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Observation Mission of The Asian Network for
Free Elections (ANFREL)

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105 Suthisarnwinichai Road, Samsennok, Huaykwang,
Bangkok 10320, Thailand
Tel, (66 2) 2773627
Fax, (66 2) 2762183
E-mail, anfrel@anfrel.org
Website, www.anfrel.org

Written by
Marc Livsey, with inputs from all observers

Edited by
Ichal Supriadi
Sanjay Gathia
Rebecca James

Contributors
Odhikar, Bangladesh

Layout by Panyamung Patcharee

Photos courtesy of mission observers

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Foreword

The Asian Network for Free Elections (ANFREL), established in 1997, is the first regional network in Asia comprising of Civil Society Organizations (CSOs) striving to support democratization efforts at national and regional levels. As the first Asian regional network undertaking election observation, it has so far undertaken over 40 election observation missions across the Asian region in more than 20 countries over the past 10 years. ANFREL's strength lies in its ability to draw upon the expertise of local CSOs in the Asian region. ANFREL is a pioneering organization promoting the principles of democracy in Asia led by Asians themselves.

ANFREL's mission to observe the 9th Parliamentary Elections to the 'Jatiyo Sangsad' in Bengali or 'House of the Nation' in English took place from 21 November 2008 to 6 January 2009. A total of 74 international observers from 18 countries were deployed to the six divisions of Bangladesh.

During the mission, ANFREL worked closely with its local members the Election Working Group (EWG), Fair Election Movement Association (FEMA) and Odhikar. This report covers the pre-election period, Election Day, post-election period and recommendations for electoral reforms based on ANFREL's observation.

Overall, the 9th Parliamentary Election of Bangladesh can be claimed to be peaceful and fair. It is to be noted that while the State of Emergency was imposed by the Care-Taker Government (CTG), amid doubts over its constitutional legitimacy, the conditions after the emergency was lifted were considered to be peaceful by the majority of people. The imposition of the security laws had clamped down the freedom of assembly, association, expression and movement, which are crucial aspects of democracy. Yet it also cannot be denied that the common persons' sentiments were supportive of most efforts to curtail violence and secure peace.

This election has shown improvements in many areas as compared to previous elections. Credit must be given to the CTG and Bangladesh Election Commission (BEC) to have held the elections peacefully and fairly within the given constraints. The BEC is to be commended for exploring innovative measures such as the new voter list with photographs.

ANFREL believes that election observation is not confined to the one-day event itself. Rather, it is a combination of the pre-election conditions, the impartial and professional election administration, the processes involved in developing effective voter and candidate registration, the nuances of election campaigning, equitable access of the media by all the stakeholders for public information dissemination, voter education and the respect of the fundamental freedoms of expression, assembly, association and movement. On Election Day itself, ANFREL is concerned with the unhindered processes of the voters casting their secret ballots and their anonymity is held intact without any intimidation in a free and fair manner as per international standards.

It is my belief that ANFREL observers, along with other international observers, made a significant contribution to the transparency of this election and to strengthening Bangladesh's democratic principles in the long term. Our mission was also an opportunity to share and learn from experiences and best practice with local observers.

This report is the outcome of the information received from ANFREL observers deployed in the various districts of the country and also analysis from the core Secretariat team based in Bangkok, covering the entire duration of the observation from the pre-election, Election Day and post-election periods.

I hope that it will prove to be a valuable read for those interested in political studies, particularly election processes in the Asian region. The challenge to strengthen democracy in the Asian region is now gaining significant momentum as the region witnesses a series of setbacks and erosion of the respect for the rule of law and democratic institutions.

Mr. Damaso G. Magbual (Philippines)
Head of Bangladesh Mission
ANFREL Chairperson

March, 2009

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The report is a reflection of the learning processes of the observers during their observation mission in Bangladesh and a documentation of their interactions with the local people and other relevant stakeholders. These people shared their insights and views on the political situation and the election scenario in Bangladesh.

ANFREL Foundation credits its success to the Department for International Development (DFID) and the British High Commission in Dhaka for their invaluable support. We particularly thank David Osborne from DFID and Simon Lever from the British High Commission, who shared information and analysis and lent their constant support and encouragement to the mission.

We also give our special thanks to the Chair of Bangladesh Election Commission for his support and the official accreditation given to the international observers. We appreciate the technical assistance and excellent training from Mr. Asaduzzaman and Brigadier General Shahadat Hossain Chowdury from the Bangladesh Election Commission.

Our thanks is also very much due to Mr. Hassan Ariff, Mr. Adilur Khan and Dr. Zahurul Alam for giving inputs and advice during the initial stages of the mission and sharing information during the mission.

We also thank our network partners the EWG, FEMA and Odhikar, as well as all other speakers, for briefing our observers before their deployment to the field.

We very much appreciate the local organizations, NGOs, media, local election officials and the people of Bangladesh for their warm hospitality and good cooperation. We also certainly thank the authorities for their cooperation on security issues during the election period.

Finally we must thank the international observers from the other teams of NDI, IRI and the EU for their good cooperation.

It is important to admire all voters who showed extraordinary spirit in nurturing the spirit of democracy by going to vote and abiding by the laws and regulations. ANFREL Foundation values such rich experiences and knowledge and looks forward to share this with other people in Asia and internationally.

Ms. Somsri Han-anantasuk
Executive Director
The Asian Network for Free Elections (ANFREL) Foundation

March, 2009

Map



Map No. 3711 Rev.2 UNITED NATIONS
January 2004

Geographical Information Systems
Cartographic Section

Abbreviations

ANFREL	Asian Network for Free Elections
APDP	Asia-Pacific Democracy Partnership
AL	Awami League
BCL	Bangladesh Chattrra League
BEC	Bangladesh Election Commission
BNP	Bangladesh Nationalist Party
CDL	Community Development Library
CEC	Chief Election Commissioner
CIDA	Canadian International Development Agency
COMFREL	Committee for Free and Fair Elections in Cambodia
CSB	Chrono Satellite Broadcast
CSO	Civil Society Organization
DEO	District Election Officer
ECS	Election Commission Secretariat
EEC	Electoral Enquiry Committee
EPO	Emergency Power Ordinance 2007
EPR	Emergency Power Rules 2007
ETI	Electoral Training Institute
EU-EOM	European Union Election Observation Mission
EWG	Election Working Group
FEMA	Fair Election Movement Association (formerly Fair Election Monitoring Alliance)
HUJI	Harkat-ul-Jihad-al Islami Bangladesh
IFES	International Foundation for Electoral Systems

ICG	International Crisis Group
IPU	Inter-Parliamentary Union
IRI	International Republican Institute
JCD	Jatiyotabadi Chattra Dal
JMB	Jamaat'ul Mujahideen Bangladesh
LDP	Liberal Democratic Party
LTO	Long-Term Observer
MP	Member of Parliament
NAMFREL	National Citizens Movement for Free Elections
NEOC	National Election Observation Committee
NDI	National Democratic Institute
NGO	Non-Government Organization
NID	National ID
PCJSS	Parbatya Chattagram Jana Sanghati Samity (a political party in the Chittagong Hill Tracts)
PERP	Preparation of Electoral Roll with Photographs
PSA	Public Service Announcement
PUS	Protibandhi Unnayan Sangstha (CSO in Barisal)
RAB	Rapid Action Battalion
RPO	Representation of the People Order, 1972
STO	Short-Term Observer
TBB	Translucent Ballot Box
TIB	Transparency International Bangladesh
UNDP	United Nations Development Programme
UPDF	United Peoples Democratic Front (a political party in the Chittagong Hill Tracts)

Executive summary

The polls held on 29 December 2008 to elect the ninth National Parliament or Jatiya Sangsad of Bangladesh were conducted with integrity and credibility, restoring democratic rule after a prolonged State of Emergency (SoE) and almost two years of interim administration. The new government of Bangladesh was elected with a significant majority in an election that met key international standards and was generally characterized by a peaceful environment and efficient administration. Improvements in several key areas of administration would serve to strengthen democratic processes and further promote the free participation of all citizens in the government of Bangladesh.

299 of 300 single-member constituencies were contested on 29 December 2008; the election in the final constituency was postponed to January 2009 due to the death of a candidate. Results were determined by simple majority vote (the 'first past the post' system). The election was primarily a contest between alliances led by the two main parties in Bangladesh, the Awami League and the Bangladesh Nationalist Party (BNP). The 14-party Grand Alliance was led by the former, and won 263 of 300 seats. Awami League leader Sheikh Hasina was sworn in as Prime Minister for the second time on 6 January 2009. Two-time former Prime Minister Khaleda Zia headed the BNP and its allies in the Four-Party Alliance.

The interim body responsible for assisting the Bangladesh Election Commission (BEC) to hold parliamentary elections peacefully and fairly, the Care-Taker Government (CTG), was criticized for allegedly extending its tenure unconstitutionally and reforming electoral laws. The BEC, on the other hand, was generally perceived as neutral and conducted the election professionally, meeting key requirements to ensure a smooth and transparent electoral process.

Preparations for the polls included commendable measures such as the new voter list with photographs and freshly delimited constituencies. The new voter list with photographs was a key factor in improving stakeholder confidence in the electoral process as up to 21.2 million erroneous and duplicate names were removed, although some reports were received of eligible yet unregistered voters. Confusion surrounded the role of National ID cards, prepared simultaneously with the new voter list, which could have been avoided with greater voter education.

The new electoral 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.

Domestic and international observers were generally welcomed by stakeholders, and played an essential role in promoting the credibility and transparency of the election. The BEC's guidelines for domestic observation were overly prescriptive, however, and restrictions on observer recruitment and deployment reduced the effectiveness of domestic observer missions. International observers were not faced with the same regulatory framework imposed on domestic observers, but experienced significant delays in obtaining entry visas and accreditation.

Throughout the pre-election period, and on Election Day itself, the environment generally remained peaceful and inclusive. Many concerns were raised about the effect of the prolonged SoE on preparations for the election, particularly the restrictions on political activity and freedom of expression in the media.



While the SoE was lifted only 12 days before Election Day, the improved campaign and media environment was generally sufficient to ensure a credible election.

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. While most Bangladeshis welcomed the increased security presence, heavy militarization in the Chittagong Hill Tracts discouraged some people from participating in campaign activities.

Campaigning was generally conducted peacefully and few major violations of campaigning laws were observed. However, minor infractions were common and were not sufficiently monitored or addressed by the BEC. The campaign period was vibrant but lasted only 15 days, drawing criticism for not providing enough time for parties and candidates to adequately present their messages to the public. Women tended not to participate in rallies or other forms of campaigning. The widespread participation of children in these events was concerning.

The media played a crucial role in disseminating the policies of parties and candidates and voter education programs, although it was difficult for smaller parties to gain exposure.

Lack of access to media significantly limited dissemination of policies and voter education programs in rural and remote areas. The media environment markedly improved after the lifting of restrictions on freedom of expression under the SoE on 3 November 2008.

Ensuring sufficient voter education was challenging given the high illiteracy rate and lack of media access in some rural areas. The BEC's campaigns focused on new campaigning restrictions and polling processes, and used posters and televised Public Service Announcements (PSAs). Civil Society Organizations (CSOs) such as the Election Working Group (EWG) and Transparency International Bangladesh (TIB) also conducted significant voter education programs, focusing on civic education and encouraging voters to exercise freedom of choice at the ballot box. While most programs were conducted only weeks before Election Day, they intensified in the final week before the polls. The combined efforts of the BEC and CSOs meant that voter education was generally sufficient, although was deficient in many rural and remote communities.



Election Day saw an unprecedented 87% of registered voters cast their ballots in a generally peaceful and festive environment. The polling process was well organized, and polling officials were well trained in Bangladesh electoral law. Security forces maintained a strong presence, although this did not cause any discernible apprehension among

voters, except in some areas of Chittagong division. Although isolated incidents of intimidation, violence and vote-buying did occur, these did not affect the overall outcome.

One of the most significant concerns on Election Day was the difficulty faced by voters trying to find their allocated polling booth, caused primarily by the numerical rather than alphabetical order of the voter list. This meant an increased reliance on political parties, who set up tables outside polling stations and issued chits to voters. While this practice is both common and legal in Bangladesh, it creates opportunities for campaigning and influencing voters that are best avoided on Election Day. Other concerns were a lack of uniformity in the implementation of polling procedures, large queues, and disorderly counting procedures.

The counting process took place at polling stations immediately after the close of polls at 4pm on Election Day. Variations in the methods used to count ballots concerned many observers; in particular, some officials failed to check for the official stamp, while others allowed political party Polling Agents to participate in the count. Counting areas were often overcrowded and badly lit.

In the post-election period the environment generally remained calm, but was marred by a number of violent incidents. Bangladeshi human rights group Odhikar found that 17 people were killed and over 500 injured in post-election violence across the country.¹ No re-polling was necessary and the BEC reported receiving no significant complaints regarding the electoral process.

Recommendations for improvements in the legal framework, electoral processes, campaigning and other areas are included at the end of this report.

¹Odhikar, 'Election-related Human Rights Violations Report' (Dhaka, 15 February 2009).

Political overview

Two years of turmoil: 2006 – 2008

The term of Bangladesh's eighth Parliament, governed by the Bangladesh Nationalist Party (BNP), expired on 27 October, 2006. At this time serious differences had emerged between the BNP and the Awami League, the second major party in Bangladesh, over who would head the interim Care-Taker Government (CTG) to oversee the national elections.



President Iajuddin Ahmed

Awami League supporters refused to take part in the elections, alleging that the BNP had abused its power during its term and placed party loyalists in key positions in the administration.² Unprecedented political violence engulfed Bangladesh on 27 and 28 October, 2006 resulting in a large number of casualties.³ Ignoring constitutional provisions on the establishment of a CTG, President Iajuddin Ahmed appointed himself the Chief Adviser⁴ and scheduled elections for the ninth National Parliament for 22 January, 2007.

² For example, In 2005 the BNP-led government raised the retiring age of Chief Justices from 65 to 67. As Chief Advisers are selected from the most recently retired justices, this ensured the job would go to BNP loyalist K.M. Hasan. See International Crisis Group (ICG), 'Restoring Democracy in Bangladesh,' (Asia Report No. 151, 28 April 2008), p. 6.

³ Odhikar, 'Human Rights Report 2008: Odhikar Report on Bangladesh' (15 January 2009, Dhaka).

⁴ The Chief Adviser of a CTG is equivalent to the Prime Minister of an elected government.

The decision of President Ahmed to appoint himself Chief Adviser caused great controversy; in effect, all executive and legislative powers of the state were vested in the one person. While the BNP was determined to hold the elections on the scheduled date, the Awami League led large scale public demonstrations and protests which often ended in violence, leading to some 50 deaths. The deteriorating security situation and refusal of major political parties to participate in the process prompted the EU to suspend its election observation mission on 11 January 2007. On the same day, President Ahmed declared a State of Emergency (SoE), announced his resignation from the post of Chief Adviser and indefinitely postponed the elections.



Begum Khaleda Zia, leader of the Bangladesh Nationalist Party (BNP)

Sheikh Hasina Wazed, leader of Awami League and the current Prime Minister of Bangladesh

According to Bangladeshi human rights organization Odhikar, the effect of the SoE was immediate. Televisions stopped political talk shows and reporting on political activities. Under the SoE many fundamental rights guaranteed by the constitution were suspended, such as freedom of movement, assembly, association and speech.⁵ Political activities such as meetings and rallies were prohibited without prior permission. In May 2007 this ban was extended to indoor political activity, preventing party members meeting in small groups at home.⁶ Freedom of expression was severely curtailed, and journalists faced pressured and intimidation for publishing factual reports, contravening recognized press rights under national and international laws. Journalists were prevented from covering several key political events under the SoE, such as the corruption trial of Khaleda Zia⁷ and the BEC's dialogue with political parties on the issue of party registration.

Many people who initially greeted the CTG as an antidote to pervasive corruption and ineffective government were dismayed with the extent to which civil liberties were curtailed under the SoE. In the lead up to the election, the SoE had the effect of limiting public access to information and criminalizing normal political activity. On 3 November 2008 the CTG relaxed the SoE by revoking clauses 5 and 6 of the Emergency Power Rules 2007 (EPR), allowing more political activity and media expression. The EPR was removed completely on 12 December 2008 and the SoE was lifted on 17 December 2008. The restoration of constitutional rights of freedom of movement, assembly, association and speech was necessary to ensure the open exchange of information and political dialogue during the campaign period. While the SoE was lifted only 12 days before Election Day, the improved campaign and media environment was generally sufficient to ensure a credible election.



*Fakhruddin Ahmed,
Chief Adviser of the CTG*

The Chief Adviser declared that elections would be held before the end of 2008. Amid doubts surrounding its constitutional legitimacy, the CTG embarked on an ambitious program to reform Bangladesh election laws, in cooperation with the BEC and other stakeholders. It also arrested a large number of politicians on charges of corruption and other crimes. Sheikh Hasina and Khaleda Zia were among

those arrested, but were later released on bail to secure the participation of the BNP and Awami League in the upcoming elections.

The original election date of 18 December 2008 was postponed to 29 December 2008 after the BNP threatened to boycott the polls. The BNP called for postponement of the polls until at least January 2009 citing several reasons, including the need to allow Hajj pilgrims to return to Bangladesh in time to vote. Many suspect the BNP was attempting to buy time to organize itself and arrange candidates to contest in all constituencies. In a reasonable compromise, the BEC agreed to postpone Election Day to the end of December but did not agree to the other demands of the BNP such as the repeal of certain provisions of the election law.⁸

⁸ In an ultimatum issued on 17 November 2008, the BNP demanded the postponement of Election Day, postponement of Upazila polls, lifting of the SoE and repeal of section 91E of the RPO, which gives the BEC the power to cancel candidatures. Section 91E is discussed below in the 'Legal framework' section.

Political parties

Politics in Bangladesh are dominated by the two major parties, Awami League and BNP, while smaller parties such as the Jatiya Party or the Bangladesh Jamaat-e-Islami tend to ally with larger parties to access a broader support base and negotiate positions in government.

In its Grand Alliance the Awami League allied with the Jatiya Party (Ershad faction) and a 14-Party Coalition made up of smaller workers, peasants and communist parties. The BNP-led Four-Party Alliance consisted of the BNP, Bangladesh Jamaat-e-Islami, Islamic Oikya Jote, and Jatiya Party (Andaleeb faction). A brief overview of the major political parties follows.⁹



The **Awami League** is the oldest political party in Bangladesh. It was founded in 1949 as an opposition party in Pakistan and was a driving force during Bangladesh's struggle for independence. The party is headed by Sheikh Hasina, daughter of AL founder Rahman. AL is the mainstream secular political party and promotes a center-left ideology. The AL-led Grand Alliance won 263 of 300 seats in the 2008 election and Sheikh Hasina is now in her second term as Prime Minister.

⁹ For a complete candidate list including political parties, see http://www.thedailystar.net/newDesign/election/resources/candidate_list_ds.pdf [accessed 3 March 2009].



The **Bangladesh Nationalist Party** was founded in 1978 by Ziaur Rahman and is now led by his widow Khaleda Zia. Its three terms in government have been from 1978-82, 1991-96 and 2001-06. The BNP promotes a unified Bangladesh nationalism, combining elements of conservatism and militarism. It suffered a

severe loss in the 2008 election, winning only 29 seats.

The **Jatiya Party (Ershad)** is one of three factions to split from the original Jatiya Party, founded by military ruler Hussain Ershad in 1986, as an effort to civilianize Ershad's military rule after he seized power in 1982. The Jatiya party often focuses on past periods in Bangladesh, claiming that the country was better off during Ershad's rule. It won 27 seats in the 2008 election.

The **Bangladesh Jamaat-e-Islami** emerged from the East Pakistan wing of Jamaat-e-Islami, founded in pre-partition India in 1941. It strongly opposed independence for Bangladesh and several key members are accused of committing atrocities against Bangladeshi citizens during the Liberation War. Jamaat-e-Islami promotes Islamic law and supports increased militarization. In the 2008 election it won 2 seats.



A street filled with campaign posters

Election Framework

Bangladesh's obligations under international law

The right to participate in the government of one's country through periodic and genuine elections is an internationally recognized human right, embodied in Article 21 of the Universal Declaration of Human Rights. Article 21 states the authority of government is based in the will of the people, expressed through periodic and genuine elections involving a secret vote and universal suffrage.

Adopted in 1948, the Universal Declaration marked the beginning of the consideration of participation in government as a human right. The Universal Declaration is a non-binding resolution but is now regarded as the seminal document outlining the basic rights that should be enjoyed by every human. The right of participation became a binding human rights norm in international law with the adoption of the International Covenant on Civil and Political Rights (ICCPR) in 1966. Article 25 of the ICCPR expands on the standards in the Universal Declaration by granting each citizen the right to vote and be elected.

Bangladesh has ratified the ICCPR and all other core human rights treaties,¹⁰ although it has entered several reservations.¹¹ As a state party to the ICCPR, Bangladesh is obliged by Article 25 to adopt all necessary measures to ensure that citizens have an effective opportunity to enjoy

¹⁰ Including the International Covenant on Economic, Social and Cultural Rights (ICESCR), Convention on the Elimination of Racial Discrimination (CERD), Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), Convention Against Torture (CAT), and Convention on the Rights of the Child (CRC).

¹¹ Notably in relation to clauses on the guarantee of equality (ICCPR, ICESCR, CEDAW) and the implementation of convention obligations (CEDAW). See Human Rights Forum on Universal Periodic Review (UPR), Bangladesh, 1st September 2008.

the rights it protects.¹² Hence, to ensure the right of participation the Bangladesh government must ensure genuine and periodic elections, secrecy of the ballot and the free expression of the will of the electors. It must also ensure universal and equal suffrage, which as a practical matter means maintaining comprehensive and accurate voter lists.

In order to meet international standards of free and credible elections the CTG had to lift the SoE. This was because the SoE restricted the right to participation by preventing free political discussion, which is necessary to make an informed decision at the ballot box. Considerable domestic and international pressure was brought to bear on the CTG urging the withdrawal of the SoE. This led to the CTG's initial decision to remove some restrictions on political activity and the media, and prompted international observer organizations such as ANFREL and the EU to reinstate their election observation missions.¹³ Continued pressure eventually brought about the complete withdrawal of the SoE and the reinstatement of those fundamental rights and freedoms under which a free and fair election can be held.

Election system

Bangladesh uses a unique system to administer national elections. At the end of a parliamentary term, a non-party, non-elected Care-Taker Government (CTG) comes to power to assist the BEC to hold elections. Discussed further below, the CTG system aims to ensure neutrality in election preparations but has been criticized for its lack of accountability.

¹² General Comment 25 on the Right to Participate in Public Affairs, Voting Rights and the Right of Equal Access to Public Service (Art.25 ICCPR) (1996) by the Human Rights Committee.

¹³ The EUEOM was suspended in January 2007 after the EU deemed that conditions in the country would not have permitted a credible electoral process.

The national parliament of Bangladesh or ‘Jatiya Sangsad’ is unicameral, and comprises 345 Members of Parliament (MPs). 300 of these MPs are directly elected by a simple majority vote (the ‘first past the post’ system) from 300 single member constituencies across Bangladesh. 45 additional seats are reserved for women and, according to Article 65 of the Constitution, are allocated in proportion to the votes won by each party.

The term of Parliament is five years from the date of the first sitting. Vacancies arising between general elections are filled through by-elections held within 90 days. Voting is not compulsory.

Legal framework

Constitutional rights and the State of Emergency

The Constitution of the People’s Republic of Bangladesh is the supreme law in Bangladesh. It was adopted in 1972 and has been amended 14 times. Article 65 establishes the Parliament, known as the House of the Nation, which is to exercise the legislative powers of the Republic.

Part III of the Constitution guarantees a number of fundamental rights that may be relevant to the conduct of elections. These include equality before the law (Article 27), freedom from discrimination on grounds of religion, race, caste, sex or place of birth (Article 28), freedom of movement (Article 36), freedom of assembly (Article 37), freedom of association (Article 38) and freedom of thought, conscience and speech (Article 39). Article 141B states that many of these rights, including freedom of movement, assembly, association and speech, are suspended during a SoE. This effectively means that under a SoE Part III does not apply, and the state may pass laws which violate Part III rights.

The SoE declared in January 2007 was a response to deteriorating political and social order but contained wide-ranging restrictions on the freedom of expression, assembly, association and speech, many of which remained until only 12 days before Election Day. For example, section 3 of the Emergency Power Rules (EPR) prohibited any association, procession or demonstration without the permission of authorities. Section 6 of the EPR prohibited any criticism of the government that it deemed 'provocative.' Further, section 5 of the Emergency Power Ordinance (EPO) stated that nothing in the EPO or EPR could be 'challenged in any court.'

Many concerns were raised about the human rights situation under the SoE in Bangladesh.¹⁴ In particular, the restriction of political discussion and activity had a negative effect on preparations for the 2008 national election.¹⁵ The SoE was lifted on 17 December, only 12 days before Election Day. Prior to this date political parties could not freely discuss and prepare for the polls, and the media was not completely free to report on election-related issues. While the need for SoE provisions is not disputed, their current form permits undue restriction of certain freedoms that are essential to a free and fair election process. Greater safeguards against States of Emergency negatively impacting future elections should be considered, such as compulsory lifting of a SoE at least two months before Election Day and less restriction of the right of association of political parties and candidates.

