conflict. It also serves to enhance international understanding through the sharing of experiences and information about democratic development.

International election observation has become widely accepted around the world and plays an important role in providing accurate and impartial assessments about the nature of electoral processes. Accurate and impartial international election observation requires credible methodologies and cooperation with national authorities, the national political competitors (political parties, candidates and supporters of positions on referenda), domestic election monitoring organizations and other credible international election observer organizations, among others.

The intergovernmental and international nongovernmental organizations endorsing this Declaration and the accompanying Code of Conduct for International Election Observers therefore have joined to declare:

- 1 Genuine democratic elections are an expression of sovereignty, which belongs to the people of a country, the free expression of whose will provides the basis for the authority and legitimacy of government. The rights of citizens to vote and to be elected at periodic, genuine democratic elections are internationally recognized human rights. Genuine democratic elections are central for maintaining peace and stability, and they provide the mandate for democratic governance.
- 2 In accordance with the Universal Declaration of Human Rights, the International Covenant for Civil and Political Rights and other international instruments, everyone has the right and must be provided with the opportunity to participate in the government and public affairs of his or her country, without any discrimination prohibited by international human rights principles and without any unreasonable restrictions. This right can be exercised directly, by participating in referenda, standing for elected office and by other means, or can be exercised through freely chosen representatives.
- 3 The will of the people of a country is the basis for the authority of government, and that will must be determined through genuine periodic elections, which guarantee the right and opportunity to vote freely and to be elected fairly through universal and equal suffrage by secret balloting or equivalent free voting procedures, the results of which are accurately counted, announced and respected. A significant number of rights and freedoms, processes, laws and institutions are therefore involved in achieving genuine democratic elections.
- 4 International election observation is: the systematic, comprehensive and accurate gathering of information concerning the laws, processes and institutions related to the conduct of elections and other factors concerning the overall electoral environment; the impartial and professional analysis of such information; and the drawing of conclusions about the character of electoral processes based on the highest standards for accuracy of information and impartiality of analysis. International election observation should, when possible, offer recommendations for improving the integrity and effectiveness of electoral and related processes, while not interfering in and thus hindering such processes. International election observation missions are: organized efforts of intergovernmental and international nongovernmental organizations and associations to conduct international election observation.

DECLARATION OF PRINCIPLES FOR INTERNATIONAL ELECTION OBSERVATION

- 5 International election observation evaluates pre-election, election-day and post-election periods through comprehensive, long-term observation, employing a variety of techniques. As part of these efforts, specialized observation missions may examine limited pre-election or post-election issues and specific processes (such as, delimitation of election districts, voter registration, use of electronic technologies and functioning of electoral complaint mechanisms). Stand-alone, specialized observation missions may also be employed, as long as such missions make clear public statements that their activities and conclusions are limited in scope and that they draw no conclusions about the overall election process based on such limited activities. All observer missions must make concerted efforts to place the election day into its context and not to over-emphasize the importance of election day observations. International election observation examines conditions relating to the right to vote and to be elected, including, among other things, discrimination or other obstacles that hinder participation in electoral processes based on political or other opinion, gender, race, colour, ethnicity, language, religion, national or social origin, property, birth or other status, such as physical disabilities. The findings of international election observation missions provide a factual common point of reference for all persons interested in the elections, including the political competitors. This can be particularly valuable in the context of disputed elections, where impartial and accurate findings can help to mitigate the potential for conflicts.
- 6 International election observation is conducted for the benefit of the people of the country holding the elections and for the benefit of the international community. It is process oriented, not concerned with any particular electoral result, and is concerned with results only to the degree that they are reported honestly and accurately in a transparent and timely manner. No one should be allowed to be a member of an international election observer mission unless that person is free from any political, economic or other conflicts of interest that would interfere with conducting observations accurately and impartially and/or drawing conclusions about the character of the election process accurately and impartially. These criteria must be met effectively over extended periods by long-term observers, as well as during the more limited periods of election day observation, each of which periods present specific challenges for independent and impartial analysis. International election observation missions should not accept funding or infrastructural support from the government whose elections are being observed, as it may raise a significant conflict of interest and undermine confidence in the integrity of the mission's findings. International election observation delegations should be prepared to disclose the sources of their funding upon appropriate and reasonable requests.
- 7 International election observation missions are expected to issue timely, accurate and impartial statements to the public (including providing copies to electoral authorities and other appropriate national entities), presenting their findings, conclusions and any appropriate recommendations they determine could help improve election related processes. Missions should announce publicly their presence in a country, including the mission's mandate, composition and duration, make periodic reports as warranted and issue a preliminary post-election statement of findings and a final report upon the conclusion of the election process. International election observation missions may also conduct private meetings with those concerned with organizing genuine democratic elections in a country to discuss the mission's findings, conclusions and recommendations. International election observation missions may also report to their respective intergovernmental or international nongovernmental organizations.