¹⁴ See, for example, Ain o Salish Kendra (ASK), 'Human Rights in Bangladesh 2007' (2008, Dhaka); Odhikar, 'Human Rights Report 2008: Odhikar Report on Bangladesh' (15 January 2009, Dhaka). Available: http://www.odhikar.org/report/pdf/hr_report_2008.pdf [accessed 3 March 2009].

¹⁵ Other issues surrounding the SoE, such as the breach of the constitutional time limit on the emergency and the encroachment by the military into the civil administration, are beyond the scope of this report.

The Care-Taker Government

When the term of a Parliament ends or it is otherwise dissolved, a non-party CTG assumes the executive power of the State (Article 58B of the Constitution). The CTG's role is to carry out the routine functions of government, and to give the Bangladesh Election Commission (BEC) 'all possible aid and assistance that may be required for holding the general election of members of parliament peacefully, fairly and impartially.' The CTG is a distinctive feature of Bangladeshi politics. In the past, in the context of widespread centrally-controlled electoral fraud, the limitations it imposes have greatly improved the credibility of elections by removing the advantage of incumbency and access to State resources.

A CTG is composed of a Chief Adviser and not more than ten other Advisers, all of whom are appointed by the President (Article 58C). The Constitution states the President must appoint as Chief Adviser the most recently retired Chief Justice of Bangladesh. If they are unwilling or not available a series of alternatives is set out. If a suitable person cannot be found then the President shall assume the functions of the Chief Adviser in addition to the Presidency. Despite these rules, the absolute discretion given to the Chief Adviser to select Advisers and the Chief Adviser is a cause for concern. Public confidence would be enhanced by reducing the scope of discretion, for example by requiring a process of consultation with parliamentarians, the public and other stakeholders.

Article 123(3) of the Constitution states 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.' In practical terms this mandates the CTG to call an election within 90 days

from the time parliament is dissolved.¹⁶ On 22 May 2008 the High Court of Bangladesh held the BEC violated the Constitution by not holding the elections by 25 January 2007, and that 'a caretaker administration cannot be...allowed to continue beyond such time, as is provided by law, for failure of the election authority in holding the election.'¹⁷ The argument that the CTG did not need to hold elections within 90 days because article 58B (which establishes the CTG) states it operates until a new government enters office ignores the intent behind Article 123(3).¹⁸ As potential instability could flow from its decision, the High Court ruled that this issue 'may be better left for consideration of elected members of the new parliament.' These legal constitutional issues must be resolved as a matter of urgency to avoid further challenges to the legitimacy of the election results or the new government. The new government should also consider inserting a clause into the Constitution to explain what should happen if future elections are not held within the time limit stipulated by Article 123(3).

Further questions over the legitimacy of the CTG were raised with respect to its substantial reforms of the election law. These reforms, discussed further below, focused on the qualifications of candidates, a code of conduct during the polling period, and the registration of political

¹⁶ Interviews with former Adviser on Energy and Investments Mr. Mahbahur Rahman (Dhaka, 24 December 2008) and Mr. Tarikul Ghani, Vice-President of FEMA (Dhaka, 24 December 2008).

¹⁷ The Daily Star, 'JS body sews legal wrap for CG rule' (8 February 2009). Available: <http://www.thedailystar.net/newDesign/news-details.php?nid=74917#> [accessed 3 March 2009].

¹⁸ Interview with Mr. Adilur Khan, Secretary of Bangladeshi human rights group Odhikar, Dhaka, 28 November, 2008.

parties. They were implemented after three rounds of dialogue with sixteen political parties. However, the CTG should refrain from making policy decisions, as per Article 58D of the Constitution, and cannot issue ordinances that are not election related.¹⁹ Although what may constitute a ‘policy decision’ is debatable, it is likely these reforms, as well as the CTG’s anti-corruption drive,²⁰ infringe these constitutional restraints. Future CTGs should refrain from similar activities, and leave policy decisions to publicly accountable Members of Parliament.

The President

The Constitution establishes the President as the Head of State in Bangladesh. The President is elected to a five year term by MPs, not the general public. The functions of the President include appointing Advisers to CTGs (Article 58C, discussed above) and Ministers (Article 56), assenting to parliamentary bills (Article 80) and declaring States of Emergency (Article 141A).

The functions of the President are essential to the operation of government, and the appointment of Advisers to the CTG, responsible for national elections, can influence electoral preparations. The new government of Bangladesh should consider changing the method of Presidential selection to direct election to increase the accountability of the President and encourage the strongest adherence to principles of democracy, equality and impartiality.

¹⁹ Interview with former Adviser on Energy and Investments Mr. Mahbahur Rahman, Dhaka, 24 December 2008.

²⁰ Which included the creation of two anti-corruption commissions and arrest of thousands of citizens on corruption charges.

The current President Iajuddin Ahmed was elected in 2002. On 29 October, 2006, and while he remained President, the BNP appointed Ahmed as Chief Adviser of the new CTG. The Awami League protested the BNP's disregard for the constitutional guidelines for selecting the Chief Adviser (described above) and alleged that Ahmed favored the BNP. While perhaps the only way to avoid a recurrence of these particular circumstances is for parties to more closely respect the law, direct election of the President would help to avoid future accusations of political bias.

Legislative framework

The primary piece of legislation governing elections in Bangladesh is the Representation of the People Order 1972 (RPO). This is supplemented by the Conduct of Election Rules 1972, Delimitation of Constituencies Ordinance 1976, Electoral Roll Ordinance 1982, Electoral Roll Rules 1982, Political Party Registration Rules 2008 and Code of Conduct for Parliamentary Elections 2008.

This legal framework was substantially revised by the 2007-08 CTG in an attempt to level the playing field and lessen the influence of corruption in Bangladeshi politics. For example, political party registration became mandatory, parties were obliged to adopt internally democratic procedures, criteria for candidate nominations were tightened and candidates could only contest three instead of five constituencies. The CTG released its reform proposals in April 2007 before launching extensive consultation with political parties. The amendments were promulgated in 2008 by way of Presidential Ordinances,²¹ as parliament stood dissolved. An early challenge for the new government has been to analyze

²¹ Under the authority of Article 93(1) of the Constitution.

and ratify the ordinances passed by the CTG, which otherwise cease to have effect thirty days after its first sitting, according to Article 93 of the Constitution. A special committee was formed on 28 January 2008 to scrutinize the CTG's ordinances, and may seek opinions of constitutional experts.²²

One of the most controversial amendments was the addition of section 91E to the RPO, which gives the BEC the power to cancel candidatures after an investigation if it receives information about a serious violation of election laws. Before cancelling the candidature the BEC must investigate the matter and give the candidate a reasonable opportunity of being heard. Political parties criticized this provision as granting draconian powers to the BEC; one candidate likened political activity under section 91E to "swimming with your hands tied with a rope."²³ The repeal of this clause was one of four demands made to the CTG in a 48 hour ultimatum issued by the BNP on 21 November 2008. Legal experts and civil society groups backed section 91E, though, with some labeling the power to enforce the electoral law 'indispensable.'²⁴ Because the provision affords natural justice to candidates, in the form of the opportunity to be heard, it is a fair mechanism to compel candidates to abide by the election law. In any case, article 91E did not play any significant role in the 2008 election because of time constraints. Although the BEC launched investigations into a number of complaints prior to Election Day, it did not have enough time to complete the investigations and exercise section 91E.²⁵

²² The Daily Star, 'JS body sews legal wrap for CG rule' (8 February 2009). Available: <http://www.thedailystar.net/newDesign/news-details.php?nid=74917#> [accessed 3 March 2009].

²³ Abdullah al Noman, BNP Joint Secretary General and candidate for Chittagong-9 constituency.

²⁴ BDnews24, 'Section 91E of RPO is 'indispensable': TIB' (23 November 2008). Available: <http://www.thebangladeshtoday.com/archive/November%2008/23-11-2008.htm> [accessed 3 March 2009].

²⁵ New Age, 'EC unable to apply article 91E for want of time: CEC' (24 December 2008). Available: <http://www.newagebd.com/election/2008/12/24/ec-unable-to-apply-article-91e-for-want-of-time-cec> [accessed 3 March 2009].

A less controversial amendment was the introduction of the option to cast a 'no vote,' giving electors who are dissatisfied with the candidates an option to cast a meaningful vote.²⁶ If 'no votes' totaled more than 50% of votes in any given constituency, re-polling would have been required.²⁷ In systems without such an option, it is often impossible to tell whether an invalid ballot paper is an expression of dissatisfaction with the standing candidates or a mistake. Although the highest percentage of 'no votes' cast in any constituency in the 2008 election was 12.4%,²⁸ the inclusion of this provision creating a 'no vote' option sent a message to all political parties that they must field trustworthy candidates or risk rejection by the electorate.

The Code of Conduct for the Political Parties and the Candidates of the Parliament Election 2008 (Code of Conduct) regulates electoral campaigning in Bangladesh. It applies to registered political parties, candidates and any person acting on their behalf. Highly detailed rules are set out that, for example, require parties and candidates to obtain permission to hold rallies, ban the use of vehicles in processions, restrict the use of loudspeakers to the hours of 2pm – 8pm and limit the design, size and method of displaying posters. While specific, these regulations do not contradict international principles protecting political expression. The Code of Conduct took effect from 18 September after its publication in the government Gazette. The BEC had intended to enforce the Code of Conduct long before the polls, in an effort to reduce the influence of 'black money.' However, the BEC was unable to do so because political parties had not yet registered, and thus did not fall within the scope of the Code of Conduct.²⁹

²⁶ According to the new article 31(5)(bb), inserted on 19 August 2008 by the Representation of the People (Amendment) Ordinance 2008.

²⁷ According to the new article 40A of the RPO.

²⁸ In Parbattya Rangamati-1 constituency, Chittagong. The next closest percentage of 'no votes' was 3.9% in Dhaka-13 constituency, Dhaka.

²⁹ Bangladesh News, 'EC unable to enforce poll code of conduct' (30 September 2008). Available: <http://www.bangladeshnews.com.bd/2008/09/30/ec-unable-to-enforce-poll-code-of-conduct/> [Accessed 3 March 2009].

Enforcement mechanisms

Although minor campaign infractions were common, the EEC received relatively few complaints. Violations of the Code of Conduct are considered ‘pre-poll irregularities’ under the RPO, and are to be investigated along with breaches of the RPO by the Electoral Enquiry Committee (EEC). The EEC wields the same powers of civil courts and can compel attendance and the production of documents. Mobile Courts³⁰ were also empowered to conduct fast on-the-spot trials of election offences.

The legislative framework providing for enforcement mechanisms is unclear in several respects, and late decisions about the process caused confusion among stakeholders. For example, the RPO directs that the EEC shall consist of ‘Judicial Officers’ but does not specify which officers the BEC may appoint. The composition of Mobile Courts was also controversial. The Establishment Ministry which had initially appointed executive magistrates to run the Mobile Courts was overruled by the Supreme Court on 18 December 2008. The Supreme Court ruled that only judicial magistrates should administer justice with regard to poll offences. Only two days before Election Day, the BEC decided that these judicial magistrates would hear cases in their office as opposed to moving around their constituencies.³¹ Delays and confusion surrounding these mechanisms could have been avoided with earlier, clearer legislative direction.

³⁰ Established by the Mobile Court Ordinance 2007 to give executive magistrates limited power to try simple cases. Punishment was limited to fines, and could only be given out if the accused pled guilty.

³¹ Bangladesh News, ‘Judicial magistrates won’t be in the field’ (28 December, 2008). Available: <http://www.bangladeshnews.com.bd/2008/12/28/judicial-magistrates-wont-be-in-field/> [accessed 3 March, 2009].

Election administration

Reconstitution of the Bangladesh Election Commission

Reconstituting the BEC was an early priority for the CTG as public confidence had eroded in the then Chief Election Commissioner (CEC), Justice MA Aziz. Amid growing protests alleging partial appointments to the BEC,³² Aziz stepped down on 21 January 2007. Five other commissioners resigned on 31 January 2008, paving the way for the reconstitution of the BEC. Dr ATM Shamsul Huda was appointed as CEC on 5 February 2007, and Muhammad Sahul Hossain and M. Sakhwat Hossain were appointed as the two Election Commissioners.

Article 118 of the Constitution provides that commissioners are appointed by the President, but does not set out objective guidelines for the recruitment process, such as necessary qualifications for the posts. Article 118 also lacks transparency and fails to ensure the participation of women in the BEC. However, the appointment of the new CEC and two Election Commissioners in February 2007 was generally welcomed by stakeholders.



The three Bangladesh Election Commissioners: Dr. A T M Shamsul Huda - Chief Election Commissioner (left); Muhammed Sohul Hussain - Election Commissioner (center); and Brigadier General Muhammad Sakhawat Hussain ndc, psc (Retd) - Election Commissioner (right).

³² In particular, the AL objected to a number of appointments to the BEC, including that of Mr. Modabbir Hossain Chowdhury who had earlier sought nomination to run for parliament from the BNP. See NDI, 'NDI Election Watch' Issue No. 1 (21 December, 2006).

Structure

The BEC is assisted by the Election Commission Secretariat (ECS), which is based in Dhaka and headed by a Secretary to the government. The ECS has permanent offices across Bangladesh, at the regional,³³ district and Upazila level. Since January 2007 the ECS has been supported by the Ministry of Law and Parliamentary Affairs, although prior to this date it had been financed by the Office of the Prime Minister. The current arrangement is better suited to ensuring the independence of the ECS.

A Deputy Election Commissioner heads each of the ECS's nine Regional Offices, which are responsible for liaising with the central and district-level ECS offices. They are also responsible for managing corrections to the voter list, among other matters. 66 Returning Officers (ROs) – at least one in each of the 64 districts – manage candidate nomination, election administration and the consolidation of results. 83 District Election Offices headed by District Election Officers (DEOs) are responsible for training polling staff and assisting with the election process. DEOs assist ROs with logistical matters such as delivery of polling materials. At the lowest administrative tier, there are 26 Thana Election Offices in urban areas and 481 Upazila Election Offices in rural areas. These are staffed by Thana Nirbahi Officers and Upazila Nirbahi Officers respectively, who assist DEOs to carry out the election.

The BEC may require other government departments, 'executive authorities'³⁴ and 'any person or authority'³⁵ to render assistance in performing its functions during election periods. In fact, local government

³³ Note that 'regional' offices of the BEC do not correspond to the administrative divisions of Bangladesh.

³⁴ Article 126 of the Constitution.

³⁵ Section 5 of the RPO.

bodies are responsible for much of the administration and conduct of elections; for example, Deputy Commissioners become ROs. Government officers acting on behalf of the BEC wield significant powers, such as the requisition of vehicles necessary to transport electoral materials. Despite the BEC's power to compel officials to render assistance, the RPO grants officials the discretion of whether to carry out the requisition of a vehicle.³⁶ This could lead to inconsistent application of BEC directives, contrary to the BEC's constitutional authority.



ANFREL's leadership with the Chief Election Commissioner

³⁶ Section 6(1) of the RPO reads 'The Government or an Officer... *may* upon a request made in this behalf by the Commission... requisition any such vehicle' [emphasis added].

Mandate and performance

Under Article 119 of the Constitution, the functions of the BEC are to hold elections to the office of President, hold elections of MPs, delimit the constituencies for the purpose of elections to Parliament and prepare electoral rolls for presidential and parliamentary elections. The new BEC worked hard to restore public confidence in its ability to fulfill these responsibilities, cooperating with the CTG over an 18 month period to reform electoral laws. From the outset the BEC acknowledged it would be a slow process, and warned that elections would not be held until a new voter list with photographs was completed in late 2008.³⁷ An election 'roadmap' was announced on 15 July 2008 in which the BEC set a series of deadlines for the reform process.³⁸

Generally, the BEC successfully fulfilled its responsibilities, professionally administering the election and meeting key requirements to ensure a smooth and transparent electoral process. Polling officials interviewed generally showed high levels of competency and many had past experience in administering elections. In one exception, the District Election office in Jamalpur appeared disorganized in the week of 13-20 December, and was unable to produce candidate lists or specific information about polling arrangements on request. The BEC was rated as neutral by more than 70% of all voters interviewed in ANFREL's LTO Voter Questionnaire.³⁹

³⁷ Ohmynews, 'Bangladesh elections not for 18 months' (6 April 2007). Available: http://english.ohmynews.com/articleview/article_view.asp?at_code=402629&no=354484&rel_no=1 [Accessed 3 March 2009].

³⁸ The BEC's election roadmap is attached in Annex 10.

³⁹ ANFREL's LTOs conducted an LTO Voter Questionnaire of 942 respondents over four weeks across all six divisions. The methodology of this questionnaire is described in Annex 4 and the full results of this questionnaire are included in Annex 8. 73.8% of interviewees responded that they thought the BEC was neutral; 9.8% thought that the BEC was biased and 16.8% were not sure or made no response.

Electoral administration could have been improved in several areas, most importantly by finalizing the electoral framework earlier. 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. According to the electoral roadmap, all electoral reforms, including finalization of the conditions for registration of political parties, were to be completed by 22 February 2008. However, amendments to the RPO were made as late as November 2008. These late amendments, combined with the postponement of Election Day, contributed to some degree of uncertainty and confusion about the electoral process among stakeholders.

Delays in finalizing the legal framework also had the effect of disenfranchising certain groups of voters. Prior to Election Day, the BEC declared that 68,000 prison inmates would be able to vote, however it was not able to make proper arrangements for them to vote through postal ballots.⁴⁰ Similarly, more than five thousand election officials, observers and party Polling Agents were unable to cast their votes as the BEC could not arrange postal ballots for them in time. Adhering to the roadmap, and simplifying the postal ballot system, could have avoided these problems.

At some points, the BEC did not appear to have sufficient resources to cope with its large workload. This was particularly evident during the process of accreditation of election observers. Accreditation cards were

⁴⁰ Under section 27(1) of the RPO, certain people may apply to the Returning Officer for postal voting. Postal ballots must be completed and a certificate signed by a postal official before being returned. Postal voting is limited to people performing election-related duties elsewhere than at their own polling station; people in government service and prisoners (section 27(1) of the RPO; section 8 of the Electoral Rolls Ordinance, 1982).

issued to some international groups less than a week before Election Day, after earlier applications had been turned away for want of printed accreditation cards. Domestic observers in some districts did not receive accreditation cards at all, preventing them from observing inside polling stations. Although the BEC had over 2000 employees, a greater focus on staff training and timely preparations for the polling period could have facilitated a smoother process for all stakeholders.

Logistics and training

The BEC should be commended for its sufficient and timely logistical arrangement of polling materials for Election Day, particularly in remote areas of Bangladesh. Logistical arrangements included, for example, the use of helicopters to deploy polling materials and staff to remote areas of the Chittagong Hill Tracts. In one exception, one polling station in Dinjapur had not received the required materials at 4.20pm the day before Election Day.⁴¹ Regional BEC offices visited were well prepared to conduct the polls, and all polling stations observed on Election Day had received the necessary materials.

Some inconsistencies existed in the storage of electoral materials and the times of distribution to polling locations. While non-sensitive election materials such as ink and copies of the voter list reached Thana/Upazila Election Offices at least several days before Election Day, sensitive materials such as ballot papers were held at different levels in different areas,⁴² and plans to distribute materials to polling locations were also inconsistent.⁴³ While these issues did not affect the conduct of the

⁴¹ Burirhat polling station in Sekhpura, Dinjapur, had not received materials at 4.20pm on 28 December 2008.

⁴² At the district level in Rajbari, Khulna and Bagherat, but at Upazila level in most other places. Materials in Dhaka were stored at the district level due to a lack of space in Upazila offices.

⁴³ Materials were planned to be distributed on 26 December in Kushtia and Bagherat, but 28 December in most other places observed.

election, more uniform processes for the storage and distribution of sensitive electoral materials would improve the integrity of the electoral process.

One aspect of logistical preparations was the procurement and distribution of Translucent Ballot Boxes (TBBs). Most political parties had demanded the introduction of TBBs, contributing to the postponement of the elections in January 2007, in the belief that they would help ensure more credible elections. In conjunction with the UNDP, and with the financial support of CIDA, the BEC successfully incorporated 240,000 TBBs into the electoral process, as well as serially numbered plastic security seals and necessary training programs. Each box was numbered and could be tracked through a central computer program. Regardless of the actual capacity of TBBs to reduce electoral fraud or promote transparent elections, their introduction promoted goodwill between the BEC and political parties. This is also a good example of local bodies and international development partners working together to improve transparency in electoral processes.



The BEC training polling officers in Khulna district

The appointment of polling officials was well under way by early December 2008. Selection was based on paper qualifications and experience in past elections, with teachers and public servants comprising the majority of those recruited. The district-level polling staff was generally professional and showed a high degree of competency with respect to election law, their respective roles on Election Day, and security procedures. However, minor inconsistencies in the processes adopted by polling officials were observed on Election Day (these are described in the Election Day section below).

Training for polling officials had also commenced in most areas by early December, and was completed in time for Election Day. The body responsible for training of election officials was the Electoral Training Institute (ETI).⁴⁴ A cascade training program was used to train 1,400 officials in Dhaka, who then trained Presiding and Polling Officers at the Upazila level. This training program simultaneously prepared staff for the Upazila election held on 22 January 2009.

The trainings were successful, however the duration and method of the Upazila-level training programs varied across the country. For example, Presiding Officers in Dhaka city underwent one full day training session, while those in Narayanganj underwent a half-day training session. Training for polling officials in Chittagong lasted only four hours while in different parts of Khustia, two and six day training courses were held. The implementation of a more thorough and uniform national system for training of polling officials could have improved adherence to polling procedures on Election Day.

⁴⁴ The ETI was established in 1995 with the cooperation of The Asia Foundation to train polling personnel and thereby promote the institutionalization of democracy in Bangladesh. From 1995 to 2007 the ETI trained 2.5 million trainees. See the BEC's website 'Electoral Training Institute,' available at http://www.ecs.gov.bd/English/MenuTemplate1.php?Parameter_MenuID=11 [accessed 3 March 2009].

Delimitation of constituencies

The BEC undertook a thorough review of Parliamentary constituency boundaries between December 2007 and July 2008. This was crucial to ensure equal suffrage because existing constituencies, which had largely remained unchanged in the preceding 30 years, varied dramatically in population.⁴⁵ The BEC is required by the Delimitation of Constituencies Ordinance 1976 to redraw boundaries after each census, but this was not done following censuses in 1984 or 1991. The most recent census data, from 2001, was used for the latest revision.

133 out of 300 constituencies were redrawn according to the BEC's average figure of 267,000 voters per constituency. The number of seats in 17 districts either increased or decreased, with greater representation of urban areas with high population densities. In Dhaka city, for example, the number of constituencies rose from 8 to 15.

The BEC published provisional boundaries in the Gazette and invited objections and suggestions in order to facilitate public participation in the redrawing process. Over 3,000 appeals were heard at the central and regional levels, leading to amendments in the proposed boundaries of 90 constituencies.⁴⁶ The final boundaries were regarded as

⁴⁵ Bangladesh Election Commission, 'Delimitation of Constituencies: A Work Plan' (8 January 2008). Available: <http://www.ecs.gov.bd/MenuExternalFilesEng/192.pdf> [accessed 3 March 2009].

⁴⁶ Bangladeshnews.com, 'Final list of redrawn JS seats published' (11 July 2008). Available: <http://www.bangladeshnews.com.bd/2008/07/11/final-list-of-redrawn-js-seats-published/> [accessed 3 March 2009].



*Dr Zahurul Alam,
Director of EWG*

*Mr. Adilur Rahman Khan,
Secretary of Odhikar*

generally fair by the head of EWG, a large NGO working on election issues.⁴⁷ However, the BEC was criticized for carrying out the delimitation at such a late stage, and without adequate consultation with stakeholders. Some stakeholders filed writ petitions against the delimitation with the Supreme Court of Bangladesh, a process which further delayed the announcement of the detailed poll schedule and jeopardized the holding of elections in time.⁴⁸ The Supreme Court dismissed the petitions on 2 November and the BEC announced the schedule the next day. While the delay in election preparations did not ultimately affect the election, it would be better if future delimitations were finalized much earlier before Election Day.

⁴⁷ Interview with Election Working Group (EWG) Director Dr. Zahurul Alam, Dhaka, 25 December 2009.

⁴⁸ Bangladeshnews.com, 'Delay over constituency writ to spoil polls fixture' (30 October 2008). Available: <http://www.bangladeshnews.com.bd/2008/10/30/delay-over-constituency-writ-to-spoil-polls-fixture/> [accessed 3 March 2009].

Voter registration

Innovative new voter list with photographs

Improving the voter list was a key aspect of election preparations. The lack of confidence in the 2006 list contributed to the cancellation of the January 2007 elections, for the list was estimated to include 21.2 million erroneous, duplicate and 'ghost' names, and was unacceptable to opposition political parties.⁴⁹ With the financial assistance of nine international development partners and in partnership with the UNDP, the BEC launched the Preparation of Electoral Roll with Photographs (PERP) project. With the logistical assistance of the Bangladeshi armed forces, voter registration teams travelled from village to village, and into remote areas using boats and helicopters, to reach the population. 90,000 voter registration centers were established across the country to take photographs and fingerprints. Between July 2007 and August 2008 a total of 81,130,973 voters were registered and, for the first time in Bangladeshi history, over fifty percent of those registered were women.⁵⁰



A new voter list with photos of voters

⁴⁹ Government of the People's Republic of Bangladesh/UNDP, 'Project Document: Preparation of Electoral Roll with Photographs' (BGD/07/002).

⁵⁰ Of the 81,130,973 registered voters, 41,244,820 (50.9%) were women and 39,787,636 (49.1%) were men.

The BEC should be congratulated for successfully completing this massive project in such a short period of time. The new photographic voter list was highly regarded by candidates and voters, with 93.2% of voters interviewed believing it would be effective in stopping electoral fraud.⁵¹ An independent audit by the International Foundation for Electoral Systems (IFES)⁵² confirmed the new list meets international standards.

Eligible and first-time voters

To be qualified as a voter, a person must be a citizen of Bangladesh, not less than eighteen years old, of sound mind, and a resident of the relevant constituency.⁵³ The latest registration drive included registering people with no fixed residency, people in jail, people in hospitals and the disabled.⁵⁴ It also featured the enfranchisement of several groups denied the right to vote in past Bangladeshi elections, such as the Bihari people and Hijras, described below. Indeed, an estimated 23 million first-time voters were included in the new list, representing 32% of registered voters in the country.

Traditionally considered stateless, the Biharis⁵⁵ won a High Court judgment in May 2008 granting them citizenship, and they participated in the electoral process for the first time in December 2008. In Rajbari district up to 1,000 homeless women went to vote for the first time, having been previously refused registration due to a lack of fixed address,

⁵¹ According to ANFREL's LTO Voter Questionnaire, 1.8% believed that the new list would not be effective, and 5.0% were not sure or gave no response.

⁵² IFES, 'Assessment of the Photo Voter List in Bangladesh' (30 November 2008). Available: http://content.undp.org/go/cms-service/download/asset/?asset_id=1672724 [accessed 3 March 2009].

⁵³ According to Article 122 of the Constitution.

⁵⁴ Ms Renata Dessallien, 'Celebrating the end of voter registration in Bangladesh' (speech given at the Radisson Water Garden Hotel, Dhaka, 22 July 2008).

⁵⁵ Biharis are Urdu-speaking Bangladeshis who originally migrated to what was then East Pakistan, from India's Bihar state, after the 1947 partition of the sub-continent.

employment in the sex industry and their personal reluctance to register due to a general feeling of social exclusion. Extending the right to vote to these groups promotes universal suffrage and removes discrimination on grounds of race and place of birth.⁵⁶

Hijras, or male-to-female cross-dressing, pre- and post-operative transsexuals, were also among those allowed to vote for the first time. While authorities stopped short of acknowledging Hijras as a third gender, this was a positive development in what is a relatively conservative Muslim country. Election officials were unsure of exactly how Hijras would cast their vote, and at the last minute decided that the more feminine ones would join the ladies' line while those who seemed manlier would queue with the men.⁵⁷ Consulting with Hijras more extensively in the future may lead to more sensitive arrangements for them to cast their ballots. While separate polling booths may not be practicable due to their low numbers in Bangladesh, Hijras could approach the BEC with requests, for example to be afforded postal voting, or be allocated into either male or female polling booths.

Unregistered voters

The IFES audit found only 1.1% of 8,954 adult respondents were not registered, a figure that should promote stakeholder confidence in the list. This figure reflects the special attention paid during the registration process to vulnerable populations and those living in remote areas.

⁵⁶ As required by Article 28 of the Constitution of Bangladesh and international human rights norms.

⁵⁷ AFP, 'Bangladesh eunuchs to vote in first elections' (27 December 2008). Available: http://www.google.com/hostednews/afp/article/ALeqM5iJs0Rw_hlEuWm70jKPi9S6-PhUGg [accessed 3 March 2009].



An eligible voter in Barisal city, Tanjia Khanam, who registered and was issued a NID card but was not included on the voter list.

Even so, observers reported small numbers of eligible yet unregistered voters in many locations across Bangladesh.⁵⁸ Notable instances include 14 homeless people interviewed in Feni district who were not allowed to register, and almost half of the eligible voters in the Bihari Camp in Mymensingh Sadar Upazila. In Ramgati Upazila, Lakshmipur district, a local government official estimated that 10% of eligible voters were still unregistered, mainly older and illiterate women.⁵⁹ 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 and people were disinterested in the process. It was suggested that some people, particularly women, did not register due to their apprehension of the significant army presence during registration;⁶⁰ others believe that this presence may have permitted an undue military influence over the process.⁶¹ In a unique case, a voter registered at the appropriate time and was issued a National ID (NID) card, yet was excluded from the voter list due to technical error.⁶²

⁵⁸ Reports were received from Dhaka, Mymensingh, Netrokona, Sherpur, Kishoreganj, Jamalpur, Barisal, Sunamganj, Meherpur, Kushtia, Chittagong, Feni, Khagrachhari, Rajshahi and Sylhet districts.

⁵⁹ Interview with Union Parishad [local council] member, Lakshmipur district, 13-17 December 2008.

⁶⁰ Interview with Union Parishad [local council] member, Lakshmipur district, 13-17 December 2008.

⁶¹ Interview with Adilur Khan, Secretary of Odhikar, Dhaka, 24 December 2008.

⁶² Interview with Tanjia Khanam, Barisal city, 23 December 2008.

The voter registration effort did not appear to reach some remote areas in the Chittagong Hill Tracts, particularly affecting the Chakma and Tripura ethnic groups. Lack of financial means and transportation to registration centers may have also contributed to an estimated 5,000 unregistered but eligible voters in Khagrachari and Rangamati districts. Pursuing supplementary registration programs while simultaneously updating the voter list will be necessary to ensure the remaining small numbers of eligible Bangladeshi citizens are registered.

Policy decisions also led to the disenfranchisement of certain groups of people in Bangladesh. Bangladeshi citizens who turned 18 after 1 January 2008, for example, had no legal right to be registered as the election was scheduled before the end of 2007.

The arbitrary nature of this cut-off date meant that as many as three million Bangladeshis could not vote despite meeting the constitutional qualifications for registration as voters.⁶³ Although these citizens will be included in the voter list update, which commenced in February 2009, their disenfranchisement breached international standards of universal suffrage, and must not recur in future elections.

A large number of refugees such as those from the Rohingya ethnic group living in camps are not eligible to be registered as they are not Bangladeshi citizens. Many Rohingyas have lived in Bangladesh since they fled northern Myanmar in 1991. Kutupalong Refugee Camp in Chittagong division, for example, is currently home to 10,950 Rohingyas.⁶⁴ Given

⁶³ Article 122 of the Constitution states that 'A person shall be entitled to be enrolled on the electoral roll for a constituency delimited the purpose of election to Parliament, if he- (a) is a citizen of Bangladesh; (b) is not less than eighteen years of age; (c) does not stand declared by a competent court to be of unsound mind; and (d) is or is deemed by law to be a resident of that constituency.

⁶⁴ UNHCR, 'Protracted Refugee Situations: Bangladesh camp life improves, but home is best' (10 December 2008, Bangladesh).

their length of stay in Bangladesh the government of Bangladesh should consider granting these refugees some degree of participation in the Bangladeshi political system. The government could consider granting citizenship and the right to vote as initial steps toward local integration.

The majority of voters were unaware of the possibility of late registration, which was neither promoted to, nor taken up by, the general populace. Eligible voters who were not included in the original voter list could apply in writing to be included on a supplementary voter list maintained by the BEC. According to the office of the PERP and the EU-EOM, only 626 of the voters who might have benefited from this provision actually registered on the supplementary voter list.⁶⁵ The highest profile late registration was that of BNP leader Khaleda Zia, which took place on 29 November 2008.⁶⁶ Greater promotion of this possibility would have encouraged those who missed the standard registration period to register and exercise their right to vote.

National ID cards

At the same time as the compilation of the new voter list, new National ID (NID) cards were prepared. NID cards are not voter cards but are designed to assist Bangladeshis to access basic services, purchase properties and so on. The use of the same resources deployed for the PERP project meant an efficient and holistic national approach to the NID

⁶⁵ EUEOM, 'Preliminary Statement: Peaceful parliamentary elections mark an important step in the restoration of democratic governance to Bangladesh' (31 December 2008, Dhaka).

⁶⁶ Gulf Times, 'Khaleda Zia finally enrolls on voter list' (30 November 2008). Available: http://www.gulf-times.com/site/topics/article.asp?cu_no=2&item_no=257615&version=1&template_id=44&parent_id=24 [accessed 3 March 2009].

card initiative, and one that avoided the shortfalls of the segmented approach adopted in 1995.⁶⁷ As with the new voter list, voters were highly confident that the new NID cards would help stop election fraud.⁶⁸

Many have questioned why NID cards were not designed to be of more use during elections.⁶⁹ The issue of NID cards simultaneously with the voter registration process created the impression that NID cards were akin to voter cards and would need to be produced at the polling booth in order to vote. According to the law, voters were not required to present any identification to vote at polling booths, as Presiding Officers were to satisfy themselves of the identity of electors with reference to the electoral roll only.⁷⁰ This was not sufficiently explained to voters, particularly those in rural areas. 78.1% of voters interviewed in the four days preceding the election believed they needed to show their NID cards in order to vote.⁷¹ Part of the BEC's voter education campaign was to inform voters that NID cards were not necessary to vote (although they may assist with identification at the polling booth). While most polling officials understood that NID cards were not required,⁷² greater efforts to educate voters during registration and in the pre-election period

⁶⁷ For discussion of the 1995 National ID card initiative, and PERP project, see Government of the People's Republic of Bangladesh/UNDP, 'Project Document: Preparation of Electoral Roll with Photographs' (BGD/07/002).

⁶⁸ 93.3% of voters interviewed believed that new National ID cards would stop election fraud on Election Day. 2.2% said that they would not, and 4.4% were unsure.

⁶⁹ For example, former Adviser on Energy and Investments Mr. Mahbahur Rahman stated 'If the National Identification cards will not be used for the election after all, why were they taken in the first place?' Interview with Mr. Mahbahur Rahman, Dhaka, 24 December 2008.

⁷⁰ According to section 31(1) of the RPO.

⁷¹ During ANFREL's STO Voter Questionnaire, 74 observers interviewed 888 voters in 32 districts across Bangladesh from 25 to 28 December. 78.1% of respondents responded 'yes' to the question 'Do you need to show your ID card to vote?' 5.0% responded no, and 0.1% were not sure or made no response. The methodology of this questionnaire is described in Annex 4 and the full results contained in Annex 9.

would have avoided some confusion and uncertainty about the voting process. It would also encourage people who registered but are not in possession of their NID cards to cast their vote.

NID cards contain a unique 13-digit number, different from the 12-digit voter number assigned to each elector in the voter list. The use of two different numbers was also a source of confusion. Voters had to vote at assigned polling booths, which were allocated by the BEC according to voter numbers, meaning the NID cards were of no help in locating the correct polling location.⁷³ While the NID cards were never intended to act as voter cards, synchronizing the NID number and voter number would have made finding allocated polling booths easier and locating names in voter lists faster at each booth.

Almost all of the photographs contained in the voter list were of good quality,⁷⁴ thus in almost all cases polling officials could easily identify voters at polling booths. However, some concerns were raised about errors in information and blurry photos on the NID cards.⁷⁵ While the

⁷² In one exception the polling staff at Dumuria Government Girls High School were still confused about the use of NID cards on Election Day on 25 December. Generally, however, there was a satisfactory level of training in this regard compared to the August 2008 City Corporation elections, where a number of voters were mistakenly turned away for not having their NID cards: ICG, 'Bangladesh: Elections and Beyond' (Asia Briefing No. 84, 11 December 2008) p. 6.

⁷³ See the Administration component of the Election Day section below for a discussion of the problems voters faced in locating their assigned polling booth.

⁷⁴ IFES, 'Assessment of the Photo Voter List in Bangladesh' (30 November 2008), p. 13. Available: http://content.undp.org/go/cms-service/download/asset/?asset_id=1672724 [accessed 3 March 2009].

⁷⁵ For example, by representatives of the Rajshahi Women Council and members of Bel-danga village, Godagari Upazila, Rajshahi.

NID cards are not voter cards, because they are used to assist in identification at polling booths inaccuracies in the information they contain may affect the integrity of the poll. A thorough review of data and photograph quality printed on NID cards, perhaps carried out during the routine updating process, would avoid this problem.

Party and candidate registration

Tighter regulations for party and candidate registration were part of the CTG's overall strategy to minimize corruption and the influence of 'black money' in the 2008 election. The BEC conducted three rounds of consultation with political parties and ultimately relaxed some provisions to ensure their participation. A greater degree of transparency was incorporated into the nomination process, loan defaulters were excluded from candidature, and candidates were made to disclose their financial and educational backgrounds. Late amendments lessened the effectiveness of these provisions but overall they provided a sound framework for registration.

Party registration

Party registration was made compulsory for the first time by an amendment to the RPO in August 2008. 107 parties applied for registration with the BEC, of which 39 were accepted – the lowest number of contesting parties since the 1980s.⁷⁶ In order to exclude parties with insignificant

⁷⁶ 54 parties contested the October 2001 elections, 81 in June 1996, 41 in February 1996 and 75 in February 1991.

support bases, the BEC required parties to satisfy one of the following conditions:

- secured at least one seat in a previous parliamentary election;
- secured 5% of the vote in constituencies where its candidates contested a past parliamentary election; or
- established functional offices in at least 50 Thanas/Upazilas.⁷⁷

A number of applications for registration were rejected on the grounds that parties had not sufficiently demonstrated the existence of functional party offices. This requirement contributed to the relatively low number of contesting parties. It also meant that parties representing minority groups or small geographic areas could not register, such as the Parbatya Chattagram Jana Sanghati Samity (PCJSS) and United Peoples Democratic Front (UPDF) in the Chittagong Hill Tracts.

Parties were also required to modify their constitutions to incorporate a number of specific provisions, namely:

- to elect committee members at all levels;
- to fix a goal of reserving 33% of all committee positions for women by 2020;
- to prohibit the formation of, or affiliation with, student bodies or unions; and
- to finalize candidate nominations from panels prepared at the Thana/Upazila level.⁷⁸

⁷⁷ Section 90B(1)(a) of the RPO.

⁷⁸ Section 90B(1)(b) of the RPO.

The BEC extended the deadline for registration applications a number of times to encourage parties to comply with the new criteria. Earlier, the CTG had amended the RPO to allow parties to submit provisional constitutions with their registration papers.⁷⁹ While these late amendments led some to believe the BEC was favoring parties who registered late, they were necessary to ensure the participation of all parties in the election. The BNP and Jamaat-e-Islami submitted their applications on the last day allowed by the BEC.⁸⁰

Parties were further required to ensure that no provision of their constitutions were contrary to the Constitution of Bangladesh, or contained any discrimination on the grounds of religion, race, caste, language or sex.⁸¹ This forced Jamaat-e-Islami to amend its constitution to formally recognize Bangladesh's 1971 independence war as a war of liberation rather than a civil war, and to extend membership to non-Muslims.⁸² Jamaat-e-Islami has been accused of committing atrocities during the 1971 war, and despite public pressure to do so the BEC did not pursue a hearing on the issue.⁸³ The allegation of war crimes led to many protests during the pre-election period and continues to divide sections of Bangladeshi society. All substantial allegations should be investigated with due process, regardless of the political activity of the accused.

⁷⁹ Section 90D of the RPO, as amended in October 2008, allows the BEC to register a party which has a provisional constitution complying with the new criteria, providing that the party passes a resolution ratifying the provisional constitution within six months of the first sitting of parliament.

⁸⁰ Priyo, 'BNP applies for registration with revised constitution' (21 October, 2008). Available: <http://priyo.com/news/20081021/14654> [accessed 3 March 2009].

⁸¹ Article 90C of the Constitution.

⁸² ICG, 'Bangladesh: Elections and Beyond' (Asia Briefing No. 84, 11 December 2008) p. 3.

⁸³ Bangladeshnews, 'Jamaat skips EC's war crime hearing' (2 November 2008). Available: <http://www.bangladeshnews.com.bd/2008/11/02/jamaat-skips-ecs-war-crime-hearing/> [accessed 3 March 2009].

While registration was completed successfully and ensured the participation of the major parties in Bangladesh, the BEC was criticized for failing to complete the process within its self-proclaimed deadline of June 2008. The delays in completing party registration meant additional pressure during the candidate nomination and scrutiny stages, and may have contributed to parties' inability to comply with the candidate recommendations made by their grassroots committees.⁸⁴

Candidate nomination

To stand in the 2008 election, prospective candidates had to apply for nomination irrespective of whether they belonged to a political party or were standing independently. Candidates applied for nomination by submitting a nomination form along with a number of supporting documents and 10,000 taka. Prospective candidates were then scrutinized by the BEC. The deadline for filing nomination papers was originally announced as 13 November, 35 days before the original election date of 18 December. The BEC changed this date three times in an attempt to secure the participation of all political parties. Ultimately nomination papers were due on 30 November, 29 days before the revised election date of 29 December.

The nomination process placed a relatively onerous burden on candidates. The nomination form was criticized for its length – it contained 250 questions on 32 pages – and for requiring too much detailed information from candidates that appeared to be of little use.⁸⁵

⁸⁴ FEMA, 'FEMA Long Term Observation Report: the Nomination Process' (23 December 2008, Dhaka).

⁸⁵ FEMA, 'FEMA Long Term Observation Report: the Nomination Process' (23 December 2008, Dhaka).

The criteria for candidate nomination were overhauled by the CTG in an attempt to increase transparency in the process. According to the new section 12(3b) of the RPO, candidates were obliged to submit with their nomination papers information regarding their educational qualifications, criminal record, employment, wealth and debts. Candidates also had to submit a description of 'what promises [they] made before an election in which [they were] elected as a member in the past, and how many of those promises were fulfilled'.⁸⁶ While any statements received would be of little use, given their entirely subjective nature, this requirement is clearly designed to emphasize the notion of accountability to prospective candidates.

Candidates were not eligible for election if they were in default under a loan within 7 days of the nomination deadline.⁸⁷ This provision was designed to reduce the influence of 'black money,' prevent bank loans being used to finance campaigning, and to generally exclude those who default on loans from the election. The main body responsible for the identification of loan defaulters was the Bangladesh Bank, who cooperated with the BEC in taking measures to prevent defaulters contesting the polls. Candidates were also ineligible if they had failed to pay bills such as telephone and water earlier than fifteen days before submitting their nomination.⁸⁸

Prior to 2008 candidates were only ineligible if they were in default under a loan on the day they submitted their nomination application. In August 2008 the CTG amended the RPO so that candidates in default six months before submitting their nomination were disqualified. However, this met with great resistance as it did not leave any time for

⁸⁶ Section 12(3b)(g) of the RPO.

⁸⁷ Section 12(1)(l) of the RPO.

⁸⁸ Section 12(1)(n) of the RPO.

current defaulters to reschedule their loans (the amendment was passed within six months of the deadline). Following sustained pressure from political parties the CTG amended the time frame to fifteen and then seven days. Of the 39 registered parties, 30 nominated up to 90 candidates who had defaulted on loans and 40 who had unpaid utility bills. Domestic observers FEMA argue that these figures show the reluctance of political parties to renounce a culture of loan defaulting.⁸⁹ While some degree of negotiation with political parties was necessary to ensure their participation in the polls, the concessions made to loan defaulters resulted in a weaker set of reforms that did not exclude those who were originally targeted.

Several major parties, including the BNP, Awami League and Jatiya Party, ignored the requirements in the RPO that parties finalize nomination of their candidates according to the recommendations of their committees at the grassroots level and that parties insert this process into their constitution.⁹⁰ The executive committees of the major parties exerted undue control over the nomination process, albeit the limited time for candidate nomination was also a factor contributing to party noncompliance. Central committees are often appointed by party leaders themselves, reinforcing the power of single personalities within parties. In particular, the leadership of the BNP and Awami League is confined to two political families, and there are no indications that this will change. The lack of internal democracy in political parties extends to their activities and financial matters,⁹¹ and is a significant impediment to promoting stronger democracy across Bangladesh.

⁸⁹ FEMA, 'FEMA Long Term Observation Report: the Nomination Process' (23 December 2008, Dhaka).

⁹⁰ At least 18 nominations by the Awami League in 8 districts did not conform to grassroots-level recommendations. The BNP Parliamentary Board selected nominees by interview with complete disregard for lower committees. See, for example, The Daily Star, 'AL tickets trigger protests in several districts' (19 November 2008). Available: <http://www.thedailystar.net/story.php?nid=63957> [accessed 3 March 2009].

⁹¹ Transparency International Bangladesh, 'Bangladesh Election Commission: A Diagnostic Study' (undated, Dhaka).

The BEC acknowledged parties' failure to nominate candidates according to grassroots recommendations but took no action.⁹² The BEC's inability or unwillingness to enforce the RPO may have further encouraged political parties to ignore election laws with impunity.

Candidates nominated by a political party were required to submit a certificate to the BEC to that effect from their party. Independent candidates, on the other hand, had to submit a list of signatures of one percent of the constituency.⁹³ This provision was strictly enforced and led to many disqualifications during the scrutiny process.

Scrutiny of candidates

The scrutiny of candidates occurred in all constituencies during 3 – 4 December 2008. This was an important part of the electoral process where the papers submitted by candidates were checked for conformity with the election law.⁹⁴ Of 2,454 nominations, 1,538 candidates contested the election, taking account of those who withdrew and were disqualified following the scrutiny process.

Returning Officers strictly applied the election law and a significant number of nominations were cancelled. The relatively high numbers of independent candidates rejected was particularly concerning. In 68 constituencies observed by the domestic observer group FEMA, 47 out of 83 independent nominees were rejected. The primary reasons cited were

⁹² Bangladeshnews.com, 'BNP constitution, RPO choked' (28 November 2008). Available: <http://www.bangladeshnews.com.bd/2008/11/28/bnp-constitution-rpo-choked/> [accessed 3 March 2009].

⁹³ Unless the independent candidate had been previously elected in any parliamentary election: section 12(3a) of the RPO.

⁹⁴ According to section 14 of the RPO.

deficiencies in the lists of voter signatures, which were compounded by the lack of availability of voter lists, and the inability of independent candidates to identify which voters were within a given constituency following the fresh delimitation of boundaries.⁹⁵

Many disqualified candidates filed appeals before the regular courts. On 18 December 2008, 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.

Local and international observation

The BEC issued guidelines for both foreign and domestic election observation under the authority of section 91C of the RPO. The guidelines outlined the accreditation process and highlighted observers' duty to uphold the BEC's various codes of conduct for observers. The BEC was generally receptive to observers' requests for information and assistance. However, some aspects of the observer guidelines were overly prescriptive and a lack of resources led to late accreditation in some cases.

Domestic observation

The 76 domestic organizations accredited by the BEC fielded a total of 150,000 domestic observers.⁹⁶ The largest domestic observation organization was the Election Working Group (EWG), which planned to

⁹⁵ FEMA, 'FEMA Long Term Observation Report: the Nomination Process' (23 December 2008, Dhaka).

⁹⁶ Telephone interview with BEC official, 16 February 2009.

deploy 177,107 observers for Election Day. The EWG is a 32-member coalition of Civil Society Organizations (CSOs) operating with coordinating support from The Asia Foundation and financial support from a consortium of international development partners. It also carried out significant voter education activities, discussed below.



EWG volunteers on duty at polling stations

Domestic observer groups such as EWG played an essential role in promoting the credibility and transparency of the 2008 election. Broad geographic coverage and understanding of the local political context mean domestic observers have a more comprehensive view of the election than many international missions. Their long-term presence in Bangladesh should also allow them to draft post-election recommendations more thoroughly. At the same time, not all domestic organizations have acquired the full set of skills or capacities required to observe elections effectively. For example the EWG coalition deployed observers to all 300 constituencies but could not rely on the data from 12% of them due to performance variations.⁹⁷ An even greater focus on developing CSOs

⁹⁷ EWG, 'Preliminary Election Observation Report' (3 January 2009, Dhaka). Available: http://www.ewgbd.org/highlights_details.php?id=55 [accessed 3 March 2009].

in Bangladesh in the future would build on the current success of the EWG initiative, and serve to strengthen civil society networks generally.

The Guidelines for Domestic Observation released by the BEC were clear and concise, and domestic groups were given the opportunity to comment on draft versions. The BEC also rendered significant assistance to domestic observers, for example by issuing clarifying instructions to election officials who were following incorrect accreditation procedures. However, the guidelines were overly prescriptive and may have lessened the effectiveness of observers in the field. The minimum age of 25 years, for example, posed challenges in recruitment; this requirement is unjustified in light of the voting age of 18 years and international acceptance of observers in the 18-25 year age bracket. The minimum educational qualification of ‘SSC or equivalent level of exams’ also made recruitment difficult, with the EWG arguing that any citizen of legal voting age who can read and write – and is thus capable of attending appropriate training – should be permitted to observe. These requirements placed undue restrictions on the rights of citizens to engage in the monitoring process, and should be reviewed to allow all non-partisan citizens of voting age to participate.

Undue geographic restrictions were also placed on the activities of domestic observers. Not more than two domestic organizations were permitted to observe in each Upazila/Thana, and each organization was allowed only one observer per polling booth. These restrictions meant that local human rights group Odhikar, for example, was accredited to observe in only two out of four constituencies applied for in Dhaka district, and one out of two applied for in Chittagong district. The BEC refused to accredit any observers from Odhikar in Patuakhali district,

Barisal.⁹⁸ Moreover, initially monitors were restricted from observing in their home union, however this was relaxed following consultation between the BEC and domestic organizations.⁹⁹ While some restrictions are necessary, the BEC's guidelines are unnecessarily stringent and should be reviewed to ensure that domestic observers are only subject to restrictions that are absolutely necessary to maintain order within polling locations.