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- 8 The organizations that endorse this Declaration and the accompanying Code of Conduct for International Election Observers pledge to cooperate with each other in conducting international election observation missions. International election observation can be conducted, for example, by: individual international election observer missions; ad hoc joint international election observation missions; or coordinated international election observation missions. In all circumstances, the endorsing organizations pledge to work together to maximize the contribution of their international election observation missions.
- 9 International election observation must be conducted with respect for the sovereignty of the country holding elections and with respect for the human rights of the people of the country. International election observation missions must respect the laws of the host country, as well as national authorities, including electoral bodies, and act in a manner that is consistent with respecting and promoting human rights and fundamental freedoms.
- 10 International election observation missions must actively seek cooperation with host country electoral authorities and must not obstruct the election process.
- 11 A decision by any organization to organize an international election observation mission or to explore the possibility of organizing an observation mission does not imply that the organization necessarily deems the election process in the country holding the elections to be credible. An organization should not send an international election observation mission to a country under conditions that make it likely that its presence will be interpreted as giving legitimacy to a clearly undemocratic electoral process, and international election observation missions in any such circumstance should make public statements to ensure that their presence does not imply such legitimacy.
- 12 In order for an international election observation mission to effectively and credibly conduct its work basic conditions must be met. An international election observation mission therefore should not be organized unless the country holding the election takes the following actions:
 - a Issues an invitation or otherwise indicates its willingness to accept international election observation missions in accordance with each organization's requirements sufficiently in advance of elections to allow analysis of all of the processes that are important to organizing genuine democratic elections;
 - b Guarantees unimpeded access of the international election observer mission to all stages of the election process and all election technologies, including electronic technologies and the certification processes for electronic voting and other technologies, without requiring election observation missions to enter into confidentiality or other nondisclosure agreements concerning technologies or election processes, and recognizes that international election observation missions may not certify technologies as acceptable;
 - c Guarantees unimpeded access to all persons concerned with election processes, including:
 - i* electoral officials at all levels, upon reasonable requests,
 - ii* members of legislative bodies and government and security officials whose functions are relevant to organizing genuine democratic elections,
 - iii* all of the political parties, organizations and persons that have sought to compete in

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the elections (including those that qualified, those that were disqualified and those that withdrew from participating) and those that abstained from participating,

- iv* news media personnel, and
 - v* all organizations and persons that are interested in achieving genuine democratic elections in the country;
- d Guarantees freedom of movement around the country for all members of the international election observer mission;
 - e Guarantees the international election observer mission's freedom to issue without interference public statements and reports concerning its findings and recommendations about election related processes and developments;
 - f Guarantees that no governmental, security or electoral authority will interfere in the selection of individual observers or other members of the international election observation mission or attempt to limit its numbers;
 - g Guarantees full, country-wide accreditation (that is, the issuing of any identification or document required to conduct election observation) for all persons selected to be observers or other participants by the international election observation mission as long as the mission complies with clearly defined, reasonable and non-discriminatory requirements for accreditation;
 - h Guarantees that no governmental, security or electoral authority will interfere in the activities of the international election observation mission; and
 - i Guarantees that no governmental authority will pressure, threaten action against or take any reprisal against any national or foreign citizen who works for, assists or provides information to the international election observation mission in accordance with international principles for election observation.

As a prerequisite to organizing an international election observation mission, intergovernmental and international nongovernmental organizations may require that such guarantees are set forth in a memorandum of understanding or similar document agreed upon by governmental and/or electoral authorities. Election observation is a civilian activity, and its utility is questionable in circumstances that present severe security risks, limit safe deployments of observers or otherwise would negate employing credible election observation methodologies.

- 13 International election observation missions should seek and may require acceptance of their presence by all major political competitors.
- 14 Political contestants (parties, candidates and supporters of positions on referenda) have vested interests in the electoral process through their rights to be elected and to participate directly in government. They therefore should be allowed to monitor all processes related to elections and observe procedures, including among other things the functioning of electronic and other electoral technologies inside polling stations, counting centers and other electoral facilities, as well as the transport of ballots and other sensitive materials.