Domestic observers were required to submit reports to the BEC using standardized BEC forms within one month of Election Day. While this may assist the BEC to process information from a number of different sources using different observation methodologies, it created an additional burden on often overworked organizations. Further dialogue and cooperation may lead to a more efficient way to meet the mutual needs of the BEC, while taking account of the pressure already experienced by domestic observation groups.

The framework for domestic observation adopted by the BEC may have been a reaction to allegations by political parties of partisanship among domestic observer organizations. While this issue caused some controversy and was widely reported in local media,¹⁰⁰ little evidence was produced to support these claims. In one incident, the Awami League in Jessore district complained about the partiality of a leader of domestic observer group the Association of Muslim Welfare Agencies in Bangladesh (AMWAB). After looking into the matter the District Election

⁹⁸ Correspondence from Odhikar representative to ANFREL, 13 February 2009.

⁹⁹ EWG, 'Preliminary Election Observation Report' (3 January 2009, Dhaka).

¹⁰⁰ In the lead up to the 2008 election, the BNP objected to four observer organizations and the Awami League to 20, including ANFREL. See, for example, Bangladeshnews, 'AL, BNP want 24 poll observers out' (17 November 2008). Available: <http://www.bangladeshnews.com.bd/2008/11/17/al-bnp-want-24-poll-observers-out/> [accessed 3 March 2009].

Office asked the group to replace the person in question. At the central level, domestic observer group FEMA was accused of bias and refused accreditation even after political parties lifted their objections. The BEC argued FEMA's president, Feroz Hassan, was linked to a political party and thus could not be a registered observer under the RPO.¹⁰¹ Section 91C(1) states that the BEC can only permit as an election observer a person 'who is in no way associated with, or affiliated to, any political party... and who is not known for his sympathy, direct or indirect, for any particular political ideology...'.¹⁰² This section is open to interpretation as no further guidance on what constitutes association, affiliation or sympathy is given, and no time limit on political party membership is set. The BEC rejected FEMA's appeal on 4 December 2008, at a point when FEMA's observation activities were well underway. Clearer legislative drafting could provide more certainty to observers with respect to what is permissible former political activity.

The BEC was the sole authority to issue observer accreditation cards and its guidelines state that blank ID cards should be sent to Returning Officers well in advance of Election Day.¹⁰³ Accreditation cards are required for observers to enter polling stations and witness polling and counting processes. While the majority of domestic observer groups received accreditation cards in time, many were issued only one or two days before Election Day, frustrating domestic groups such as EWG and Odhikar.¹⁰⁴

¹⁰¹ Feroz Hassan helped to found the Liberal Democratic Party (LDP) and was its Vice-President in 2007 but resigned more than 18 months before the 2008 election.

¹⁰² A similar prohibition on political affiliation is found in section 3(c) of the BEC's Guidelines for Domestic Election Observation.

¹⁰³ Section 7(8) of the BEC's Guidelines for Domestic Election Observation.

¹⁰⁴ For example, the Returning Officer in Sunamganj district, Sylhet, harassed Odhikar for some days before finally issuing accreditation cards. Correspondence from Odhikar representative to ANFREL, 13 February 2009.

International observation

A strong presence of international observers helped to ensure the legitimacy of the election and its acceptance by the international community. Excluding diplomatic missions, ten international organizations observed the election, fielding approximately 600 international observers.¹⁰⁵ The largest groups were the EU-EOM, ANFREL, NDI and IRI; smaller missions were led by the Commonwealth, Japanese government and the newly founded Asia-Pacific Democracy Partnership (APDP, whose delegates were deployed in conjunction with IRI). NDI also assisted with electoral preparations by preparing and distributing an 'Election Day Manual for Polling Agents,' and IRI provided significant support to local election observation group the National Election Observer Council (Janipop).

Coordination among the four largest international missions was strong. At the central level, information was shared through weekly debriefings and joint action was taken on a number of issues such as the issuance of observer visas. At the district level, observers from different groups also shared information and liaised to ensure the broadest possible coverage, particularly on Election Day.

International observers were not faced with the same regulatory framework as their domestic counterparts, but did face significant challenges in other areas. The process for approval of observer entry visas, for example, was unnecessarily complicated. It involved an application to the BEC which was forwarded for approval from the Ministry of Foreign Affairs, Ministry of Home Affairs, the police and a number of other departments, before being communicated to the relevant embassy. Break-downs in communication between these bodies led to prolonged delays.

¹⁰⁵ Telephone interview with BEC official, 16 February 2009.

Many of ANFREL's STOs received visas only one or two days before STO briefings were scheduled to begin in Dhaka. In the face of mounting pressure from the international community, within just one week of Election Day, the BEC and Ministry of Foreign Affairs declared all observers were entitled to visas on arrival. If the BEC and Ministry of Foreign Affairs had taken this step earlier, or adopted a more streamlined process from the outset, international groups would have expended fewer resources on this issue.

Delays were also experienced during the accreditation process. Despite receiving accreditation applications well before Election Day, the BEC was unable to issue accreditation cards until, in some cases, several days before the polls. At times the BEC was forced to turn away applicants from international groups on the basis that blank accreditation cards were not ready. The lead up to the election was an intensely busy time for the BEC, and the preparation of such administrative matters should have been completed much earlier. The creation of a clearer, streamlined framework for international observation in general would enhance certainty among international groups and lessen the workload of the BEC for future national elections.

International observers themselves faced very few obstructions during their deployment. Regional, district and Upazila/Thana level polling officials, as well as political parties, security forces and government representatives, generally welcomed observers. In two exceptions District Election Offices refused to cooperate with ANFREL observers. The Jamalpur DEO would not discuss the election without observers producing official accreditation cards, even after observers explained that the central BEC had not yet issued cards. The Bandarban DEO appeared distrustful of international observers and refused to discuss detailed election preparations.

Observers were also generally welcomed on Election Day itself, although were not permitted to enter polling stations in two isolated cases.¹⁰⁶ In Noakhali, ANFREL observers were not allowed to observe the counting processes after being informed that they needed 'special permission' to do so.¹⁰⁷ Observers from the Election Working Group (EWG) and National Democratic Institute (NDI) were also denied entry in some isolated cases.



ANFREL and EU observers working on the ground

Polling arrangements

Polling stations and staff

Polling took place between 8.00am to 4.00pm on 29 December 2008. 35,216 polling stations were set up, an increase from 29,978 in 2001.

¹⁰⁶ At polling station 1, Jessore-6, and polling station 83, Khulna-1. However, ANFREL observers were permitted to enter polling station 83 after a Magistrate attended and informed the presiding officer that accredited observers should be permitted entry.

¹⁰⁷ At polling station 1, Kabirhat Upazila, Noakhali.

Each polling station contained an average of five polling booths, with 177,107 polling booths in total. Each polling station served approximately 2,302 voters.

The 66 Returning Officers were responsible for district-level coordination on Election Day, and were assisted by 586 Assistant Returning Officers. Each polling station was headed by a Presiding Officer and each polling booth by an Assistant Presiding Officer, who was in turn assisted by two Polling Officers. A total of 566,537 polling officials administered the election.

Each candidate could appoint one Polling Agent for each polling booth. Polling agents were required to display ID cards issued by their respective candidate. Their duty was to observe the polling process on behalf of their candidate.

Allocation of polling booths

Men and women were listed on separate printed copies of the voter list, and voted in separate polling booths within each polling station. Where possible, the BEC appointed female polling and security personnel to women's polling booths.



Ansars and security teams getting ready for polling day

Voters had to vote at the polling booth allocated to them according to their voter number. The serial numbering of the voter list, as opposed to alphabetical ordering, made it difficult or impossible for voters to find the correct polling booth on Election Day. Signs were displayed at some polling stations 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 constituencies compounded the problem as the constituency of some voters had changed since the last election. As discussed further in the Election Day section below, many voters gave up after repeatedly standing in long queues as they tried different booths.

Polling process

The polling process, outlined in Chapter III of the RPO, is explicitly based on the principle of a secret ballot (section 26). The Presiding Officer bears the duty of arranging the polling station so that voters can mark their ballot in secret.

Prior to 8.00am the Presiding Officer of each polling booth sealed the Translucent Ballot Box (TBB) with four numbered plastic tags, recording the serial numbers and allowing witnesses present to do the same. Upon the opening of polls, voters presented themselves to the Presiding Officer who checked their identity against the voter list. Many voters displayed their NID cards to confirm their identity, but this was not compulsory. A mark of indelible ink was placed across the nail and cuticle of the thumb on voters' left hands, and the name of the voter called out for the benefit of Polling Agents. A mark was placed on the voter list against the name of the voter.

Before issuing the ballot paper to voters, the Assistant Presiding Officer stamped and signed the back of the ballot paper, wrote the person's



Essential polling booth materials, clockwise from top left: official stamp, ballot paper, Transparent Ballot Box (TBB), stamped ballots, TBB seals, and indelible ink pen

voter number on the counterfoil, and required the voter to sign or make a thumbprint on the counterfoil. The Assistant Presiding Officer then handed the stamp along with the ballot paper to the voter who then walked to the private voting area to mark the ballot. On the way out of the polling booth the voter inserted the ballot into the TBB and returned the stamp. A voter who unintentionally spoiled their ballot paper had the right to obtain a second ballot paper.

If a voter found that someone had already voted in their name, that person was entitled to cast a 'tendered ballot' (section 32 of the RPO). Tendered ballots were not inserted into the ballot box but kept in a separate packet by the Presiding Officer, with the name of the elector recorded in a separate list. Tendered ballots were not included in the general count but kept in case of investigation into a dispute. Few tendered ballots were cast on Election Day and even though these ballots are not included in the count, they are a positive alternative to merely turning the voter away.

Candidates or Polling Agents were entitled to challenge any elector they believed had already voted or who may have been attempting to impersonate another voter, after first undertaking to prove the charge in court and paying a cash deposit of 100 taka. Challenged votes were also kept separately but were included in the final count. As with tendered ballots, few challenged ballots were cast on Election Day.

Closing and counting process

Polls closed at 4.00pm, but voters in the queue at 4.00pm were allowed to cast their vote. After the last voter had inserted their ballot into the box it was sealed with a numbered plastic tag and transported immediately to the designated room for counting.

Counting took place immediately after the close of polls at the polling station. The method of counting varied; sometimes the ballot boxes were emptied and counted separately, but in most cases all the ballot boxes in each polling station were counted together. In these cases, ballot papers from different boxes were mixed together during the count, making it impossible to trace any ballot paper back to a specific polling booth.

After the count the Presiding Officer packaged all polling materials into designated packets to be forwarded to the Returning Officer.

Pre-election period

Campaign environment

The environment leading up to the election was safe and peaceful in almost all areas of Bangladesh. People looked forward to the election and hoped it would bring change to the country. Political parties generally respected the election law and the rights of others to campaign in peace, and were usually able to hold rallies or processions in close proximity without incident. Some clashes did occur in the pre-election period, particularly in areas of Chittagong, resulting in numerous injuries and arrests. Overall, however, these incidents were isolated and did not significantly disrupt the campaign environment.

Campaigning

Under the BEC's Code of Conduct, campaigning could begin three weeks before Election Day, or 8 December 2008.¹⁰⁸ Campaign activities did not commence until 12 December, however, following the CTG's lifting of the SoE which had imposed restrictions on political rallies.¹⁰⁹ This left only 15 days for campaigning, rather than three weeks which usually precede national elections in Bangladesh. To account for the shorter campaign period, the BEC shortened the cooling period to one day instead of the 48 hours required by the RPO.¹¹⁰ Irrespective of this change, many criticized the duration of campaigning as too short for parties and candidates to adequately present their messages to the public.¹¹¹

¹⁰⁸ Section 12 of the Code of Conduct for Parliamentary Elections prohibits any election campaign prior to three weeks before Election Day.

¹⁰⁹ The CTG revoked the Emergency Power Rules (EPR) on 12 December 2008.

¹¹⁰ Section 78 of the RPO.

¹¹¹ Interview with EWG Director Dr. Zahurul Alam, Dhaka, 25 December 2008.



Elephant being used in campaigning

Bangladeshis eagerly participated in a wide range of campaigning activities. Processions traversed the streets of all major cities, candidates conducted door-to-door campaigns in urban and rural areas and lectures and rallies of all sizes were held on mobile stages. Microphones and loudspeakers were used extensively at rallies, and by candidates as they walked the streets;

loudspeakers were even mounted on cars and rickshaws to broadcast political messages. The large rallies of the leaders of the two main parties, Khaleda Zia and Sheikh Hasina, tended to create a carnival atmosphere but were overshadowed by a heavy security presence. All of these activities intensified and took on a much more festive atmosphere after the SoE was lifted on 17 December.

Women tended not to participate in rallies or other forms of campaigning, which is partly attributable to binding cultural and religious traditions. Some initiatives were taken to target and involve women (discussed below in the 'Participation of women and minorities' section), but campaigning and other political activities were overwhelmingly dominated by men.

Campaigning covered a wide range of topics, however it tended to focus on criticizing other parties rather than on promoting new ideas. The BNP made a number of allegations of vote rigging or vote buying without producing evidence. Awami League supporters also drew attention to the past failures of other parties, for example by raising questions

about BNP candidates' past criminal records.¹¹² Political parties also made several unsubstantiated allegations of bias and conspiracy against the BEC, prompting the EU-EOM to urge parties to exercise restraint and substantiate their accusations.¹¹³

The release of party manifestos in mid-December¹¹⁴ facilitated public discussion about political policies and platforms. These manifestos outlined the achievements of each party and their vision for the future of Bangladesh, and were a positive addition to campaigning methods in Bangladesh. The Awami League envisioned 'a liberal, progressive and democratic welfare state' and identified five priority issues:¹¹⁵

- the maintenance of economic stability and control of commodity prices;
- a reduction in corruption;
- economic energy use and increase of power generation;
- elimination of poverty and inequality; and
- the establishment of good governance.

The BNP was to pursue 'a constitutional, democratic state system based on the rule of law and will of the people,' and outlined a number of promises including:

¹¹² Between 19-25 December, in Cox's Bazaar, Chittagong, and surrounding Muslim areas.

¹¹³ Bangladesh News, "Unsubstantiated' charges vex EU' (21 December 2008). available: <http://www.bangladeshnews.com.bd/2008/12/21/unsubstantiated-charges-vex-eu/> [accessed 3 March 2009].

¹¹⁴ Manifestos were released by Jamaat-e-Islami on 11 December, the Awami league on 12 December and BNP on 13 December.

¹¹⁵ AL, 'Election Manifesto of Bangladesh Awami League: A Charter for Change' (Undated, Dhaka). Available: http://www.albd.org/autoalbd/index.php?option=com_content&task=view&id=367&Itemid=1 [accessed 3 March 2009].

- controlling the price of essential foods;
- developing agriculture;
- expanding education and health facilities;
- curbing corruption; and
- restoring law and order.

Both the Awami League and BNP also pledged to take strong stands against terrorism, and to cooperate with other countries in the region on this issue.

Ambitious and competitive promises were contained in the two manifestos, but were not substantiated with much detail. Neither major party explained how they would pursue their objectives or how the promises would be funded. The Awami League set out extremely ambitious time limits for its 'proposed milestones,' which included 100% primary student enrolment in 2010, an 8% annual growth rate by 2013, full literacy by 2014 and a reduction in the poverty rate from 45% to 15% by 2021. While noble these promises lacked definitions (for example, of 'poverty rate') and detailed explanations, making them difficult to assess and to hold to the Awami League in the future.

Despite the visions outlined in parties' respective manifestos, campaigns continued to emphasize criticisms of the past rather than activities of the future. Moreover, many people were unaware of the manifestos or didn't understand their content. Observers believed that many voters were more likely to base their vote on the image or personality of candidates, or past party loyalties, rather than on issues, policies and 'corrupt free' attitudes.¹¹⁶ A greater focus on substantive issues during political party campaigning would have led to voters making more informed choices the ballot box.

¹¹⁶ The 'corrupt-free attitude' of candidates was described by interviewees in Khulna district, 11 – 19 December 2008, as the apparent honesty of the candidate and whether they had been imprisoned during the CTG's anti-corruption crackdown.



Daily Star, 13 December 2008, page 14

Threats, violence and voter intimidation

While the overall environment was calm and peaceful, a number of election-related incidents of violence and intimidation occurred in the pre-election period. 10.4% of voters interviewed within four days of Election Day said there had been violence in their area during the election period.¹¹⁷ Domestic group Odhikar recorded 110 incidents of election-related violence between 14 to 28 December, with 336 people wounded.¹¹⁸ These incidents were generally isolated in nature; there were few indications of any pattern of intimidation or pressure from candidates or parties. The steps taken by authorities to maintain a safe environment during the election period, including the continuation of the SoE until 17 December and the increased police and army presence, were generally successful. Additionally, the Home Ministry issued a circular prohibiting the carrying of any firearm or ammunition during the election period, from 15 December to 31 January (which also included the Upazila polls). Licensed firearms had to be deposited with local police stations by 14 December.

A number of threats and intimidating communications were made in the pre-election period by the underground terrorist group Jamaat'ul Mujahideen Bangladesh (JMB).¹¹⁹ These threats created tension in parts

¹¹⁷ As part of ANFREL's STO Voter Questionnaire, in response to the question "Has there been any violence in this area during the election period?" 10.4% responded yes, 89.2% responded no and 0.3% were not sure or gave no response. For the complete results of this questionnaire see Annex 8.

¹¹⁸ In the 40 districts monitored by Odhikar under the Election Violence Education and Resolution (EVER) project. Odhikar, 'Election-related Human Rights Violations Report' (Dhaka, 15 February 2009).

¹¹⁹ The JMB is a recognized terrorist organization that was banned by the government of Bangladesh in February 2005. The JMB seeks to replace the current legal system in Bangladesh with an Islamic state and Sharia law. Its most significant act has been the simultaneous detonation of 500 bombs at 300 locations across Bangladesh in August 2005.

of Mymensingh, Rajshahi and Comilla districts, and were the strongest indication of a systematic attempt to incite fear among election stakeholders. In one case, Rajshahi journalists received a letter on 1 December from JMB. The letter included threats against the CTG, army and media, and accusations of control by foreign powers. A similar letter was received in early December by Awami League Presidium Member Matia Chowdhury. In Mymensingh district, at least three Awami League candidates received direct threats from the JMB. In Mymensingh-5, KM Khalid received a threatening letter from the JMB which was investigated by the Bangladesh police. In Mymensingh-6, Advocate Muslim Uddin reported receiving frequent threats from the JMB. In Mymensingh-3, Mojibur Rahman Fakir received telephone threats from an unidentified JMB caller. Police in Comilla also reported receiving threats from the JMB and a second terrorist group Harkat-ul-Jihad-al Islami Bangladesh (HUJI). The Bangladesh authorities arrested a number of JMB members in the pre-election period.¹²⁰ The JMB threats caused apprehension in candidates and stakeholders and made candidates in particular hesitant to travel and campaign in parts of their constituencies. However, the activities and threats of the JMB failed to have any significant or long-term impact on the general campaign environment.

In Comilla-11 constituency, Awami League candidate Md. Mujibul Haque registered a complaint with the District Election Office and local police, accusing Jamaat-e-Islami of hiring ‘maastans’ (muscle men) and terror groups to threaten and intimidate voters. Haque submitted a list of 16 persons who he claimed were “terrorists” hired by Jamaat. He was

¹²⁰ Eight suspected JMB militants were arrested on 25 December in Gaibandha district, Rajshahi, and three more in Panchagarh district, Rajshahi, on 26 December. Explosives were seized in both cases. See Bangladesh News, ‘37 bombs seized; 3 more JMB men held’ (27 December 2008). Available: <http://www.bangladeshnews.com.bd/2008/12/27/37-bombs-seized-3-more-jmb-men-held/> [accessed 3 March 2009].

willing to disclose this list to observers but not the content of his formal complaint, suggesting he was not certain of its contents. During the week preceding the election in Homna Upazila, Comilla, religious minorities received threats from BNP and Jamaat-e-Islami activists telling voters not to vote on Election Day otherwise they would face 'dire consequences.'

Despite these acts of intimidation and other low-level threats made primarily between party supporters, very little violence was observed in the pre-election period. With some exceptions, the Bangladesh Police and other armed forces performed their duties competently, and maintained a safe and secure environment. Domestic stakeholders and the international community were pleased by the great improvement from past election periods in Bangladesh which have tended to be characterized by political violence and killings.

ANFREL's observation commenced on 1 December 2008 and while the level of violence across the country was relatively low, several incidents were recorded. Generally, violence took the form of clashes between party supporters, both during rallies and outside of organized political activity. For example, fights occurred between supporters at markets;¹²¹ an Awami League leader was briefly held against his will;¹²² and attacks occurred in villages.¹²³ A young Awami League supporter

¹²¹ On 15 December a fight broke out between Awami League and BNP supporters at a market in Ardara village, Bagerhat district, several hours after a van and rickshaw driven by supporters of BNP and Awami League respectively. The incident involved brick throwing; six were injured and four arrested.

¹²² On 21 December the BNP president of Parishad Union, Mymensingh district, was held against his will for 45 minutes by Awami League activists.

¹²³ On 22 December an Awami League supporter in Hamidpur Union, Narail district, was attacked by supporters of an independent candidate. On 21 and 22 December Awami League activists were beaten in Durgapur Upazila, Netrakona district.

was beaten in Sylhet-6 constituency for refusing to distribute BNP flyers. Four BNP and Awami League supporters were injured in Barisal city in the evening of 27 December in a high-profile assault involving knives and other weapons, in part motivated by the defection of a former BNP district treasurer to the Awami league.¹²⁴ While residents were certainly concerned about attacks such as this, they were regarded as isolated events and did not generally affect the election environment.

Rallies and other campaigning events were generally free of violence but some clashes did occur when members of the Awami League and BNP-led alliances came face to face in processions. For example, on 15 December a BNP campaigner was shot and killed at a rally in Lakshmipur Union, Rajbari district, with no apparent motive or subsequent arrests; on 19 December a clash injured ten Awami League and BNP campaigners in Harirampur village, Rajbari district, after vulgar insults were exchanged; and on 23 December stones were thrown between AL and BNP rallies in Inathganj Union, Habiganj-1 constituency.

Perpetrators and victims of election-related violence

Almost all violence recorded by Odhikar between 14 to 28 December was perpetrated by supporters and activists of political parties.¹²⁵ In more than 90% of 110 incidents recorded by Odhikar, the perpetrators

¹²⁴ On 22 December Md Jakaria was beaten in Sylhet-6 constituency by three alleged supporters of BNP, requiring hospitalization. See The New Nation, '4 injured in poll-related violence in Barisal' (29 December 2008). Available: <http://nation.ittefaq.com/issues/2008/12/29/all0493.htm> [accessed 3 March 2009].

¹²⁵ Odhikar monitored the election atmosphere in 40 districts that have a history of election-related violence. Two monitors monitored each district and this section refers to findings in the period 14 to 28 December 2008.

were supporters of political parties. In some incidents, local political party leaders were also perpetrators. As for specific political groups, supporters and leaders of the BNP were more often the perpetrators of incidents than supporters and leaders of the Awami League.

In 38% of the 110 incidents, the recorded perpetrators were supporters of the BNP, while in 35% of incidents the perpetrators were supporters of the Awami League. Supporters and activists of Jamaat-e-Islami were found to be perpetrators in 9% of incidents, while in 6% of cases the recorded perpetrators were supporters and activists of Jatiyo Party (E). The security forces were much less likely to be perpetrators with the police and army found to be perpetrators in 4% and 2% of cases respectively.

The victims of election-related violence comprised not only political party supporters and leaders but also voters, media people, government actors and property. In a majority of recorded incidents, political party supporters were victims of most violence while leaders or candidates of political parties were less often victims. In 53% of 110 incidents, the victims were political party or candidate supporters while in 9% the victims were party leaders or candidates. Destruction of different property, whether private or belonging to a political party or the state were found to be fairly consistent. Private property was victimized in 17% of the recorded cases while political party offices or facilities made up 8% of the recorded victims during this period. Voters were victims in 3% of the cases, while journalists, electronic media personnel and government actors were recorded as victims of violence in 1% of all recorded cases.

Property damage

A number of incidents of property damage were reported but again were of an isolated nature. Two houses and a shop owned by an Awami

League Union Secretary were burned down on 16 December in Shathia Upazila, Pabna-2 constituency, following an exchange of insults at a large Jamaat-e-Islami gathering. In Chandigad village, Netrakona district, alleged BNP supporters burnt down the house of an Awami League supporter on 21 December 2008. According to Odhikar 26% of violent incidents resulted in the destruction of property and 22% of all incidents resulted in some form of economic or financial loss.

It is notable that in some of these cases, private property such as the residence of a party leader or supporter was deliberately targeted, but in most cases the private property that was destroyed was not deliberately targeted. In 10% of cases recorded by Odhikar, election materials were destroyed during this period.

Vote buying

Traditionally, 'vote buying' or the spending of money to purchase votes has been a very common phenomenon in Bangladesh elections.¹²⁶ In the lead up to the 2008 election, the reduction of vote buying was a focus of Bangladesh authorities through stricter laws and stronger enforcement. Supporters of rival political parties also kept watch over slum areas to thwart attempts by rivals to buy votes. By and large their efforts were successful, resulting in fewer instances than past elections. Many ordinary voters were surprised that no-one was offering money, food or gifts as had happened in the past.¹²⁷

¹²⁶ FEMA, 'Observation report on Bangladesh Parliamentary Elections' (Dhaka, 1 October 2001).