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- 15 International election observation missions should:
- a establish communications with all political competitors in the election process, including representatives of political parties and candidates who may have information concerning the integrity of the election process;
 - b welcome information provided by them concerning the nature of the process;
 - c independently and impartially evaluate such information; and
 - d should evaluate as an important aspect of international election observation whether the political contestants are, on a nondiscriminatory basis, afforded access to verify the integrity of all elements and stages of the election process. International election observation missions should in their recommendations, which may be issued in writing or otherwise be presented at various stages of the election process, advocate for removing any undue restrictions or interference against activities by the political competitors to safeguard the integrity of electoral processes.
- 16 Citizens have an internationally recognized right to associate and a right to participate in governmental and public affairs in their country. These rights may be exercised through nongovernmental organizations monitoring all processes related to elections and observing procedures, including among other things the functioning of electronic and other electoral technologies inside polling stations, counting centers and other electoral facilities, as well as the transport of ballots and other sensitive materials. International election observation missions should evaluate and report on whether domestic nonpartisan election monitoring and observation organizations are able, on a nondiscriminatory basis, to conduct their activities without undue restrictions or interference. International election observation missions should advocate for the right of citizens to conduct domestic nonpartisan election observation without any undue restrictions or interference and should in their recommendations address removing any such undue restrictions or interference.
- 17 International election observation missions should identify, establish regular communications with and cooperate as appropriate with credible domestic nonpartisan election monitoring organizations. International election observation missions should welcome information provided by such organizations concerning the nature of the election process. Upon independent evaluation of information provided by such organizations, their findings can provide an important complement to the findings of international election observation missions, although international election observation missions must remain independent. International election observation missions therefore should make every reasonable effort to consult with such organizations before issuing any statements.
- 18 The intergovernmental and international nongovernmental organizations endorsing this Declaration recognize that substantial progress has been made in establishing standards, principles and commitments concerning genuine democratic elections and commit themselves to use a statement of such principles in making observations, judgments and conclusions about the character of election processes and pledge to be transparent about the principles and observation methodologies they employ.

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- 19 The intergovernmental and nongovernmental organizations endorsing this Declaration recognize that there are a variety of credible methodologies for observing election processes and commit to sharing approaches and harmonizing methodologies as appropriate. They also recognize that international election observation missions must be of sufficient size to determine independently and impartially the character of election processes in a country and must be of sufficient duration to determine the character of all of the critical elements of the election process in the pre-election, election-day and post-election periods – unless an observation activity is focused on and therefore only comments on one or a limited number of elements of the election process. They further recognize that it is necessary not to isolate or over-emphasize election day observations, and that such observations must be placed into the context of the overall electoral process.
- 20 The intergovernmental and international nongovernmental organizations endorsing this Declaration recognize that international election observation missions should include persons of sufficiently diverse political and professional skills, standing and proven integrity to observe and judge processes in light of: expertise in electoral processes and established electoral principles; international human rights; comparative election law and administration practices (including use of computer and other election technology); comparative political processes and country specific considerations. The endorsing organizations also recognize the importance of balanced gender diversity in the composition of participants and leadership of international election observation missions, as well as diversity of citizenship in such missions.
- 21 The intergovernmental and international nongovernmental organizations endorsing this Declaration commit to:
- a familiarize all participants in their international election observation missions concerning the principles of accuracy of information and political impartiality in making judgments and conclusions;
 - b provide a terms of reference or similar document, explaining the purposes of the mission;
 - c provide information concerning relevant national laws and regulations, the general political environment and other matters, including those that relate to the security and well being of observers;
 - d instruct all participants in the election observation mission concerning the methodologies to be employed; and
 - e require all participants in the election observation mission to read and pledge to abide by the Code of Conduct for International Election Observers, which accompanies this Declaration and which may be modified without changing its substance slightly to fit requirements of the organization, or pledge to abide by a pre-existing code of conduct of the organization that is substantially the same as the accompanying Code of Conduct.
- 22 The intergovernmental and international nongovernmental organizations endorsing this Declaration commit to use every effort to comply with the terms of the Declaration and the accompanying Code of Conduct for International Election Observers. Any time that an endorsing organization deems it necessary to depart from any of terms of the Declaration or the Accompanying Code of Conduct in order to conduct election observation in keeping with

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the spirit of the Declaration, the organization will explain in its public statements and will be prepared to answer appropriate questions from other endorsing organizations concerning why it was necessary to do so.