¹²⁷ Reuters, 'Bangladesh voters bemused by clean poll' (20 December 2008). Available: <http://www.alertnet.org/thenews/newsdesk/DHA423109.htm> [accessed 3 March 2009].

Many allegations of vote buying were made to ANFREL observers, but were largely impossible to verify. Results from ANFREL's two questionnaires suggest that some vote buying occurred. Between 1 and 24 December 2008, 12.2% of 942 interviewees stated that candidates or parties had tried to buy votes with money or gifts.¹²⁸ Between 25 and 28 December 2008, 8.4% of 888 voters claimed that someone had offered them money for their vote.¹²⁹ Many of those who responded that vote buying had not occurred referred to its prevalence in the past, particularly in rural areas. Quoted amounts handed out to voters for past elections varied from 100 to 500 taka in rural Rajshahi and 500 to 600 taka in Barisal. According to rural and urban respondents in Rajshahi, the targets of vote-buying are usually uneducated/illiterate people and low-paid workers. Vote buying often involves the giving of gifts such as sarees and lungis (male clothing), promising assistance, materials and development projects after the election.¹³⁰

Several incidents were able to be confirmed, and some high-profile cases were widely reported in national media. For example, the evening before Election Day police in Chittagong district seized taka 41 lakh¹³¹ allegedly meant for vote buying from a car linked to a BNP candidate. On the same evening two Jamaat-e-Islami activists were arrested in Satkhira with 54,500 taka allegedly meant for vote buying.¹³² A local

¹²⁸ 83.0% of interviewees in the LTO Voter Questionnaire responded that no parties or candidates had tried to buy votes, and 4.8% were not sure or made no response.

¹²⁹ 91.4% of interviewees in the STO Voter Questionnaire responded that they had not been offered money for their vote, and 0.2% were not sure or made no response.

¹³⁰ Interviews with Md. Rabbil and Tahmina Begam of Natore city; Md. Abdul Ahad Shah, Fahmida Aktar Akhi and Mrs. Zaheda of Shahapur village, Kazipur Union, Natore district, 12 – 17 December 2008.

¹³¹ 4,100,000 taka or approximately 59,940 USD.

¹³² Approximately 800 USD. The New Nation, 'Tk 41 lakh meant for vote buying seized' (Dhaka, 30 December 2008). Available: <http://nation.ittefaq.com/issues/2008/12/30/news0427.htm> [accessed 3 March 2009].

Sylhet newspaper reported that on 25 December Omar Faruk was arrested after being caught distributing money to villagers. Faruk was the secretary of Mokbul Hossain, independent candidate for Sylhet-6 constituency.

The giving of gifts was a more common method of vote buying, although it occurred in a relatively small number of districts. Distribution began several weeks before Election Day. In early December, for example, the Bikalpadhara Bangladesh candidate for Noakhali-4, Abdul Mannan, distributed jackets and handbags that displayed his name to poor residents. The Muslim Eid festival was an opportunity for candidates to surreptitiously earn favor with voters by distributing meat from large numbers of sacrificed cows. In one example, villagers recalled a rich BNP candidate in Chittagong slaughtering nearly 200 animals and distributing meat to the public. Gifts such as sarees and lungis (male clothing) were distributed,¹³³ as well as rice, a cost-effective means for candidates to earn favor with voters given the high price of staple foods in 2008.¹³⁴ Sweets and food were distributed at some rallies.¹³⁵

Children

The involvement of children in campaigning was widespread, and continued into the cooling period and Election Day. In almost all districts observed, children participated in activities such as rallies, processions and public speeches by wearing name tags and party paraphernalia, joining crowds, cheering, clapping and singing political slogans.

¹³³ In Noakhali, Jessore, Sylhet and Tangail districts.

¹³⁴ Rice was distributed in Jessore-3 and Dinajpur-3 constituencies.

¹³⁵ 'For example, In Homna, Comilla-2 constituency, BNP candidate M K Anwar distributed sweets to voters during an election rally at the Homna High School on 27 December 2008.'

Many children were as young as five or six years. Particularly large numbers of children joined campaigning in Mymensingh, Chittagong and Habiganj. In one example, an Awami League procession on 22 December, 2008 in Mymensingh featured approximately 300 – 400 children.



The use of children in campaigning was widespread

The involvement of children in political activities and community discussions is an accepted part of Bangladeshi culture and practice. However, their involvement in actual campaigning activities is of significant concern. Not only may children be exploited for political gain (making rallies appear larger and more colorful, etc) but there is a greater chance they will be exposed to politically motivated violence. The BEC and relevant authorities should prohibit the use of children in future electioneering in line with accepted international standards of protection of children.

Chittagong Hill Tracts

The Chittagong Hill Tracts consist of three mountainous districts in the south-east of Bangladesh, home to twelve distinct ethnic minority groups. Long-running land disputes and a push for greater autonomy led to the signing of the 1997 Peace Agreement between the government and the Chittagong Hill Tracts party Parbatya Chattagram Jana Sanghati Samiti (PCJSS). The agreement was and continues to be opposed by a second minority group, the United People's Democratic Front (UPDF). The security situation remains unpredictable and the indigenous inhabitants remain marginalized members of Bangladeshi society.



*Ethnic minority women queuing
in Chittagong area*

The three Chittagong Hill Tracts districts of Khagrachhari, Rangamati and Bandarban are relatively sparsely populated but were each guaranteed at least one parliamentary seat in the recent delimitation of constituency boundaries, in order to protect the integrity of the districts.¹³⁶ Some PCJSS and UPDF candidates contested seats independently as the BEC did not register their parties on the basis of their

small support base and limited geographical coverage.¹³⁷ In Khagrachhari, PCJSS allied with the Awami League and fielded a candidate under the name and symbol of the latter party.

¹³⁶ Bangladesh Election Commission, 'Delimitation of Constituencies: A Workplan' (8 January 2008). Available: <http://www.ecs.gov.bd/MenuExternalFilesEng/192.pdf> [accessed 3 March 2009].

¹³⁷ See the 'Party and candidate registration' section above for further discussion.

The campaign environment in Khagrachhari was generally more tense than other parts of Bangladesh and numerous instances of intimidation were reported. Almost no violence occurred in the pre-election period, but some minority groups suspected violence to occur on Election Day or after the election as happened in the past. Bandarban and Rangamati were relatively peaceful. Chittagong District Election Office advised foreign observers not to travel to the Chittagong Hill Tracts without acquiring prior permission from the BEC or security forces. The Bangladesh army and intelligence services monitored foreigners traveling to the Chittagong Hill Tracts, and residents were sometimes questioned after the departure of foreign visitors in those locations.

Some parts of Bangladesh were highly militarized both before and after the lifting of the SoE, particularly in the Chittagong Hill Tracts. They did not always achieve a uniform coverage of the area.¹³⁸ The heavy military presence sometimes had the effect of restricting campaigning or creating fear among the local population and discouraging them from participating in the campaigns. Reports were received of intimidation of minorities by the armed forces in Khagrachhari district.¹³⁹ However, the nature of the terrain and somewhat closed society in these areas made the claims difficult to verify. Members of the minority party UPDF in Khagrachhari felt that they and their supporters were not as free to campaign as others, and many were visibly uncomfortable giving interviews to observers in public.

¹³⁸ In Khagrachhari, for example, armed police were very visible in the city and nearby villages, but were not observed at all in more remote areas such as Dinginala Upazila.

¹³⁹ On 22 December 2008 in Matiranga Upazila, UPDF supporters claim they were intimidated by the police and army and were prevented from setting up an office in the area. Also on 22 December 2008 in Dadkuippa, villagers reported that army officers had pressured them not to vote for the UPDF candidate.

Reports were also received of intimidation by UPDF cadres of villagers (into voting for the UPDF) and other candidates. In Dighinala and Lakshmichhari Upazilas, Khagrachhari, villagers stated that the UPDF-affiliated candidate asked them to write their names on their ballot papers so that he could ‘check how many people voted for him.’

Members of the UPDF in Rangamati, particularly those belonging to the Chakma ethnic group, promoted a ‘no vote’ campaign in reaction to the BEC’s refusal to register their party. Domestic group Odhikar reports that during this campaign the army arrested UPDF members in two instances and four UPDF members were kidnapped by an unknown group in a third incident.¹⁴⁰

Postponement of election in Noakhali-1

Only 299 from the total 300 seats were contested on 29 December 2008, as the election in Noakhali-1 constituency was postponed following the death of a candidate. Nurul Islam, the Gonotantree Party President and Grand Alliance nominee for the seat died on 4 December from injuries sustained in a fire at his apartment on 3 December 2008. The Awami league immediately termed the fire an ‘act of sabotage’ and demanded the culprits be apprehended and punished. The committee formed to investigate the incident, however, found that the fire was an accident. These findings were rejected by Nurul Islam’s wife and the Gonotantree Party who have demanded a fresh investigation.¹⁴¹

¹⁴⁰ Odhikar, ‘Election-related Human Rights Violations Report’ (Dhaka, 15 February 2009).

¹⁴¹ BDnews24, ‘Wife rejects probe report on Nurul Islam’s death’ (27 January 2009). Available: <http://www.bdnews24.com/details.php?id=74848&cid=2> [accessed 3 March 2009].

This incident did not affect the election environment in Noakhali district. In general parties continued to campaign freely and people were free to participate in political activity. There were concerns regarding the election environment in the nearby constituency of Noakhali-3, where BNP activists reported being threatened by supporters of independent candidate Minhaj Ahmed, and Noakhali-6, where a powerful crime figure may have pressured poor communities to vote in certain ways.

Campaigning restrictions

Code of Conduct

As noted in the Legal Framework section above, the BEC issued a Code of Conduct to regulate campaigning for the 2008 election (the Code of Conduct also applied to the Upazila polls held on 22 January 2009). Additionally, chapter six of the RPO contains provisions regulating campaign expenditure and outlawing bribery and the use of force. Past elections in Bangladesh were displays of money and muscle, and the revised campaign restrictions were designed to allow politicians with limited resources to compete with larger parties on a more even playing field. Campaigning restrictions were largely respected by parties and candidates. Few major violations were observed, and although minor infractions were relatively common, they did not have a significant impact on the campaign process.

Among activities banned under the Code of Conduct were the following:¹⁴²

- Campaigning three weeks prior to the date of election;
- Donations or promises of donations to any organization, or commitments from candidates for local developmental schemes located in the constituency;
- Using any government house or office for campaigning;
- Public meetings on roads obstructing public movement;
- Pasting posters, leaflets and other printed material on any installation including walls, trees, electric or telephone polls, transports, government or privately owned buildings;
- Printing multi-color posters, and posters bigger than 23" x 18"; using pictures other than the candidate and his/her party leader;
- Graffiti;
- Displaying symbols larger than 3 meters;
- Procession using any sort of motorized vehicle such as truck, bus, train, water vehicle or air-borne vehicle;
- Using shirt or jacket for campaign material;
- Campaigning using electric decorative-lighting;
- Electoral campaign in any place of prayer of any religion; and
- Crossing the upper limit of campaign expenditure (1,500,000 taka for any constituency).

Minor violations of these restrictions were widespread. Candidates were often seen using microphones in the morning and late into the night, and colored posters were common in cities, as were posters pasted on walls and vehicles. Vehicles were used for campaigning in parts of Chittagong division, contrary to the Code of Conduct, and rallies often blocked public roads (whether vehicles were involved or not).

142 Adapted from Transparency International Bangladesh (TIB), 'Election Process Tracking 2008: First report' (Dhaka, 24 December 2008).

Some campaign materials distributed in Dhaka and Sylhet were designed to discredit the two major parties. Posters displaying graphic personal injuries in Dhaka city blamed the BNP for past violence in Bangladesh, and flyers circulated in Sylhet-6 constituencies criticized Sheikh Hasina's son.

The RPO limited campaign expenditure to taka fifteen lakh¹⁴³ per candidate.¹⁴⁴ Prior to the start of campaigning candidates had to submit a statement of assets and liabilities and probable sources of campaign funds to the Returning Officer. Within seven days of the declaration of the result candidates were also obliged to submit a statement of election expenditure along with receipts. Despite these measures many stakeholders claimed that candidates spent in excess of the maximum amount. Transparency International Bangladesh (TIB), monitoring compliance with electoral law in 40 districts, found that a number of candidates spent more than the allowable limit even before the formal start of the campaign period.¹⁴⁵ TIB also recorded violations in the nature of giving promises for local development projects and using religious institutions for campaigning.

Monitoring of and response to violations

The BEC established several bodies to monitor adherence to the Code of Conduct and respond to complaints. Election monitors, usually in a team of two, reported to the Returning Officers, on compliance with the election law and helped to build understanding of the regulations among candidates. Vigilance and Observation Committees were established, consisting of community members who assisted Returning Officers to monitor compliance. Wielding more significant powers and responsibilities was the Electoral Enquiry Committee, established under section 91A of the RPO to receive and investigate complaints.

¹⁴³ 1,500,000 taka or approximately 21,739 USD.

Mobile courts in Bangladesh were also utilized to try election-related offences. Some controversy arose over the BEC's attempt to empower Executive Magistrates to try electoral offences, as these offences are punishable with imprisonment and usually adjudicated by Judicial Magistrates. On 18 December 2008, the Supreme Court disapproved the BEC's request and declared that only Judicial Magistrates could try election-related offences. This meant that 286 Judicial Magistrates were appointed as late as 23 December 2008 to try electoral offences between 25 – 31 December 2008. Some Judicial Magistrates faced difficulties in discharging their duties due to non-cooperation of local election administration bodies, perhaps reflecting tension over the newly defined separation of Executive and Judiciary in Bangladesh, which occurred only in late 2007.

These initiatives were lacking in several key aspects. First, there was no specific mechanism to monitor campaign expenditure. Such regulations are inherently difficult to enforce and the requirement for candidates to submit statements of their expenses is not sufficient in itself to ensure compliance with the law. Second, the various committees, courts and BEC offices that received complaints across Bangladesh were sometimes unable or unwilling to act on them. Violations such as using loudspeakers outside permissible hours and pasting illegal posters were often dismissed by election officials as minor matters. Third, the BEC was unable to enforce elements of its Code of Conduct in the face of significant pressure from the major political parties, and the need to ensure their continued participation. For example, the two leaders Sheikh Hasina and Khaleda Zia both held large rallies before the start of the campaign period and often addressed crowds using loudspeakers outside permissible hours. The reaction of the BEC was not to impose fines or other penalties, but to issue warnings to the Awami League and BNP with respect to the violations.

While few major infractions of the Code of Conduct occurred, more effective mechanisms to monitor candidates' expenditure and compliance with other campaign restrictions would ensure broader compliance with all electoral laws.

Media

Role of the media

The media played a crucial role in contributing to conditions for a free and credible election. Both print and electronic media disseminated the policies of parties and candidates, political messages, and voter education campaigns, as well as comparative analyses, information on electoral conduct by candidates and the importance of electing credible representatives.¹⁴⁶

The BEC and Civil Society Organizations (CSOs) made use of the media to promote voter education programs. Advertisements were placed in newspapers and Public Service Announcements (PSAs) were aired regularly in the lead up to Election Day. Many voters responded that the only awareness they had about the election came via television, which is more accessible than radio in many parts of rural Bangladesh. PSAs were launched by the EWG with the help of state and private TV stations.

Some journalists also commented that it was difficult for smaller political parties to gain exposure through the media, which was dominated by the two major parties.¹⁴⁷ This is supported by the media monitoring

¹⁴⁶ TIB, 'Election Process Tracking 2008: First report' (Dhaka, 24 December 2008).

¹⁴⁷ Interviews with senior journalists/editors of two newspapers in Khustia, the *Andolonez Bazaar* and *Daily Samakal*, December 2008.

findings of the EU-EOM, which reveal that together the Awami League and BNP received more than 60% of space allocated to political parties in ten monitored newspapers, and more than 70% of airtime on three monitored private television channels.¹⁴⁸ The state-owned television channel BTV allocated significantly more airtime to the CTG.

Lack of access to media in many rural areas limited the dissemination of party policies and voter education messages to rural voters. In rural parts of Khulna and Sylhet divisions private television stations are unavailable, restricting the diversity of media in these areas. Throughout the country, many rural respondents are unable to read and do not have access to electricity, and are thus deprived of access to both print and electronic media. Political parties took some steps to access these voters through other means, such as broadcasting political messages through loudspeakers mounted on cars and rickshaws.

Media coverage of the election could have improved in a number of respects. The prioritization of the election process itself tended to obscure reporting of more substantial issues such as the quality of candidates. Even though the BEC made public candidates' affidavits outlining their profession, education, wealth and criminal background, they received little or no attention in the majority of media.¹⁴⁹

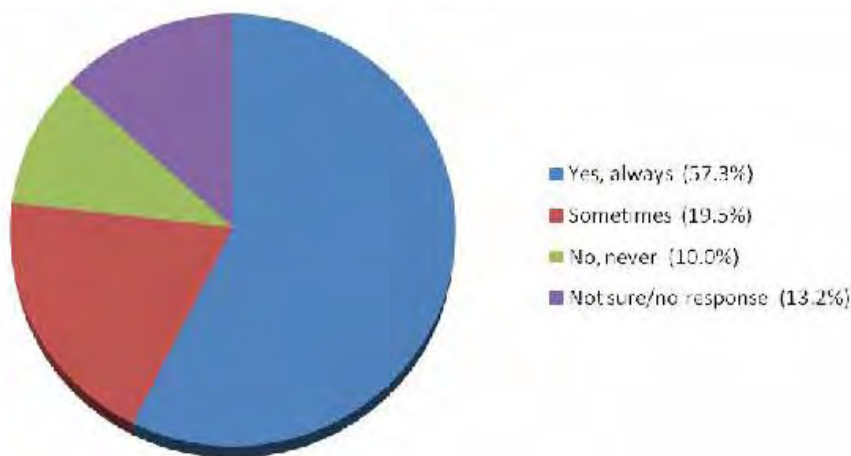
Mixed views were obtained regarding the neutrality of the media in Bangladesh. The results of ANFREL's LTO Voter Questionnaire, depicted in the chart below, revealed that almost 60% of Bangladeshis believe

¹⁴⁸ During the period 14 November – 27 December 2008. EUEOM, 'Media Monitoring: Quantitative Data' (Dhaka, undated). Available: <http://www.eueombangladesh.org/EN/PDF/Media/Media%20analysis.pdf> [accessed 3 March 2009].

¹⁴⁹ Ain O Shalish Kendra (ASK), 'Human rights in Bangladesh 2008: Dashed hopes, receding horizons, new frontiers [summary]' (Dhaka, undated).

the media is always neutral, but 20% believe it is only sometimes neutral and 10% believe it is not neutral at all. Observers reported many national and local media outlets were infamous for partisan support of particular parties. Civil society figures, too, commented that the media is often biased, and too business-oriented to properly fulfill its task of providing sufficient information for voters to make informed choices.¹⁵⁰ Industry representatives admit that the media in Bangladesh is politicized, and not always trusted by voters.¹⁵¹ For these reasons the media may not always have a significant influence on their decision-making.

In an attempt to forge a consensus framework within which election reporting would occur, the BEC revealed a proposed Code of Conduct for Media on 11 November 2008. It was heavily criticized by the media industry, however, for imposing unrealistic and unjustified restrictions.



¹⁵⁰ Interview with EWG Director, Dr. Zahurul Alam, Dhaka, 25 December 2008.

¹⁵¹ Interview with Chief Editor of The Daily Star, Mr. Mahfuz Anam, Dhaka, 25 December 2008.

The BEC had proposed a prohibition on reporting results until they are released officially in the Gazette, and a requirement to give equal coverage to all political platforms (when the political scene is dominated by only two, those of Awami League and BNP). In the face of such strong opposition the BEC abandoned the initiative.

Media environment

The media environment markedly improved after the relaxation of the SoE on 3 November 2008 and the lifting of restrictions on freedom of expression.¹⁵² Before this date media outlets felt pressured to report only favorable messages about the authorities, according to journalists interviewed across the country. State intimidation of critical journalists was reported to domestic human rights organizations throughout the SoE,¹⁵³ usually taking the form of verbal threats or warnings not to print certain stories about the military or CTG.

The relaxation of the SoE was a positive step that largely reinstated the freedom of expression of the media, although this did not fully occur until the withdrawal of the SoE on 17 December 2008. After the relaxation of the SoE journalists were able to report more freely and critically about the activities of the CTG and political parties. However, some reports echoing SoE-type repression continued to be received during the pre-election period. In early December 2008 some journalists reported that they did not feel free to criticize the government, and felt pressured

¹⁵² On 3 November the CTG repealed clauses 5 and 6 of the Emergency Power Rules.

¹⁵³ Ain O Shalish Kendra (ASK), 'Human rights in Bangladesh 2008: Dashed hopes, receding horizons, new frontiers [summary]' (Dhaka, undated). Available: http://www.askbd.org/web/wp-content/uploads/2009/01/human_rth_rpt.pdf [accessed 3 March 2009].

to write only what the authorities want.¹⁵⁴ The relaxation of the SoE had a more significant effect in Chittagong, with local media able to operate with less interference from authorities. The complete withdrawal of the SoE occurred only 12 days before Election Day, allowing less than two weeks of wholly unrestricted media reporting.

Besides pressure from government, media representatives also reported concerns over possible intimidation from political parties. Some journalists felt they could write only general news items about the political parties, and nothing that could be deemed negative, for fears of repercussion. This fear was greater during the campaign period.¹⁵⁵

Voter education

Ensuring that voters were sufficiently aware of the issues and processes behind the election was one of the greatest challenges for Bangladeshi authorities and Civil Society Organizations (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 regulations or the electoral process as a whole. There was also much confusion over what identification would be necessary to vote, and observers were concerned that voters would not fully comprehend the process on Election Day and invalidate their ballots by making mistakes.

Initiatives of the BEC and Civil Society Organizations

The BEC is not mandated by the Constitution or RPO to conduct voter education activities, and has traditionally left this function to CSOs.

¹⁵⁴ Interviews with senior journalists/editors of two news papers in Khustia, the Andolonez Bazaar and Daily Samakal, December 2008.

¹⁵⁵ According to journalists interviewed in Chuadanga, Meherpur, Feni and Noakhali districts, December 2008.

Civic education in particular – regarding the nature of representative institutions and the role of different actors – is usually avoided by election commissions as a potentially politicized subject.

Voting processes and new regulations, however, were the subject of a substantial voter education campaign by the BEC. The BEC began in late November 2008 by distributing posters and airing a series of election-related cartoons on national television to raise awareness of the new campaigning restrictions in the Code of Conduct. A song and video clip was also produced. Later, it aired a number of Public Service Announcements (PSAs) about polling procedures on national television. An election scenario was depicted inside a mock polling booth, showing the process by which voters would identify themselves to polling staff, receive the ballot paper, cast their vote, and insert the paper into the ballot box. PSAs also showed the process of sealing the new Transparent Ballot Boxes (TBBs).

Other initiatives of the BEC included publicly displayed information about candidates to facilitate voters' choices,¹⁵⁶ mobile voter education campaigns using loudspeakers mounted on vehicles,¹⁵⁷ and holding voter education seminars for members of the public.¹⁵⁸ While commendable, these measures were not implemented consistently across the country, depriving many voters of their benefit.

Voter education campaigns run by CSOs focused on educating people about the nature of parliamentary representation and encouraging citizens to make informed choices on Election Day. The most prominent CSO undertaking such activities for the 2008 election was the Election

¹⁵⁶ In Narsingdi district.

¹⁵⁷ Observed in Nawabganj and Dhaka districts.

¹⁵⁸ In Habiganj and Naogaon districts.

Working Group (EWG), a national coalition of 32 domestic organizations working on election and human rights issues.¹⁵⁹ EWG distributed 9 million voter guides and 300,000 posters before Election Day through its Upazila-level network.¹⁶⁰ It also aired four different PSAs on national television and radio channels, which were regularly aired in the immediate pre-election period. The EWG's voter guides and PSAs focused on encouraging all electors, and particularly women and youth, to participate in the electoral process and exercise freedom of choice at the ballot box.

Transparency International Bangladesh (TIB) was also active in organizing public forums in 36 constituencies under its 'Choose the Right Candidate' program. Held 7-10 days before Election Day, TIB's forums brought candidates in these constituencies together to face questions on their track record and current policies from the public. Public interest in the forums was very high, and as many as 1,000 people attended each one. In general candidates participated openly, although those with questionable histories tended not to turn up for fear of exposure.¹⁶¹

Other notable CSO activities included holding small community meetings (in Meherpur district) and theatre performances (in Rajshahi district). Khustia-based CSO MUKTI focused on educating women about their freedom of choice. Three CSOs in Barisal worked to educate disabled voters about the election (and Protibandhi Unnayan Sangstha (PUS) trained 15 disabled observers for Election Day). Mobile phone

159 EWG was also the largest domestic election observation network, deploying 155,000 stationary and 1,500 mobile observers on Election Day.

160 EWG established 482 Citizen's Alliances for Promoting Transparency and Accountability (CAPTAs) at the Upazila level, comprised of respected businessmen, teachers and other community leaders, to plan and implement its local voter and civic education activities.

161 Telephone interview with Executive Director of TIB, Dr. Iftekhhar Zaman, 12 February 2009.

companies such as Grameenphone and Banglalink sent SMS text messages to customers encouraging them to vote and choose candidates wisely.

Effectiveness

In general, the voter education initiatives of Bangladeshi CSOs and the BEC were sufficient. Election Day saw a voter turnout of 87%, and the great majority of people cast their votes correctly. The PSAs aired on television by the BEC played a crucial role in ensuring voters were familiar with the process on Election Day. Television was an appropriate medium for voter education efforts as it has wide coverage in Bangladesh, including lesser developed rural villages, and allowed voters to see mock election scenarios.

Voter education efforts intensified significantly in the last week of the campaign period and again in the few days before Election Day. BEC and CSO PSAs were shown more regularly on national television channels, the frequency of radio advertisements increased, and CSOs continued distributing voter education materials into the cooling day. These efforts saw voter confidence in the electoral process increase significantly. Between 25 and 28 December 88.1% of respondents believed that they had received enough information about how to cast their ballots,¹⁶² a noticeable improvement from the 39.4% of respondents between 1 and 24 December who believed there had been enough voter education about voting process in their area.¹⁶³

¹⁶² 88.1% of respondents to ANFREL's STO Voter Questionnaire responded 'yes' to the question 'Did you get enough information about how to cast your ballot?' 10.9% responded negatively and 1.0% were not sure or made no response.

¹⁶³ 39.4% of respondents to ANFREL's LTO Voter Questionnaire responded 'yes' to the question 'Do you feel there has been enough education about voting processes in the area?' 54.8% responded negatively and 5.8% were not sure or made no response.

A considerable number of voters on Election Day, however, seemed confused by the voting process. Many did not understand the option of a 'no vote,' particularly elderly people and women in rural areas. As predicted by many stakeholders, the majority of voters incorrectly believed that they needed to present their NID cards to vote,¹⁶⁴ however this was not observed to have any significant impact on the polling process. Other issues included 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 their marked ballot. In one case a voter had inserted her NID card into the ballot box. These observations indicate that voter education on polling processes could have been increased.

Although few initiatives were taken to inform voters of their allocated polling booth, 94.9% of respondents between 25 and 28 December 2008 knew where their polling station was located.¹⁶⁵ Most voters knew the location from past experience or were told by family members or peers. Some District Election Officers publicly posted lists of polling locations or provided the information directly to political parties so that it could be disseminated to the public,¹⁶⁶ but these were not consistent practices. Political parties took steps to inform voters of their allocated polling

¹⁶⁴ 78.1% of respondents to ANFREL's STO Voter Questionnaire responded 'yes' to the question 'Do you need to show your ID card to vote?' 19.3% responded negatively and 2.6% were not sure or made no response.

¹⁶⁵ 94.9% of respondents to ANFREL's STO Voter Questionnaire responded 'yes' to the question 'Do you know where your polling station is?' 5.0% responded negatively and 0.1% were not sure or made no response.

¹⁶⁶ For example, Ward members in Basundhapur, Satkhira-3 constituency, informed communities of the location of polling stations, and District BEC officials in Pabna provided the list of polling stations to political parties to disseminate to the public.

booths by issuing ‘chits’ containing this information in the pre-election period and on Election Day itself. While voters could generally locate their polling station on Election Day, it was much harder to determine their allocated polling booths, as discussed in the Election Day section below.

The effectiveness of the civic education led by CSOs is inherently difficult to assess, although voters who had accessed such programs described them positively. Of some concern was the low visibility of CSO activities in many areas of rural Bangladesh. While CSOs such as the EWG took great steps to reach remote communities in Bangladesh the sheer size of the population meant that not all areas were able to be canvassed.¹⁶⁷ Television, the most accessible form of media for many Bangladeshis, cannot be relied upon as the sole means to disseminate voter education. Voters in the Amua Hindu community in Jhalakathi district, predominantly a fishing community, stated that their only source of voter education was the television and that it was not sufficient. Many poorer and remote areas do not have access to television or electricity which has important ramifications for the effectiveness of voter education. For example, BEC and CSO PSAs were largely accessible in cities of the Chittagong Hill Tracts, but not in tribal communities living on islands and in remote areas.

¹⁶⁷ Respondents in Sylhet, Narayanganj, Munshiganj and Narsingdi districts were largely unaware of CSO activities.



BEC poster explaining that parties cannot use motor vehicles in campaigning

Some CSO programs were not implemented consistently, as respondents in Barisal city were not aware that CSOs such as Odhikar and EWG were conducting voter education activities. The programs of the EWG and other CSOs were some of the most effective in terms of public outreach compared with other stakeholders, but greater efforts will be needed in the future to ensure that all voters are sufficiently prepared for elections. Greater initiatives to reach out to rural and remote areas would address the most significant areas of need.

The impact of voter education on lesser developed rural communities could be enhanced by adopting alternative, more visual and 'hands on' means. Mobile education programs such as drama and theatre performances have been used to prepare voters for past Bangladesh elections, and proved relatively cheap and effective.¹⁶⁸ Some district-level CSOs used



Voter education poster emphasizing the importance of each individual vote

theatre and song to educate voters, such as Nari in Khustia. A mock election to familiarize voters was suggested by an academic in Khulna city. It is likely that such initiatives would resonate with ordinary Bangladeshi citizens and have a significant effect if adopted at the national level by a CSO such as the EWG or even the BEC itself.

¹⁶⁸ Interview with EWG Director Dr. Zahurul Alam, Dhaka, 15 December 2008.

Participation of women and minorities

Women

Women did not generally participate in the political process by joining political rallies, and when they did they were sometimes distinctly separated from the main body of male participants.¹⁶⁹ Neither did women tend to nominate as candidates – only 52 out of 1,538 candidates were female. In this situation the constitutional reservation of 45 parliamentary seats for women is a welcome guarantee of female representation in parliament. However, this provision has been criticized for failing to ensure substantive participation. ‘Normal’ MPs regard the 45 women as lesser participants with a duty to vote along party lines; further, the lack of direct election means that these women are not directly accountable to the people. The new Awami League government has declared that it will amend the constitution to provide for the direct election of these 45 women.¹⁷⁰

In Rajshahi, respondents described the domination of politics by men as somewhat deterministic (‘it is the way it’s always been’). Female respondents in Godagari Upazila (Rajshahi division) were conscious that a lack of education contributed to their low participation. In Chittagong a number of female Muslims said that they are shy to go out publicly (and thus participate in campaigning) because of binding tradition, religious beliefs and fear of violence.

¹⁶⁹ At a BNP rally in Tangail on 26 December, women were confined within a separate area off to the side of the main campaign.

¹⁷⁰ Bangladeshnews, ‘Direct election next time’ (15 February 2009). Available: <http://www.bangladeshnews.com.bd/2009/02/15/direct-election-next-time/> [accessed 3 March 2009].

This follows the trend in Bangladeshi politics, where the level of participation of women has traditionally been low due to a number of cultural and religious factors. Time restraints associated with women's traditional roles as wife and mother, the lack of family support for women seeking elected office, the rejection of an increased role for women by religious-based parties such as Jamaat-e-Islami and a social conditioning to take little interest in politics all contribute to the low numbers of Bangladeshi women in public office.¹⁷¹

Prevailing attitudes in Bangladesh are often counterproductive towards the empowerment of women in society. Certain community leaders commented to observers that 'women need better education before people can select them as candidates,'¹⁷² and that the low level of women's participation is sufficient, and should even be reduced, as their proper role is a 'housewife'.¹⁷³ A common reaction to questions regarding the participation of women was to point out that the two major leaders in Bangladesh are women, therefore women do adequately participate in the system. However, none of the major parties have clearly defined policies to promote women's rights or participation in government.

In spite of these traditional attitudes, the 2008 election revealed a number of promising developments. Observers were pleased to see a strong female voter turnout and long lines of women queuing on Election Day. As mentioned above, more women than men have registered as voters for the first time in Bangladeshi history. Some initiatives were taken by political parties to specifically involve women, such as the BNP's Women's Campaign Team in Brahmanbaria, which consisted of ten women

¹⁷¹ Kamal Uddin Ahmed, 'Women and Politics in Bangladesh,' *Journal of the Asiatic Society of Bangladesh* (Hum.) Vol. 50 (2005).

¹⁷² Interview with BNP politician, Barisal district, 4 December 2008.

¹⁷³ Interview with senior Muslim leader, Chittagong district, 3 December 2008.

travelling door-to-door to distribute campaign materials specifically to women. Some women respondents in Sylhet noted that they would feel freer to participate if more women-only political meetings and activities were available.



Female polling officers counting votes

Moreover, a slight majority of participants in ANFREL's LTO Voter Questionnaire believed that there were not enough women in politics,¹⁷⁴ indicating that most people would accept greater female representation in politics. More concerted efforts by Bangladeshi authorities are needed to capitalize on this sentiment and encourage the substantive participation of women in government and politics. Bangladeshi CSOs should continue to lobby political parties to adopt more inclusive policies and accept a greater role for women in society generally.



Women queuing to cast their vote

¹⁷⁴ 51.3% of respondents believed that there were not enough women in politics and government. 41.1% believed that there were enough women, and 7.6% were not sure or made no response.

Minorities and other marginalized groups

As noted in the voter registration section above, the 2008 election featured the enfranchisement of a number of groups that have traditionally been marginalized in Bangladesh. These included ethnic minorities (the Bihari), sexual minorities (Hijras) and the homeless. The BEC and CTG ensured that the registration process reached voters in the most remote and difficult to reach areas of Bangladesh. In sum, the 2008 election stands as a positive example of inclusion of minority groups in mainstream political processes that can be further improved into the future.

However, greater steps should have been taken to address the security concerns of minority groups and ensure their substantive participation in the electoral process. Many respondents from minority groups feared violence on Election Day or in the post-election period, as tended to happen in past elections. Minority Hindus in Khustia and ethnic minorities in Chittagong division expressed concerns over violence and intimidation from political party activists, and would feel safer with higher levels of security. After experiencing a peaceful City Corporation election under the SoE in August 2008, some minority groups in Chittagong stated their desire to hold the national election under the SoE also. Deploying more troops without complementary social and political measures to engage with minority groups is not the solution to this issue. The heavy militarization in Chittagong division, particularly the Chittagong Hill Tracts, intimidated local groups and suppressed political activity. Voters in Khagrachhari were visibly uncomfortable giving interviews in public or amongst ethnic Bengali people. A more holistic approach taking into account the specific circumstances of each ethnic and religious minority in Bangladesh will be needed to ensure that each group feels safe and encouraged to fully participate in the democratic process.

Greater action could also have been taken by the BEC, CSOs and political parties to involve minority groups in political dialogue and encourage them to cast their vote. This is important in the context of past discrimination against ethnic minorities in areas such as employment in the military and civil service.¹⁷⁵ While minorities generally expressed that they felt free to express their political opinions, many claim they do not enjoy the same rights as majority Muslim Bangladeshis, and that they are ignored by the government.¹⁷⁶ Male-to-female transsexuals or Hijras, for example, traditionally faced considerable discrimination from the Bangladeshi government. Their enfranchisement was a positive development but failed to account for their specific circumstances, and they objected to being classified into one of the blue 'male' or pink 'female' voter list books.

Greater engagement of minority communities may have additional benefits. Pressure may be brought to bear on certain leaders with autocratic tendencies. The Baide community of Barisal freely acknowledged that their leader would instruct them to vote for a certain candidate, and for voting this way each member would receive 300 to 500 taka. Further, the relevance of poverty, language, culture and religious factors should be openly debated. Up to 20,000 members of minority communities in Rangunia Upazila, Chittagong district, were not likely to vote due to these factors.¹⁷⁷

¹⁷⁵ Such discrimination has not been uniform across Bangladesh; the minority Hindu community in Narsingdi, for example, is well integrated into mainstream society and did not express these concerns.

¹⁷⁶ This response was particularly strong from Hindu and ethnic Rakain respondents in Barisal district, and Hindu respondents in Gazipur district.

¹⁷⁷ As reported in local Chittagong newspaper Dainik Shamokal.

Voters' views

Views on the State of Emergency

At the commencement of ANFREL's observation in early December, public opinion regarding the SoE was split. There was notably higher support for the SoE in rural communities. Many rural interviewees wanted to keep the emergency until Election Day, citing reasons such as avoiding the clashes which occurred in previous elections; reducing the influence of muscle power and money (through vote buying and intimidation); facilitating preparations for the election; and maintaining peace in minority communities, particularly in Rajshahi and Chittagong. In the first week of ANFREL's LTO Voter Questionnaire,¹⁷⁸ 21 from 22 respondents in Barisal and Jhalikati districts wanted the military deployed to maintain peace during the election. There was also support for the SoE in urban areas, with some community representatives expressing a desire to keep the SoE until Election Day to maintain peace and order.¹⁷⁹

Generally, urban residents, the media and CSOs were more skeptical of the SoE. Professionals tended to believe that the SoE restricted freedom of speech, movement and political activity. Most urban respondents in Khulna and Rajshahi strongly disagreed with the SoE and hoped it would be lifted. One disabled elector in Rajshahi did not know about the SoE due to her isolation from information sources. Residents of Chittagong objected to the closure of private TV station CSB (Chrono Satellite Broadcast) when the SoE was declared in January 2007. Political party activists in all areas, urban and rural, strongly objected to the SoE and continually urged for its withdrawal.

¹⁷⁸ See Annex 4 for the methodology of this questionnaire and Annex 8 for the full results.

¹⁷⁹ Interview with Md. Momin Ali, Director of Rickshaw Owners' Association, Dhaka, 24 November 2008.

By the conclusion of ANFREL's LTO Voter Questionnaire on 24 December 2008, results indicated that similar proportions of rural and urban respondents supported the SoE. In total, 64.1% believed that the SoE could create a positive environment for the election,¹⁸⁰ reflecting positive responses from 64.6% and 63.3% of rural and urban respondents respectively.¹⁸¹ Despite the relatively high level of support for maintaining the SoE until Election Day, the CTG was right to withdraw it, for emergency restrictions on freedom of speech and political activity contravene international standards for free and open election campaigns. The Bangladesh example demonstrates that even in a politically volatile environment a SoE is not required to maintain security. Rather, alternative measures such as the deployment of additional troops can meet the security concerns of the people without the attendant restrictions on speech, movement and political activity.

Views on political parties and candidates

76.4% of interviewees across Bangladesh thought that political parties have the potential to bring change to Bangladesh after the election.¹⁸² Some commented that the anticorruption drive has created a new environment for Bangladeshi politics. A number of young electors believed that new parties are needed to mend the faults of past politicians.

¹⁸⁰ In total, 20.1% of respondents did not believe the SoE could create a positive environment for the election, and 15.8% were not sure or made no response.

¹⁸¹ Of rural respondents, 18.4% did not believe the SoE could create a positive environment for the election, and 17.1% were not sure or made no response. Of urban respondents, 23.2% did not believe the SoE could create a positive environment for the election, and 13.5% were not sure or made no response.

¹⁸² 13.5% of respondents believed that political parties do not have the potential to bring change, and 9.4% were unsure or had no response.

A lesser proportion of 60.8% believed that the candidates in the 2008 election would be accountable and responsible if elected.¹⁸³ A large number of respondents doubted the motivations of the candidates, particularly in Dhaka city where reference was often made to the past culture of corruption. Some older respondents in Chittagong and Rajshahi districts noted that they were seeing the same faces again and doubted their potential to bring change to Bangladesh. Respondents in Barisal noted that parties are being more selective in their recruitment than in previous years.



An ANFREL observer interviews homeless voters in Rajshahi

¹⁸³ 20.0% of respondents believed that candidates would not be accountable and responsible if elected, and 18.2% were unsure or had no response.

Election Day

Environment

On Election Day, the election environment across Bangladesh was generally inclusive, peaceful and festive. The polls were conducted with integrity and credibility, and saw an unprecedented 87% turnout of voters. The polling process was well organized, and polling officials were well trained in Bangladesh electoral law. Security forces maintained a strong presence, although this did not cause any discernible apprehension among voters, except in some areas of Chittagong division. Although isolated incidents of intimidation, violence and vote-buying did occur, these did not affect the overall outcome.



Another case of election related violence in Dhaka

Reports of violence and intimidation on Election Day, although small in number, were of concern. In one of the most significant incidents, Jamaat-e-Islami cadres assaulted voters and vandalized a Comilla polling station, forcing the suspension of polling.¹⁸⁴ When polling resumed,

¹⁸⁴ In Dhanush Kora, Choddogram, Comila-11.

the Jamaat supporters entered the station and began stamping ballots on behalf of others. Voting was also disrupted for 30 minutes at the Mukia polling station, Nalchity Upazila, Jhalokati when a fight broke out between Awami League and BNP supporters. A similar clash between the Chatro League, an Awami League youth wing, and the BNP at Ajit Degree College polling station, Comilla-6, left two people badly injured.

ANFREL's STO team in Comilla experienced one incident of violence and intimidation on Election Day first-hand. One of ANFREL's local assistants was assaulted by a group of up to 150 Awami League supporters in Chauddagam Upazila, Comilla-11. The group stole the assistant's mobile telephone, wallet, belt, shoes and camera. After ANFREL observers complained to Awami League officials and explained the assistant's role, a senior party member apologized and promised to return the stolen goods.

Isolated instances of interference with the marking of ballot papers also occurred. A Presiding Officer in Khulna began stamping ballot papers twice, once on the counterfoil and once next to the logo of Jamaat-e-Islami (scales), causing tension among Polling Agents.¹⁸⁵ Polling was halted for approximately 30 minutes and some voters left without voting. At separate polling stations in Habiganj, polling officials¹⁸⁶ and an Awami League candidate¹⁸⁷ were observed taking the hands of voters and stamping their ballots for them. Similarly, polling officials and voters at a polling station in Comilla-10 protested when the presiding officer marked the ballots for some voters on the premise that the voters did not know how to vote.¹⁸⁸

¹⁸⁵ At the polling station at the BDC Collegiate School, Baruna Bazaar, Dumuria Upazila, Khulna.

¹⁸⁶ At polling station 51, Bakubal Upazila, Habiganj, Sylhet.

¹⁸⁷ At polling station 5, Habiganj-Sadar Upazila, Habiganj, Sylhet.

¹⁸⁸ In Goirbhanga, Nangalkot, Comilla-10.

Local media also reported interference with polling processes on Election Day through “booth capturing”. “Booth capturing” refers to the forcible prevention of voters from freely casting their vote at a given polling station. Awami League candidate Jyotindra Lal Tripura complained to Returning Officer AKM Khairul Alam that UPDF supporters “captured” up to 31 polling stations in Mahalchhari Upazila in the Khagrachhari hill tracks.¹⁸⁹ He alleged that the supporters barred the entry of other Polling Agents and warned voters not to vote for anyone other than UPDF. Upazila Nirbahi Officer Mohammad Abul Hossain denied receiving these complaints, however local media correspondents report the allegations were substantiated.¹⁹⁰ ANFREL observers could not verify these claims, which warrant further comprehensive investigation by authorities.

The few instances of vote-buying on Election Day came from Pirojpur and Tangail districts. In Pirojpur-3, two interviewees witnessed an Awami League candidate giving voters 100 taka to vote for him. On opposite sides of polling station 14, Tangail-4, two major parties were observed offering free tea and pan (chewable tobacco) to voters. In terms of the overall environment and results, however, these incidents were inconsequential.

Other incidents which may have affected the environment on Election Day include unauthorized persons entering polling booths and stations, particularly candidates, and violations of the campaigning restrictions delineated in the RPO. While candidates entering polling stations is not

¹⁹⁰ The Daily Star, ‘UPDF cadres drive out Polling Agents of other runners,’ (30 December 2008). Available: <http://www.thedailystar.net/story.php?nid=69306> [accessed 3 March 2009].

¹⁸⁹ The Daily Star, ‘Dozens arrested for violating election rules’ (29 December 2008). Available: http://www.thedailystar.net/newDesign/latest_news.php?nid=14048 [accessed 3 March 2009].

problematic in itself, some observers were concerned that their actions unduly influenced voters. These actions include persuading voters as they queued,¹⁹¹ shaking hands with voters,¹⁹² questioning polling officials,¹⁹³ and shaking hands with polling officials.¹⁹⁴ At polling stations 111 and 115, Mymensingh-3, the BNP candidate entered polling booths and attempted to influence polling officials. At polling station 11, Charghat-6, a Polling Agent was observed inside the secret marking area while voters were marking their ballot.

Although the vast majority of campaigning activities had ceased for the cooling day on 28 December 2008, minor infringements of campaign restrictions were widespread. Campaign materials were often seen within the boundaries of polling stations¹⁹⁵ and were seen within 100 yards of almost all polling stations visited in all districts, contrary to the RPO. At polling station 11, Tangail-4, fresh paintings of 'BNP' were seen on exterior walls of the station and a groups of people roamed the grounds with campaign posters. Similarly, at the polling station at Malgaon Primary School, Gazipur-5, a large painting of 'BNP' on an exterior wall was clearly visible upon entering the polling station. Other incidents include the RAB distributing political flyers,¹⁹⁶ a privacy screen displaying printed messages,¹⁹⁷ and parties paying rickshaw drivers to transport voters to polling locations.¹⁹⁸

¹⁹¹ At polling stations 47, 49 and 50, Puthia Upazila, Rajshahi.

¹⁹² An Awami League candidate at polling stations 76, 77 and 80, Habiganj, Sylhet.

¹⁹³ An Awami League candidate at the polling station at Ispahani School, Mogbazar, Dhaka.

¹⁹⁴ A BNP candidate at the polling station at Pilot High School, Feni-2.

¹⁹⁵ At polling stations in Mymensingh, Dhaka, Kishoreganj, Khustia, Pabna, Sylhet and Dinajpur districts.

¹⁹⁶ The RAB distributed flyers in support of an independent candidate in front of the Aparajita Buddhst Temple at Zero Mile, Khagrachhari.

¹⁹⁷ In polling station 88, Satkhira-1, the Muslim saying 'There is only one God Allah and Muhummad is his Prophet' was painted on the cloth concealing the voting area. It was replaced when observers enquired about it.

¹⁹⁸ Parties in Dinajpur, Dhaka, Jessore and Chittagong used rickshaws to transport voters to polling stations and the tables where chits were issued.

Several other low-level forms of campaigning were reported on Election Day. Some political party activists appeared to improperly influence voters while distributing 'chits' to assist voters locate their polling booths. No gifts or money were observed changing hands, however. Further, a significant number of children displayed party headbands, badges and posters on Election Day, a continuation of their involvement in campaigning during the pre-election period. In all districts children were observed milling around polling stations, increasing their risk of exposure to political violence.



An unconscious voter who was allegedly beaten by one party's workers at Denushkora Polling Centre under Chaudogram Constituency (Comilla 11)



Another voter who was one of several victims of attacks on voters at the Denushkora Polling Centre

Administration

The BEC professionally administered the election and met key requirements to ensure a smooth and transparent electoral process, despite considerable time and resource constraints. Polling officials were prepared, with every polling station observed receiving the necessary electoral materials on time. Polling officials were also well trained and performed their duties competently, despite a few isolated exceptions. At polling station 83, Habiganj, a polling official incorrectly required that voters produce a National ID card to vote. A Polling Officer at polling station 4, Kishoreganj-4, was removed by the presiding officer after marking the ballot paper of a voter who had requested assistance.

While the BEC's administration of the polling process was largely a success, significant confusion surrounded booth allocation. The serial numbering of the voter list, as opposed to alphabetical ordering, made it difficult or impossible for voters to find the correct polling booth.¹⁹⁹ Voters were allocated polling booths according to their voter number, and had few ways to learn of their allocation on Election Day. Signs were displayed at most Polling booths indicating which range of voter numbers could vote at that particular booth, but these were of no use to voters who did not know their voter number. Many eligible voters left after being turned away from several polling booths because they were not on the voter list for those booths, without any direction as to where they should go. Similarly, many other voters simply gave up after repeatedly standing in long queues as they tried different booths.

¹⁹⁹ For example, 20 men could not find their names at polling station 66 in Chittagong-9 or two other stations they checked. They complained to the District Election Commissioner, who directed them to the Central Election Commission.

Approximately fifty voters at polling station 133, Mirpur-1, left without voting after they were unable to find their name in the voter list. Sixteen voters were unable to find their names at any polling booth in Ispahani School, Mogbazar. The presiding officer told them to 'go look for your names elsewhere.' At polling station 9, Tangail-6, in a female-only booth with a large number of minority voters, the bulk of voters were turned away for being in the wrong booth without receiving definitive instructions from polling officials on where they should be casting their vote.

These difficulties meant an increased reliance on the services of political parties on Election Day. As is the tradition in Bangladesh elections, parties set up tables at least 400 yards away from polling stations and issued chits containing voter numbers and allocated polling booths. Polling officials often directed voters to chit tables for assistance.²⁰⁰ The BEC Secretariat, in a circular to District Election Commissioners, highlighted



Different arrangements of polling booths to maintain voter secrecy

²⁰⁰ For example, in polling booth 2, at the polling station Islamia Madrasa, Dhaka, polling officials told voters to go to Polling Agents to ascertain their voter number.

that this practice provides voters with essential information and is not considered campaigning under the RPO or Code of Conduct.²⁰¹ However, observers were concerned the practice opens up the possibility of party activists campaigning on Election Day. Moreover political parties could, whether intentionally or accidentally, give voters incorrect voter or polling booth numbers. The practice is inconsistent with international best practice which discourages direct contact between political parties and voters after the campaigning period, and especially on Election Day. The act of going to a party's desk, and thereby potentially indicating one's voting intentions in public, also compromises the secrecy of the vote. This reliance on political parties on Election Day could be reduced by greater BEC efforts to inform voters of their voter numbers and correct polling booths or, at a minimum, publicly display voter lists. Alternatively, the task of informing voters of voter and polling booth numbers could be borne by domestic election observation groups.