- 23 The endorsing organizations recognize that governments send observer delegations to elections in other countries and that others also observe elections. The endorsing organizations welcome any such observers agreeing on an ad hoc basis to this declaration and abiding by the accompanying Code of Conduct for International Election Observers.
- 24 This Declaration and the accompanying Code of Conduct for International Election Observers are intended to be technical documents that do not require action by the political bodies of endorsing organizations (such as assemblies, councils or boards of directors), though such actions are welcome. This Declaration and the accompanying Code of Conduct for International Election Observers remain open for endorsement by other intergovernmental and international nongovernmental organizations. Endorsements should be recorded with the United Nations Electoral Assistance Division.

CODE OF CONDUCT FOR INTERNATIONAL ELECTION OBSERVERS

International election observation is widely accepted around the world. It is conducted by intergovernmental and international nongovernmental organizations and associations in order to provide an impartial and accurate assessment of the nature of election processes for the benefit of the population of the country where the election is held and for the benefit of the international community. Much therefore depends on ensuring the integrity of international election observation, and all who are part of this international election observation mission, including long-term and short-term observers, members of assessment delegations, specialized observation teams and leaders of the mission, must subscribe to and follow this Code of Conduct.

Respect Sovereignty and International Human Rights

Elections are an expression of sovereignty, which belongs to the people of a country, the free expression of whose will provides the basis for the authority and legitimacy of government. The rights of citizens to vote and to be elected at periodic, genuine elections are internationally recognized human rights, and they require the exercise of a number of fundamental rights and freedoms. Election observers must respect the sovereignty of the host country, as well as the human rights and fundamental freedoms of its people.

Respect the Laws of the Country and the Authority of Electoral Bodies

Observers must respect the laws of the host country and the authority of the bodies charged with administering the electoral process. Observers must follow any lawful instruction from the country's governmental, security and electoral authorities. Observers also must maintain a respectful attitude toward electoral officials and other national authorities. Observers must note if laws, regulations or the actions of state and/or electoral officials unduly burden or obstruct the exercise of election-related rights guaranteed by law, constitution or applicable international instruments.

Respect the Integrity of the International Election Observation Mission

Observers must respect and protect the integrity of the international election observation mission. This includes following this Code of Conduct, any written instructions (such as a terms of reference, directives and guidelines) and any verbal instructions from the observation mission's leadership. Observers must: attend all of the observation mission's required briefings, trainings and debriefings; become familiar with the election law, regulations and other relevant laws as directed by the observation mission; and carefully adhere to the methodologies employed by the observation mission. Observers also must report to the leadership of the observation mission any conflicts of interest they may have and any improper behavior they see conducted by other observers that are part of the mission.

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Maintain Strict Political Impartiality at All Times

Observers must maintain strict political impartiality at all times, including leisure time in the host country. They must not express or exhibit any bias or preference in relation to national authorities, political parties, candidates, referenda issues or in relation to any contentious issues in the election process. Observers also must not conduct any activity that could be reasonably perceived as favoring or providing partisan gain for any political competitor in the host country, such as wearing or displaying any partisan symbols, colors, banners or accepting anything of value from political competitors.

Do Not Obstruct Election Processes

Observers must not obstruct any element of the election process, including pre-election processes, voting, counting and tabulation of results and processes transpiring after election day. Observers may bring irregularities, fraud or significant problems to the attention of election officials on the spot, unless this is prohibited by law, and must do so in a non-obstructive manner. Observers may ask questions of election officials, political party representatives and other observers inside polling stations and may answer questions about their own activities, as long as observers do not obstruct the election process. In answering questions observers should not seek to direct the election process. Observers may ask and answer questions of voters but may not ask them to tell for whom or what party or referendum position they voted.

Provide Appropriate Identification

Observers must display identification provided by the election observation mission, as well as identification required by national authorities, and must present it to electoral officials and other interested national authorities when requested.

Maintain Accuracy of Observations and Professionalism in Drawing Conclusions

Observers must ensure that all of their observations are accurate. Observations must be comprehensive, noting positive as well as negative factors, distinguishing between significant and insignificant factors and identifying patterns that could have an important impact on the integrity of the election process. Observers' judgments must be based on the highest standards for accuracy of information and impartiality of analysis, distinguishing subjective factors from objective evidence. Observers must base all conclusions on factual and verifiable evidence and not draw conclusions prematurely. Observers also must keep a well documented record of where they observed, the observations made and other relevant information as required by the election observation mission and must turn in such documentation to the mission.