ID cards were not required for voting but many voters were unaware of this

Throughout the country, Bangladeshis faced long queues at many polling booths, due in part to a slow polling process. Sometimes, one or more polling booths at one polling station were overwhelmed with people while others were empty.²⁰² A greater number of polling booths, improved entrances and exits to polling booths, and a better distribution of voters

²⁰¹ BEC Secretariat circular, 'Candidates/Political parties giving voter numbers to voters' (26 December 2008, Sher-e-Bangla Nagar, Dhaka). Copy obtained from Habiganj, Sylhet.

²⁰² For example, at polling station 12, in Tangail-5, one booth was for eight voters, whilst another had over 1000 voters in its voter list and experienced long queues; a sole entrance and exit at polling station 120, Narayaganj-3, caused overcrowding at polling booth 1 whilst polling booth 2-6 remained vacant.

amongst polling booths within particular stations would help reduce these problems. At some polling stations, particularly those located in schools with multiple levels, voters had to climb several flights of stairs to reach their polling booth. Elderly, disabled and pregnant voters faced difficulty in this regard, although in general the polling staff was willing to assist these voters.

Many Bangladeshis also had to overcome long distances to travel to reach their polling station, particularly in the Chittagong Hill Tracts and other difficult to access areas. Some local people in the Chittagong Hill Tracts district of Bardarban reported that they would have to walk around seven hours to reach their polling station. Low voter turnout was expected in some remote areas for this reason. Distance did not always discourage voters, however, and in Laksmipur district, voters from the remote island of Char Abdullah planned to row across wide rivers in order to reach their polling station.

Opening

The opening of the polls occurred without major incident, albeit many polling stations were chaotic with hundreds of enthusiastic voters keen to cast their votes. Almost all polling stations observed opened on time,



Polling officials displaying an empty ballot box before sealing it

besides a small number who opened slightly early²⁰³ and late.²⁰⁴ The correct opening procedures were generally followed in the stations observed. One station could only seal its ballot box with three seals, however, as the fourth seal had broken.²⁰⁵ Missing seals or broken seals were also observed at polling stations in Jessore and Gazipur districts.²⁰⁶

Polling process

For the most part, polling procedures were followed uniformly and in accordance with electoral laws. Whilst minor irregularities in the polling process were common, they did not affect the overall conduct or integrity of the poll.

Two significant problems observed were polling booths which did not provide adequate secrecy for the voter to mark the ballot and isolated failures to apply indelible ink. Some secret areas were located in front of windows, and others were partitioned with only thin transparent cloth.²⁰⁷ In Chaudagram Upazila, Comilla-11, most voters stamped their ballots in the open, within the sight of polling officials and Polling Agents. Similarly, at Paropanchari polling station, Khagrachari, Polling

²⁰³ For example, polling at the Government Primary School in Jessore-3 began at 7.50am.

²⁰⁴ For example, polling station 72, Narshindi-2, and polling station 1, Chittagong-3, opened at 8.30am and polling station 8, Khulna-2, opened at 8.15am.

²⁰⁵ At a polling station in Dohakula Union, Bagherpara Upazila, Khulna.

²⁰⁶ At the polling stations at Laujani Government Primary School, Jessore-2; Burugbagan Ucca Blika Billaloy, Jessore-1; Navaron Rail Bazar Government Primary School, Jessore-1; Gazipur Women Government College, Gazipur-2.

²⁰⁷ Thin and transparent cloth screens were problems in Gazipur, Kishoreganj, Tangail, Jessore, Pabna and Khagrachari and Sylhet divisions. At polling station 34 in Tangail-5, polling station 91 in Barisal-2, polling station 47 in Puthia and some polling stations in Bagherat, the voting area was in front of a window and passers by could easily see into the voter marking area.

Agents could view voters marking their ballots. Voters cast their votes without being marked with indelible ink at a number of polling stations.²⁰⁸

Other irregularities included:

- Voters being denied the opportunity to cast a tendered ballot;²⁰⁹
- Polling officials not checking voters' fingers for ink, or checking faces against the voter list, before issuing ballot papers;²¹⁰
- Placing the indelible ink on the skin or nail of the thumb (the ink is easier to remove from the skin);²¹¹
- Ink not being used consistently in some polling stations;²¹²
- Assistant presiding officers stamping large numbers of ballots in bulk, as opposed to stamping each ballot immediately before it is given to a voter;²¹³

²⁰⁸ This occurred in polling station 82, Mymensingh-3, polling station 59, Barisal-2, and the polling station at Pilot School, Feni Sadar-2.

²⁰⁹ This occurred in polling station 2, Barisal-1; polling station 6, Lukra Union (Asshara Government Primary School); polling station 65, Chittagong-1; Ajit Guha Mahavidyalay, Choddogram, Sadar 6, Chittagong; Jessore Village School, Jessore-3; polling station 48, Phutia Union, Pabna; polling station 21, Brahmanbaria, Chittagong-3.

²¹⁰ Polling officials did not check faces against the voter list at Kewata Senior Modersta polling station in Jhalakathi-1. After questioning from observers, the presiding officer reproached polling officials.

²¹¹ In almost all polling stations in Satkhira district, the indelible ink was applied onto the skin, as opposed to the region between the fingers and nail. Upon questioning from observers, the presiding officer said polling officers were not told about how to apply the ink.

²¹² This was a widespread problem across all districts; some polling stations applied the ink before a ballot was issued, some after a ballot was issued, others after a ballot was cast.

²¹³ In Dhaka and Gazipur districts.

- Presiding Officers checking names against the Polling Agents' copies of the voters list and resorting to Polling Agents for decisions about whether to allow voters to vote;²¹⁴ and
- Polling Agents displaying inconsistent identity cards, being permitted to observe the process while not displaying any identity card, and pressuring polling officials.²¹⁵



These ballot papers had been mistakenly stamped twice

There were also concerns about the quality of ballot papers, and isolated instances of polling officials inappropriately stamping ballots. The ballots were printed on thin paper, and often the BEC seal stamped on the back of the ballot paper could be seen through the side marked by voters, potentially dissuading voters from stamping over the top of an existing stamp. There were also reports from Brahmanbaria district of polling officials stamping the BEC seal on the side of the ballot marked

by voters, instead of the back of the ballot. At polling station 71, Brahmanbaria-1, eight out of 44 invalid ballot papers had the official EC stamp on the front side of the ballot paper.

²¹⁴ In Narayanganj district, the Polling Agents' voter lists (not the BEC voter list) were primarily used for checking voter names. A presiding officer in Union Moglabazar, declared that two women wearing burqas could vote only if the Polling Agents agreed.

²¹⁵ Inconsistent identification was a widespread problem throughout all districts: some Polling Agents displayed identity cards from the BEC, others merely wore badges indicating which political party they represented, some carried letters of appointment. In Rajshahi, observers found several Polling Agents who couldn't read or write and didn't understand their job as a Polling Agent. At a polling station in Comilla-6, Polling Agents were openly pressuring polling officials to allow unregistered voters to cast votes.

Closing and counting

As with opening, the closing of polls was relatively smooth and efficient. Observers noted few concerns with closing procedures, and few objections were raised by other stakeholders about the integrity of the seals or authenticity of the cast ballots at the end of the day.

Polling in almost all areas observed stopped at 4pm. Some polling stations rang a warning bell at 3.45pm.²¹⁶ Some polling stations closed late, with many voters still in long queues waiting to vote at 4pm.²¹⁷ Women were allowed to join the queue to vote at the polling station at Malgaon Primary School, Gazipur-5, up until 4.30pm. At polling station 45, Lakshmipur, there were approximately 200 people still waiting to vote at 5.15pm. Similarly, massive queues of women voters at polling station 65, Chittagong-9, delayed the end of voting until 5.30 pm.

The method of counting and variations in counting processes concerned many observers. The counting process was generally as follows: the contents of a ballot box were emptied onto the floor, the polling officials sorted the ballots according to symbols, common ballots were bound into batches of 100, batches were counted, and totals for each symbol were recorded. Polling officials often failed to check for the stamped mark and signature of the assistant presiding officer on the back of the ballot before counting the ballot, negating the affect of these security measures used during polling.²¹⁸ 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

²¹⁶ In Barisal and Jhalokati districts.

²¹⁷ At polling station 45, Laxshmipur-4; Jameer Islamic High School polling station, Sylhet division; At polling station 46, Narayangani-5.

²¹⁸ In Narayanganj and Gazipur districts.

count.²¹⁹ At polling station 11, Charghat-6, a Polling Agent voiced doubt in the overall result on the grounds that the counting process was so unorganized.

The variations observed in counting processes at different polling stations include showing or not showing ballot papers to those present, and permitting different people to participate. At a polling station in Narayangani district, only Polling Officers were allowed to view the cast ballots. Polling Agents were permitted to participate in the counting process at Laksham Girls School Comilla-9, occasionally taking ballot papers from polling officials to check them. Other incidents include counting without another official checking the totals recorded, counting invalid ballots as valid votes, and including the number of missing ballots in the invalid ballot tally.²²⁰



The counting process in Jessore district, Khulna division

²¹⁹ Overcrowding and dim lighting in the counting room was reported in Narayangani, Kishoreganj and Gazipur districts; at polling station 11, Charghat-6 and polling station 61, Pabna-2, the presiding officer was not present in the counting room to supervise Polling officials.

²²⁰ The latter two instances occurred at polling station 61, Pabna-2. The invalid ballots were counted as Awami League votes. Counting invalid votes as valid similarly occurred in Khagrachari district.

Post-election period

Environment

ANFREL's 20 LTOs remained in their divisions until 3 January 2009 to observe the consolidation of the count, political developments and general environment following Election Day. The post-election environment generally remained calm across the country, with additional security personnel remaining deployed in most districts. The people of Bangladesh welcomed the restoration of democratic rule and the winning party, Awami League, committed to cooperate with other political parties. All domestic and international observer groups recognized the result as an accurate reflection of the will of the Bangladeshi people.

A number of violent incidents marred the otherwise peaceful post-election atmosphere. According to Odhikar, 17 people (9 from BNP and 8 from Awami League) were killed and over 500 people injured in post-election violence across the country.²²¹ In most cases, activists and supporters of the Awami League-led Grand Alliance, and the BNP-led Four-Party Alliance, were found to be involved in the clashes. Security forces did not take any significant action to stop the post-election violence. Inspector General of Police Nur Mohammad claimed there were only 13 incidents of post-election violence in the whole country, ignoring the hundreds of incidents reported in local media.

Post-election violence was concentrated in university and college campuses. The unrest among students and activists continued throughout the month of January, despite instructions from the newly elected Prime Minister Sheikh Hasina and concerns from university teachers.

²²¹ Odhikar, 'Election-related Human Rights Violations Report' (Dhaka, 15 February 2009).

Intra-group clashes of the Awami League student wing Bangladesh Chattra League (BCL), which left many injured, occurred at several universities throughout the country.²²² Similarly, clashes between the BCL and the BNP student wing Jatiyotabadi Chattra Dal (JCD) and Jamaat-e-Islami student wing Islami Chatra Shibir resulted in casualties being recorded at a number of institutions.²²³ A house tutor and a provost faced threats from the BCL, and students were found vacating residential halls to avoid conflict. Post-election violence continued into the campaign period for the Upazila Parishad elections. According to Odhikar, immediately prior to the Upazila elections on 22 January, a total of 4 people had been reportedly killed and more than 800 people wounded.

ANFREL's LTO teams reported a number of specific incidents of post-election violence, although none had a significant impact on the general environment. In Shatira Village (Dumoria Union, Khulna district) Awami League supporters attacked and robbed a Jamaat supporter because he had allowed his shop to be used as a venue for discussions amongst Jamaat party leaders and members.²²⁴ In Gacherdiar village, Daulatpur Upazila, Khustia-1, four Awami League supporters were injured by

²²² Incidents occurred at Ziaur Rahman Hall of the University of Dhaka, Rajshahi University of Engineering and Technology, Shahjalal University of Science and Technology, University of Rajshahi, Jahangir Nagar University and Jogonnath University.

²²³ Incidents occurred at Dinajpur Haji Danesh Science and Technology University, Netrokona Govt. College, Jagannath University's residential halls, Bangladesh University of Engineering and Technology, Khulna Medical College, Narail Govt. Victoria College, Feni Govt. College and Dhaka Polytechnic.

²²⁴ This occurred at 10 a.m, 31 December 2008. The victim was hospitalized at Dumoria Hospital. Other nearby incidents include: Awami League supporters beat a known BNP supporter using sticks and iron rods as he traveled home in Agrazia, Dumoria Dushpora, Dumoria Upazila, at 8 p.m, 31 December, 2008; BNP supporters also attacked an Awami League supporter by punching and verbally abusing him in Hasampur Union, Dumoria Upazila, at 3 p.m, 30 December 2008.

BNP cadres during an Awami League victory rally.²²⁵ The police arrested the main BNP culprit. Young Awami League supporters threw bricks at the house of a BNP worker and threatened his family following the announcement of an Awami League victory at the nearby Boritoly Regd Primary School in Bogra-5 constituency.²²⁶ The victim reported the incident to police, and ICG Chief Nur Muhammad told observers the Awami League would apologise for the incident. Minor skirmishes also occurred between the BNP and Awami League in Chittagong division. 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.

Consolidation of results process

The consolidation of results was generally smooth and transparent, although observers noted a number of concerns. Following counting, presiding officers generally followed the correct procedures and posted the results outside the polling station before causing the results to be sent to the district office. However, the method used varied across districts. Sometimes the presiding officer went personally to the district office, and other times the presiding officer communicated the results via mobile telephone or facsimile.²²⁷ The RPO does not prescribe a particular method, requiring only that the presiding officer cause the packets, statement of the count and ballot paper account to be sent to the Returning Officer.²²⁸ A consistent method would increase transparency in the process and confidence in the result.

²²⁵ This occurred at 6.30 p.m, 31 December 2008.

²²⁶ This occurred on 21 December 2008.

²²⁷ For example, results were communicated personally by presiding officers in Khulna and Rajshahi, by mobile phone in Barisal and by facsimile in Dhaka.



Polling Agent (on far right, wearing white shirt) holding ballot papers during counting at Laksham Girls School Polling Center, Comilla-9, Chittagong Division

Observers also voiced concern about the transport of materials to the district office. Often no transport was pre-arranged and polling officials were forced to hail rickshaws. At the district offices observed, the Returning Officer consolidated the count by announcing results over a microphone and writing the results on large boards in the consolidation room in the presence of candidates, Party Agents, observers and local media.

Overview of election results²²⁸

The Awami League-led Grand Alliance won a landslide victory in the 29 December polls, winning 263 seats out of 299. The BNP-led Four-Party alliance won only 32 seats, with the remaining 4 seats going to independent candidates. The postponed election in the constituency of Noakhali-1 was held on 22 January 2009 and was won by the BNP candidate.

²²⁸ BEC, 'National Election Result 2008: Seat Wise Total Status' (undated). Available: <http://123.49.39.5/result/report4.php?lang=en> [accessed 3 March 2009].

The sheer scale of the Awami League's victory surprised many people, including Awami League party leaders. Many attribute the Awami League's landslide victory to the party's modern manifesto and softer rhetoric which appealed to many first-time voters, who made up nearly a third of total voters.²²⁹ The swing may also be ascribed to dissatisfaction with the previous BNP alliance who governed from 2001 to 2006.

Party Name	Symbol	Barisal (21)	Chittagong (58)	Dhaka (94)	Rajshahi (72)	Kulna (36)	Sylhet (19)	Total (300)
Bangladesh Awami League		16	32	87	48	30	17	230
Bangladesh Nationalist Party		2	18	0	8	2	0	30
Jatiya Party		2	2	5	14	2	2	27
Independent Candidates		0	1	1	1	1	0	4
Jatiya Samajtantric Dal-Jasad		0	2	0	0	1	0	3
Bangladesh Jamaytee Islami		0	2	0	0	0	0	2
Bangladesh Workers Party		0	0	1	1	0	0	2
Bangladesh Jatiya Party-BJP		1	0	0	0	0	0	1
Liberal Democratic Party-LDP		0	1	0	0	0	0	1
No Vote		0	0	0	0	0	0	0

²²⁹ BBC, 'Bangladesh Stunned by Awami League Victory' (30 December 2008). Available: <http://ibnlive.in.com/news/bangladesh-polls-hasina-wins-by-landslide-majority/81600-2.html?from=rssfeed> [accessed 3 March 2009].

Complaints and adjudication

The BEC reported receiving no significant complaints about the December Parliamentary election.²³⁰ The most widely publicized complaint came from the BNP on the day of the Election. It alleged that the Awami League had rigged voting by capturing polling stations, forcing out BNP Polling Agents, and barring them from entering around 220 polling stations in 72 constituencies across the country.²³¹ This complaint was not seriously pursued by the BNP leadership, perhaps because the impact of the alleged fraud would not have changed the outcome, or perhaps due to a lack of evidence.

ANFREL's LTOs reported several specific complaints made on and after Election Day. The President of BNP at Banaripara Upazila, Barisal-2, complained to the Presiding Officer that a BNP Polling Agent was attacked and threatened by an AL supporter. As of 3 January 2009, the President had not received a response from the BEC. In Khulna-2, the Awami League requested a recount of ballots. The District Commissioner advised he had forwarded the complaint to the central BEC for a decision. Similarly, in Uijal Smrity Chakma, Khagrachhari, the UPDF candidate alleged the district BEC officials favoured a particular candidate by closing some polling stations before the official closing time. Other non-official complaints reported by observers on Election Day include long queues, and refusals by Presiding Officers to allow voters to cast ballots (albeit this was largely due to voters being in the wrong polling booth).

²³⁰ Telephone interview with BEC official, 16 February, 2009.

²³¹ New Age, 'BNP Alleges Vote Rigging, Lodges Complaint with EC' (30 December 2008). Available: <http://www.newagebd.com/election/2008/12/30/bnp-alleges-vote-rigging-lodges-complaints-with-ec> [accessed 3 March 2009].



Post election press conference led by ANFREL Chairman Damaso Magbual and Mr. Surya Prasad Shrestha (former Chief of Election Commission of Nepal)

Post-election politics

The results of the ninth National Parliament election were endorsed by the majority of stakeholders, including voters and Civil Society Organizations (CSOs). In all districts, the majority of Bangladeshi people said they were happy with the result of the election and the election process. Similarly, all domestic and international observer groups have accepted the result as a true reflection of the will of the Bangladeshi people. Domestic CSO EWG hailed the election as credible and 'consistent with international standards of freedom, fairness and transparency',²³² and Odhikar commented that 'it is difficult to raise any major allegations against the way the elections were conducted. The choice of the people

²³² EWG, 'Preliminary Election Observation Report' (Dhaka, 3 January 2009). Available: http://www.ewgbd.org/highlights_details.php?id=55 [accessed 3 March 2009].

of Bangladesh is loud and clear'.²³³ District-level CSOs Rupantar, Fair NGO, Srizonny and Community Development Library (CDL) in Khulna division all felt the election was free and fair. However, CDL did question the usefulness of the "no vote" option and felt the BEC, and not political parties, should be responsible for informing voters of their correct polling booths.

The BNP did not react so favorably. BNP representatives in many constituencies were skeptical of the result and dissatisfied with the electoral process.²³⁴ Besides Khaleda Zia's national pronouncement of fraud at 220 polling stations, BNP made several other allegations to observers. M Elias Ali of the BNP claimed ballot papers were found outside polling stations in Sylhet-2. Alhaj Shafi Ahmed Chowdury from BNP in Sylhet-3 alleged there were widespread incidences of vote buying and election engineering, and that a BNP Polling Agent was unjustifiably ousted from Silam Union Parishad polling station. Similarly, the BNP leader in Barisal-2 alleged four BNP Polling Agents were beaten and threatened by Awami League supporters, which he felt had tainted the result. In a more outlandish claim, Shohidul Islam Bablu, BNP General Secretary in Sherpur Upazila, Bogra-5, alleged the BEC and CTG were involved in a conspiracy because the winning Awami League candidate was not a popular figure and was not expected to win. Similarly, BNP leader Shahidul Islam Bachhu in Natore-2 alleged the BEC and CTG had a "blueprint plan" in favour of the Awami League.

The Awami League, as expected, was delighted with the result and any grievances generally concerned aspects of the polling process. However, the Awami League candidate in Khulna-2 alleged that vote-buying

²³³ Odhikar, '9th Parliamentary Election Observation Report' (Dhaka, 31 December 2008).

²³⁴ In Dhaka-1, Dhaka-5, Mymensingh-1, Mymensingh-2, Sylhet-2, Sylhet-3, Barisal-2, Khustia-2, Bogra-5, Natore-2, Rajshahi-3, Chittagong-9, and Cox's Bazaar-3.

occurred in wards 30 and 31. Smaller political parties consulted by observers were also generally content with the process. The Communist Party of Bangladesh,²³⁵ Gana Front,²³⁶ the Jatiya Party,²³⁷ Bangladesh Khelafot Andolon,²³⁸ the Bangladesh Socialist Party,²³⁹ Krishak Sramik Janata League²⁴⁰ and Bangladesh Samyabadi Dal²⁴¹ all expressed satisfaction with the polls. Jatiya Samajtrantik Dal was happy with the election process in Khustia-2 but believed vote-buying occurred in Sylhet-3. Similarly, Jamaat-e-Islami representatives in Barisal-1 were content, but candidate Gulam Puror in Khulna-2 doubted the 100% voter turnout at Kaliban polling station, Rangpur Union. In Sylhet-2, the Bangladesh Islamic Front was satisfied with the election overall but claimed one Polling Agent was unjustifiably ousted from a polling booth. Independent candidate Jobaed Ahmed Chowdury in Sylhet-5 also believed vote-buying occurred in his constituency.

The reaction of the political parties highlighted a number of common criticisms about the polling process. The majority were concerned about the confusion surrounding polling booth allocation, and that too many voters were allocated to each polling station, contributing to long queues. Most also believed the restrictions on campaigning and short campaign period were too limiting. In Dhaka district, smaller parties commented the proportional representation system must be introduced into the country otherwise they will never be able to represent the people who vote for them in Parliament. An independent candidate thought that the

²³⁵ In Dhaka-1, Dhaka-2, and Dhaka-5.

²³⁶ In Dhaka-4.

²³⁷ In Dhaka-5, Barisal-2, Khulna-3, and Khustia-3.

²³⁸ In Sylhet-1 and Sylhet-2.

²³⁹ In Khustia-3.

²⁴⁰ In Sylhet-2.

²⁴¹ In Sylhet-1.

tendency of people to vote for symbols rather than candidates worked against the representation of independent candidates.²⁴²

Tensions between the main two political parties have escalated since the first sitting of the newly elected government. BNP lawmakers boycotted President Iajuddin Ahmed's address to the inaugural session of the Ninth Parliament on 25 January 2009, claiming the President should be impeached for "violating the Constitution by failing as chief adviser to hold the Parliamentary polls within the stipulated 90 days".²⁴³ BNP lawmakers staged another walk-out at the second sitting of Parliament on 28 January 2009 due to discontent with seating arrangements and the selection of a Special Committee formed to review the ordinances passed by the CTG.

Despite these tensions and disagreements political parties recognize the need to cooperate to strengthen Bangladesh's democratic institutions. The approval of 54 of the CTG's 199 ordinances on 15 February 2009 was an important event in consolidating the legal framework but more needs to be done; for example, a thorough review of the framework for holding elections is needed to ensure all aspects are scrutinized by publicly accountable MPs. The election on 29 December 2008 marked the transition of Bangladesh from a prolonged period of political instability and military-backed administration to a new era of legitimate democracy. Steps must now be taken to ensure the participation of all sectors of society in politics and thus consolidate the restoration of democracy. This is an opportunity for the political parties and people of Bangladesh to move forward together towards a new era of democracy and development.

²⁴² Jobaied Ahmed Chowdury who contested Sylhet-5 constituency.

²⁴³ The Daily Star, 'President May Be Elected Feb 18' (27 January 2009). Available: <http://www.thedailystar.net/newDesign/news-details.php?nid=73057> [accessed 3 March 2009].

Recommendations

Constitutional issues

- Clarify the preconditions that must exist before a State of Emergency may be imposed. Article 141A(1) of the Constitution as it currently stands is broad, vague and subjective.
- Clarify the restriction on CTGs making ‘policy decisions’ in Article 58D. Greater specificity in this provision may assist future CTGs to stay within their constitutional mandate. Policy decisions should be made by publicly accountable Members of Parliament.
- Introduce constitutional safeguards to minimize the effect of any future States of Emergency on elections, for example, a provision requiring the lifting of a SoE at least two months before Election Day.
- Make the process of CTG Adviser appointment more transparent. Some process of public or parliamentary consultation would increase the accountability of future CTGs and promote public confidence in the selection process.
- Amend the constitution to explain what should happen if future elections are not held within the time limit stipulated by Article 123(3) (90 days of the dissolution of the Parliament).
- Consider changing the method of Presidential appointment to direct election. This would increase the accountability of the President and encourage the strongest adherence to principles of democracy, equality and impartiality.