Refrain from Making Comments to the Public or the Media before the Mission Speaks

Observers must refrain from making any personal comments about their observations or conclusions to the news media or members of the public before the election observation mission makes a statement, unless specifically instructed otherwise by the observation mission's leadership. Observers may explain the nature of the observation mission, its activities and other matters deemed appropriate by the observation mission and should refer the media or other interested persons to the those individuals designated by the observation mission.

Cooperate with Other Election Observers

Observers must be aware of other election observation missions, both international and domestic, and cooperate with them as instructed by the leadership of the election observation mission.

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Maintain Proper Personal Behavior

Observers must maintain proper personal behavior and respect others, including exhibiting sensitivity for host-country cultures and customs, exercise sound judgment in personal interactions and observe the highest level of professional conduct at all times, including leisure time.

Violations of This Code of Conduct

In a case of concern about the violation of this Code of Conduct, the election observation mission shall conduct an inquiry into the matter. If a serious violation is found to have occurred, the observer concerned may have their observer accreditation withdrawn or be dismissed from the election observation mission. The authority for such determinations rests solely with the leadership of the election observation mission.

Pledge to Follow This Code of Conduct

Every person who participates in this election observation mission must read and understand this Code of Conduct and must sign a pledge to follow it.

PLEDGE TO ACCOMPANY THE CODE OF CONDUCT FOR INTERNATIONAL ELECTION OBSERVER

I have read and understand the Code of Conduct for International Election Observers that was provided to me by the international election observation mission. I hereby pledge that I will follow the Code of Conduct and that all of my activities as an election observer will be conducted completely in accordance with it. I have no conflicts of interest, political, economic nor other, that will interfere with my ability to be an impartial election observer and to follow the Code of Conduct.

I will maintain strict political impartiality at all times. I will make my judgments based on the highest standards for accuracy of information and impartiality of analysis, distinguishing subjective factors from objective evidence, and I will base all of my conclusions on factual and verifiable evidence.

I will not obstruct the election process. I will respect national laws and the authority of election officials and will maintain a respectful attitude toward electoral and other national authorities. I will respect and promote the human rights and fundamental freedoms of the people of the country. I will maintain proper personal behavior and respect others, including exhibiting sensitivity for host-country cultures and customs, exercise sound judgment in personal interactions and observe the highest level of professional conduct at all times, including leisure time.

I will protect the integrity of the international election observation mission and will follow the instructions of the observation mission. I will attend all briefings, trainings and debriefings required by the election observation mission and will cooperate in the production of its statements and reports as requested. I will refrain from making personal comments, observations or conclusions to the news media or the public before the election observation mission makes a statement, unless specifically instructed otherwise by the observation mission's leadership.

Signed _____

Print Name _____

Date _____

ACKNOWLEDGEMENTS

The Declaration of Principles for International Election Observation and the Code of Conduct for International Election Observers were developed through a multi-year process involving more than 20 intergovernmental and international nongovernmental organizations concerned with election observation around the world.

The process began informally in 2001 at the initiative of the National Democratic Institute for International Affairs (NDI) and the United Nations Electoral Assistance Division (UNEAD) and included an initial meeting at the UN in New York and a meeting in Washington co-hosted by the OAS and NDI.

Building on that foundation, the UNEAD, The Carter Center, and NDI formed a joint secretariat and launched the formal phase of the process in October 2003 at a meeting held at The Carter Center in Atlanta. This was followed by a September 2004 meeting in Brussels, which was hosted by the European Commission. An ongoing consultative process transpired among the participating organizations, which resulted in a consensus document that was offered for organizational endorsements beginning in July 2005.

The secretariat was comprised of Carina Perelli and Sean Dunne for UNEAD, David Carroll, David Pottie and Avery Davis-Roberts for The Carter Center, and Patrick Merloe and Linda Patterson for NDI. The secretariat members prepared the documents, with Mr. Merloe serving as the lead drafter, drawing on a substantial body of existing documentation from organizations involved in election observation. During the process, the secretariat received critical input and comments from many of the participating organizations.

The process was supported by financial assistance from the United Nations, the United States Agency for International Development (USAID), the European Commission, the Republic of Germany and the Starr Foundation, as well as a number of individual contributors.



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