Legal framework

- Conduct a thorough review of the framework for holding elections. This could be done by a specialized Parliamentary committee. Its mandate should include public consultations with respect to the amendments passed during the CTG.
- Decide on the composition of relevant bodies well ahead of the election period. Uncertainty surrounding the composition of mobile courts created delays and some tension between Judicial and Executive Magistrates which could have been avoided with earlier, clearer legislative direction.
- Keep the newly inserted section 91E of the RPO, which gives the BEC the power to cancel candidatures in response to serious breaches of the election law, but ensure this section is implemented transparently and in a fair and standardized manner. Section 91E affords natural justice to candidates in the form of an opportunity to be heard. While it was not used for the 2008 election, this power is one of the few enforcement mechanisms available to the BEC that may prove effective.
- Keep the provision for a ‘no vote.’ The inclusion of this provision sent a message to all political parties that they must field trustworthy candidates or risk rejection by the electorate. It is also a way for voters disillusioned with the process to cast a valid ballot.
- Reduce the range of campaign regulations. While campaigning does need to be regulated and a level playing field between parties ensured, the regulation of relatively minor details such as the size and color of posters and photos that may be displayed places a heavy burden on the BEC, whose limited monitoring resources would be better directed to more serious election violations.

- Finalize the legal framework well in advance of future elections. Late amendments cause uncertainty among stakeholders. Authorities may also be exposed to allegations of catering to certain political parties who demand late changes.

Election Administration

- Fully enforce the Code of Conduct and apply sanctions against those who violate it.
- Introduce objective criteria to guide the selection of Election Commissioners, and consider making female representation on the BEC mandatory. The process outlined in article 118 of the Constitution lacks transparency and fails to ensure the participation of women in the BEC.
- Remove the discretion granted to government officers in carrying out certain requests made by the BEC. The BEC has the power to compel any person to render assistance, which is potentially inconsistent with the choice granted in implementing some BEC directives (for example by the use of the word 'may' in section 6(1) of the RPO). Alternatively, set out criteria to govern the exercise of this discretion.
- Make the list of polling stations easily available to the public in all areas. This obligation could be incorporated into the RPO or issued through BEC circular.
- Improve public access to the voter list so that voters can more easily find out their voter number and make corrections well in advance of Election Day.

- Simplify the postal ballot system, and permit more classes of people to use this method voting. In this way election officials, security officers, Party Agents, observers and overseas citizens need not be disenfranchised because they cannot reach their allocated polling booth on Election Day.
- Prisoners and hospitalized voters should have the right to vote, through mechanisms such as postal voting or mobile polling stations.
- Consider introducing out-of-constituency or 'absentee' voting to facilitate the participation of migrant workers within Bangladesh. Safeguards to prevent abuse of this mechanism are available.
- 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.
- Set up polling stations in all remote areas of Bangladesh to ensure all citizens can easily access a polling location on Election Day.
- Make special arrangements to accommodate disabled, pregnant and elderly voters at every polling station.

Voter registration

- 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.

- Consult more extensively with religious, ethnic and sexual minorities. This would lead to more sensitive arrangements for their participation and avoid arbitrary categorizations. This may avoid, for example, the classification of transsexual Hijras into established gender groups.
- In future voter registration activities allow for the registration of citizens who reach voting age during the registration process itself.
- Consider granting long-stay or permanent refugees some degree of participation in the Bangladesh political system, possibly by granting citizenship and the right to vote.
- Increase public awareness of the possibility of late ‘supplementary’ registration. This will encourage eligible voters who missed the standard registration period to register and exercise their right to vote.

Voter identification on Election Day

- Ban the role of political parties in voter assistance and identification for Election Day. Direct contact between voters and political parties on Election Day must be avoided as it creates opportunities to campaign, and to improperly influence voters. Polling officials should be responsible for identifying voters based on reliable documentation, not chits issued by party representatives. Civil Society Organizations (CSOs) could play some role in this regard, and the BEC could send invitation letters to voters’ households containing information about polling locations and time.
- Further educate the people about the nature of National ID (NID) cards and their role in elections.

- The voter list should be reorganized alphabetically to facilitate the location of voters' allocated polling booths. The possibility of synchronizing NID numbers and voter numbers should also be investigated.

Party registration and candidate nomination

- Complete the process of party registration, to allow sufficient time for legal challenges to be resolved before critical stages in the electoral process such as the printing of ballot papers. Ensure parties have enough time to comply with candidate nomination requirements (such as adhering to nominations made by grassroots committees).
- Clarify the prohibition against political bias in section 91C of the RPO, dealing with accreditation of observers. The current definition is vague and does not specify when past political activities cease to evince 'association' or 'affiliation' with a political party.
- Relax the criteria for party registration in sections 90B and 90C of the RPO to allow the participation of smaller parties and those representing minority interests.

Security

- All political parties should clearly and unequivocally condemn violence in all forms. Party leaderships could take greater action to prevent incidences of violence or intimidation, and adopt accountability mechanisms to discipline violent party supporters.
- Security personnel deployed to heavily militarized areas such as the Chittagong Hill Tracts should be given cultural awareness training and specific directions on how to interact with local communities without causing undue tension or apprehension.

Observers

- Decide on an appropriate framework for issuance of visas to international observers well before their arrival in Bangladesh. The process should be streamlined and not require the approval of as many as eight different government and security authorities.
- Consider issuing visas on arrival to all international observers. This will reduce the administrative workload of Bangladeshi authorities and allow international observer groups to focus on more substantive matters.
- 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.
- Review the guidelines for accreditation of domestic observers. Requirements that observers be 25 years old and have completed secondary school pose significant challenges for domestic observer recruitment.
- Reduce the geographic restrictions on the deployment of domestic observers. While some restrictions are necessary to ensure order within polling stations, more than two observer groups should be permitted to observe in each Upazila/Thana, and each group should be permitted more than two mobile teams.
- Remove the requirement that domestic observers complete BEC-issued forms during their observation. Alternatively, consider requesting the leadership of each domestic organization to submit standardized reports.
- Ensure that Upazila-level election officials cooperate with domestic observer groups and are sufficiently prepared to carry out their accreditation.

Campaigning and political parties

- 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.
- 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.
- Political parties should commit to more democratic internal practices, beyond those laid out in the CTG's reforms. As participants in a system of democratic representation, parties must be willing to accept the input of members into candidate selection, campaigning and policy revision. The domination of central committees and autocratic leaders prevents the substantive participation of grassroots party members.
- Political parties should provide more detailed explanations of their election promises during the campaign period, particularly in their election manifestos. This would promote confidence in the policies and help to assess parties' performance once elected.
- Children should not be involved in any campaign activities. Their presence in campaign rallies and processions, and around polling stations on Election Day, increases their risk of exposure to political violence. It also raises the possibility of the exploitation of children for political gain.

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 political parties.
- Polling officials 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. Polling 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 Polling 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.
- Implement uniform processes for the storage, distribution and collection of election materials. This should include prearranging transportation for materials from each polling station once the count is finished. This would mean a more secure process and promote the integrity of the election result.

Complaints and disputes

- Aggrieved political parties and candidates should submit formal written complaints to the BEC and not solely rely on verbal complaints or those made in the media.

- Effective mechanisms to monitor compliance with campaign regulations should be developed, and parties and candidates should be penalized for breaches. The institutional capacity to monitor and investigate compliance with the Code of Conduct and other election laws must be substantially increased.
- Create a separate institution to receive, investigate and adjudicate complaints. There is an inherent tension between the BEC's role in administering the election and adjudicating complaints. A separate institution would avoid politicization of the complaints process.
- Comprehensively and transparently investigate substantial allegations of electoral fraud or other misconduct, and violations of the Code of Conduct and RPO. Public announcements of such investigations and their findings should be published in such a way that is accessible and easily understood by voters.
- Impose sanctions against those who violate the Code of Conduct. Merely issuing warnings in the face of serious breaches can serve to create a culture of impunity in which political parties and candidates feel they do not need to fully respect electoral laws.
- Promote understanding and trust in the adjudication of complaints and violations of the electoral law.
- Clearly define in the law the role of all bodies involved in receiving, investigating and adjudicating complaints. Decision-making processes should also be outlined and should specify, for example, whether decisions by each body must be taken unanimously, majority vote or consensus.

Media

- Media should maintain the strictest standards of neutrality and impartiality in all published work regarding elections.
- Media outlets should increase investigative reporting and focus on the quality of candidates and parties as well as the electoral process itself.
- Journalists should focus more on the amount spent for campaigning by the candidates during the campaign period.
- The media should commit to further consultations with the BEC to produce a Code of Conduct for Media to promote standards of equality and neutrality in election reporting. The BEC should release draft Codes of Conduct for deliberation, as it did in 2008, and be receptive to comments and criticisms from stakeholders.

Voter education

- Intensify use of broadcast media, particularly television.
- Begin voter education campaigns earlier to allow for more time to conduct voter education.
- Use more creative means of voter education such as street theatre, dance performances and song. Considering the high illiteracy rate in Bangladesh, encourage more face-to-face voter education.
- Integrate civic and voter education into the school curriculum.

Annexes

Annex 1 – Bangladesh fact sheet

- Full name: People's Republic of Bangladesh
- Population: 161.3 million (UN, 2008)
- Capital and largest city: Dhaka
- Area: 143,998 sq km (55,598 sq miles)
- Major language: Bangla
- Major religions: Islam, Hinduism
- Life expectancy: 63 years (men), 65 years (women) (UN)
- Monetary unit: 1 taka = 100 paisa
- Main exports: Garments, fish, jute goods, leather products
- GNI per capita: US \$470 (World Bank, 2007)
- Government type: parliamentary democracy
- Capital name: Dhaka
- Administrative divisions: 6 divisions; Barisal, Chittagong, Dhaka, Khulna, Rajshahi, Sylhet
- Independence: 16 December 1971 (from West Pakistan); note - 26 March 1971 is the date of independence from West Pakistan, 16 December 1971 is known as Victory Day and commemorates the official creation of the state of Bangladesh
- Constitution: 4 November 1972, effective 16 December 1972; suspended following coup of 24 March 1982, restored 10 November 1986; amended many times

- Legal system: based on English common law; has not accepted compulsory ICJ jurisdiction
- Suffrage: 18 years of age; universal
- Chief of State: President Zillur RAHMAN (since 12 February 2009)
- Head of Government: Prime Minister Sheikh HASINA Wajed (since 6 January 2009)
- Cabinet: Cabinet selected by the prime minister and appointed by the president
- Elections: president elected by National Parliament for a five-year term (eligible for a second term); last election held on 11 February 2009 (next scheduled election to be held in 2014) election results: Zillur RAHMAN declared president-elect by the Election Commission on 11 February 2009 (sworn in on 12 February); he ran unopposed as president; percent of National Parliament vote - NA
- Legislative branch: unicameral National Parliament or Jatiya Sangsad; 300 seats elected by popular vote from single territorial constituencies; members serve five-year terms elections: last held 29 December 2008 (next to be held in 2013) election results: percent of vote by party - AL 49%, BNP 33.2%, JP 7%, JIB 4.6%, other 6.2%; seats by party - AL 230, BNP 30, JP 27, JIB 2, other 11
- Judicial branch: Supreme Court (the chief justices and other judges are appointed by the president)²⁴⁴

²⁴⁴ Sources: BBC Bangladesh Country Profile (http://news.bbc.co.uk/1/hi/world/south_asia/country_profiles/1160598.stm), CIA Bangladesh Fact book(<https://www.cia.gov/library/publications/the-world-factbook/geos/bg.html#Govt>).

Annex 2 – Brief history of Bangladesh

Bangladesh achieved independence from Pakistan on 16 December 1971, with the assistance of India, following the nine-month Liberation War. Relations between West Pakistan and East Pakistan (now Bangladesh) had been strained ever since Pakistan achieved independence from Britain in 1947. The Liberation War was the culmination of a series of events and circumstances including economic exploitation and administrative neglect of East Pakistan, the 1948 attempt to institute Urdu as the official language in Bangla-speaking East Pakistan, land reforms, and provincial autonomy.

The March 1971 declaration of independence by Sheikh Mujibur Rahman and mutiny of the East Pakistan army unit led by then Major Ziaur Rahman were key events in the struggle for independence. Numerous atrocities and war crimes were committed against the Bangladeshi people during the war by Pakistani forces and alleged Bangladeshi collaborators.

Bangladesh adopted a new constitution in 1972 and held its first parliamentary elections on 7 March 1973. The Awami League (AL), led by Sheikh Mujibur Rahman, won 293 of the 300 seats. The new government focused on relief and reconstruction of the economy, but was faced with economic deterioration and mounting civil disorder. Sheikh Mujibur Rahman introduced a one-party system²⁴⁵ in 1974 but was assassinated on 15 August 1975.

Ziaur Rahman emerged from successive military coups as the new political leader, winning the 1978 presidential election. Ziaur Rahman's newly formed Bangladesh Nationalist Party (BNP) won a large majority in parliamentary elections in 1979. Ziaur Rahman was assassinated on 30 May 1981 by dissident military elements.

²⁴⁵ Known as the Bangladesh Krishak Sramik Awami League (BAKSAL), the one-party system was dissolved soon after Sheikh Mujibur Rahman's assassination.

Vice-President Abdus Sattar was elected President in the same year. However, on 24 March 1982 Army Chief of Staff Lt. Gen. H.M. Ershad suspended the constitution and declared martial law, citing pervasive corruption and economic mismanagement. Ershad ruled Bangladesh under martial law until 1986. Ershad's new Jatiya Party won a slight majority in general elections in May 1986 but its controversial policies attracted much public opposition, including protests and strikes.

Ershad resigned in December 1990 and, for the first time, a Care-Taker Government (CTG) oversaw general elections held in February 1991. The BNP won and Khaleda Zia, widow of Ziaur Rahman, became Prime Minister. The opposition AL resigned from parliament in December 1994 claiming that the BNP had rigged a by-election. The AL boycotted general elections in February 1996 but won a landslide in fresh polls held in June 1996. Sheikh Hasina, the daughter of Sheikh Mujibur Rahman, became Prime Minister.

The next elections, held in October 2001, saw the BNP and Khaleda Zia return to power. These elections were characterized by political violence and intolerance of different political opinions. Tension between the two main parties continued during the BNP's term, and the activities of more fundamentalist Islamic groups increased. On 17 August 2005, synchronized explosions occurred in 63 out of 64 districts killing two. The underground Islamic group Jama'atul Mujahideen, Bangladesh (JMB) claimed responsibility. The term of the BNP government expired in October 2006, sparking what has been termed the 2006 – 2008 political crisis.

Annex 3 – Basic mission overview

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. 37 different organizations were represented in this delegation, predominantly Asian NGOs working on election and democracy issues. ANFREL fielded the second largest international mission after the European Union Election Observation Mission (EUEOM), but worked closely with other local and international observation groups.

The mission consisted of 20 Long-Term Observers (LTOs), deployed from 1 December 2008 to 3 January 2009, and 54 Short-Term Observers (STOs), deployed from 24 December to 30 December 2008. Observers were deployed in pairs to 31 districts in all 6 administrative divisions of Bangladesh. A four-member Core Team was stationed in Dhaka from 11 November 2008 to 8 January 2009. ANFREL had to extend the duration of its mission to account for the postponement of Election Day from 18 December to 29 December 2008.

ANFREL issued four weekly reports and held one press conference in the lead up to the election based on observations of the environment and election preparations. Its observations of Election Day were made public at a press conference on 31 December, and a Preliminary Report was issued on 5 January.

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). Other senior observers included Ms. Ratnaa Burmaa, Chairperson of Women for Social Progress and Director of the Voter Education Centre in Mongolia, and Mr. S.H. Nurkholis, head of the monitoring and investigation division in the Human Rights Commission in Indonesia.

Annex 4 – Observation methodology

As signatories to the Declaration of Principles for International Election Observation and the Code of Conduct for International Election Observers of the United Nations, ANFREL observes all elections according to internationally recognized standards and principles. As an election observation organization ANFREL has no authority to interfere in the electoral process in any way. Without comprising on such standards, ANFREL also aims to couch its analysis in the context of a country's recent political and electoral history. Elections are assessed in terms of compliance with international standards, as set out in instruments such as the Inter-Parliamentary Union's (IPU's) Declaration on Criteria for Free and Fair Elections,²⁴⁶ but also to what extent the election advances broader goals of consolidating peace and democracy, particularly in post-conflict areas.

The 2008 Bangladesh election was assessed according to the following principles:

- Genuinely universal and secret suffrage;
- The right of political parties, candidates and voters to participate in the election;
- Freedom of expression for election stakeholders and individuals;
- Freedom of movement and assembly; and
- Transparency and effectiveness of the election process.

²⁴⁶ Declaration On Criteria For Free And Fair Elections, Inter-Parliamentary Council (154th session, Paris, 26 March 1994).

To comprehensively assess these principles ANFREL observed the pre-election period and campaign environment, security, election administration, media environment, participation of marginalized groups, voter registration, voter education and voters' views. At the central level the legal framework was assessed, as was the process for party, candidate and voter registration, the competence and neutrality of the Bangladesh authorities, and the performance of the BEC.

Deployment

LTOs were deployed to nine locations, with at least one in each of Bangladesh's six administrative divisions. They were based in larger towns but visited urban and rural areas of surrounding districts. Poor or non-existent roads proved a challenge in reaching more remote areas, particularly in the Chittagong Hill Tracts. Ferries were sometimes used to access some low-lying areas of southern Bangladesh.

Prior to their deployment LTOs and STOs were briefed for three and two days respectively on topics such as the political context in Bangladesh, nature of the Care-Taker Government (CTG) and State of Emergency (SoE), electoral administration, legal framework, domestic monitoring activities, and polling procedures. Briefings also covered observation methodology, logistical arrangements and financial matters. LTOs attended a mid-term debriefing on 19 December in Dhaka to share observations and prepare for Election Day.

The deployment of observers took account of several factors, most importantly the need to cover sensitive districts at risk of election irregularities and the centers of political activity in each division. ANFREL's deployment ensured broad geographical coverage with a focus on highly populated areas. ANFREL determined deployment locations in consultation with its local partner organizations – EWG, FEMA and Odhikar – whose members also assisted observers at the district level. To maximize the presence of international observers in Bangladesh and minimize duplication of effort, ANFREL coordinated with other local and international observation groups, particularly the EUEOM, NDI and IRI.

The security environment remained calm and stable throughout the mission and was not a crucial concern for ANFREL. Bangladesh is relatively safe compared to other post-conflict areas. ANFREL implemented standard security procedures for its observers, including daily reporting to the Secretariat.

Reporting

LTOs submitted weekly reports to the Secretariat that included assessments of the election environment, election administration, campaigning, media, environment, voter education, participation of women and minorities, and the activities of Civil Society Organizations (CSOs). For the immediate election period of 25 – 29 LTOs followed the same reporting format as STOs. LTOs remained in the field until 3 January 2009 and submitted a post-election report regarding the consolidation of the count, political developments and general post-election environment.

STOs submitted two written reports regarding the immediate pre-election period and Election Day. STOs observed the final three days of the campaign period and the cooling day, although the focus of their observation was Election Day itself (including the counting process). Two 'Quick Call Reports' were made via telephone on Election Day to provide the Secretariat with an overall impression of events. A 26-point checklist guided observers in their Election Day observation. STOs and LTOs attended debriefing sessions in which issues were discussed and compared between districts.

To complement the qualitative assessment of LTOs and STOs, two questionnaires were completed covering a range of election-related issues. The first, the LTO Voter Questionnaire, was conducted by LTOs from 1 to 24 December. 942 Bangladeshi electors were interviewed, 615 (65%) from rural areas and 327 (35%) from urban areas. Equal percentages of men and women, and voters under 30 and over 30 years of age, participated. For the full results of the LTO Voter Questionnaire refer to Annex 8. The second, the STO Voter Questionnaire, was conducted by LTOs and STOs from 25 – 28 December. 888 voters were interviewed, with equal numbers of males and females. The STO Voter Questionnaire results are included in Annex 9.

Annex 5 – Mission timeline

MISSION SCHEDULE

LONG TERM OBSERVATION (LTO)

Date	Activities
Nov, 21 st	Arrival of 11 LTOs
Nov, 25 - 27	Arrival 9 LTOs
Nov, 28-30	Briefing
Nov, 30 th	Press Conference
Dec, 1 st	Deployment to the Division
Dec, 5 th	1 st report
Dec, 11 th	2 nd report
Dec, 18 th	LTOs return for De-briefing
Dec, 19 th	De-Briefing
Dec, 20 th	Re-deployment of LTOs
Dec, 25 th	3 rd report
Dec, 28 th	4 th Report (cooling period report)
Dec, 29 th	Election Day
Jan 3 rd , 2009	Return to Dhaka
Jan 4 th , 2009	Post Election Day Briefing
Jan 5 th , 2009	LTOs leave Dhaka

SHORT TERM OBSERVATION (STO)

Date	Activities
Dec 21	Arrival 50 STOs
Dec, 22-23	Briefing
Dec, 24	Deployment
Dec, 28	Pre-election report
Dec, 29	Election Day
Dec, 30	Return to Dhaka for De-Briefing
Dec, 31	Press Conference
Jan 1 st 2009	STOs leaving the country

Annex 6 – Profile of senior observers

Mr. Damaso G. Magbual (Philippines), Head of Mission

A retired corporate executive and a former Professor of Philosophy and Political Science at St. Louis University in the Philippines, Mr. Magbual is a member of the National Council of the National Citizens' Movement for Free Elections (NAMFREL); a member of its seven-man Executive Committee and Chairman of its Membership Growth and Development Committee. He has served as a resource speaker, trainer and consultant on election monitoring, electoral systems and administration in more than a dozen countries since 1987. He has written numerous articles on election monitoring and observed several elections.

Mr. Koul Panha (Cambodia), Deputy Head of Mission

Mr Koul Panha is vice-president of ANFREL and executive director of the Cambodian Committee for Free and Fair Elections (COMFREL). He represented ANFREL at the endorsement of The Declaration of Principles for International Election Observation and Code of Conduct for International Election Observers, on October 27, 2005 at the United Nations headquarters in New York. Mr Panha has attended nearly 30 international observation missions in Asia and other continents.

Mr. Surya Prasad Shrestha (Nepal), Deputy Head of Mission

Mr. Surya Prasad Shrestha was Chief Election Commissioner of Nepal from 1984-1992. Prior to this, he was Secretary of the Ministries of Home Affairs, Panchayat and Commerce and Industry. He was also a Zonal Commissioner for the Government of Nepal. From 1993-1997, Mr Surya Prasad Shrestha was Nepali Ambassador to the United Kingdom and other countries. At present he is Chairperson of the National Election Observation Committee (NEOC), the largest and oldest election observation network in Nepal. He has received numerous honours, including Tri-Shakti Patta for successfully accomplishing the General Elections-1991 during a period of transition in Nepal.

Ms. Radnaa Burmaa (Mongolia)

Ms. Radnaa Burmaa is Chairperson of Women for Social Progress (WSP) and Director of the Voter Education Center. She is also a board member of National Public TV and Radio. From 2000 -2006 she was a member of the General Election Committee and she received a national award for Person of the Year on Human Rights, Mongolian Democratic Union in 2004. Since 2002, she has been a member of the National Council for Coordinating & Monitoring Implementation Work over the National Program for Combating Corruption. She has developed voters' guides to Parliamentary and Presidential Elections, Election Commissioners Manuals for the Parliamentary, Presidential and Local elections, Poll-Workers manuals for the Parliamentary, Presidential and Local elections, and Regulations for election management.

Mr. S.H. Nurkholis (Indonesia)

Mr S.H. Nurkholis is the head of the monitoring and investigation division in the Indonesian Human Rights Commission. He has been observing domestic elections in Indonesia since joining the Indonesian Independent Election Monitoring Committee (KIPP) in 1996. He has completed educational courses and training in human rights and regional conflict at institutions throughout the world, such as human rights courses in Thailand and conflict courses in Budapest.

Annex 7 – Observer list and deployment plan

ANFREL Deployment Plan Bangladesh Parliamentary Elections 2008



#	Code	Cover Area	Observer Names	Country	Position
1	Dac-1	Dhaka City, Gazipur, Tangail, Manikganj	Andrew Ong Kok Heng, Mr	Malaysia	LTO
			Sirirak Preedametawong, Ms	Thailand	
2	Dac-2	Narayanganj, Munshiganj, Narsingdi, Brahmanbaria	Corazon Ignacio, Ms	Philippines	
			Sandun Saliya, Mr	Sri Lanka	STO
3	Dac-A	Dhaka	Damaso Magbual, Mr	Philippines	
			Kalpatta Dutta, Ms	India	
4	Dac-B	Dhaka	Surya Prasad Shrestha, Mr	Nepal	
			Burmaa Radnaa, Ms	Mongolia	
5	Dac-C	Munshiganj	Nur Kholis, Mr	Indonesia	
			Surasavadee Hunpayon, Ms	Thailand	
6	Dac-D	Tangail	Ross David Broad, Mr	Australia	
			Dr. Gopal K. Siwakoti, Mr	Nepal	
7	Dac-E	Gazipur	Chatchawan Rakchat, Mr	Thailand	
			Rebecca James, Ms	Australia	LTO
8	Dac-F	Kishoreganj	Rohana N Hettiarachchie, Mr	Sri Lanka	
			Preeda Tongchumnum, Ms	Thailand	
9	Dac-G	Narshingdhi	Koul Panha, Mr	Cambodia	STO
			Mohammad Adhy Syahputra Aman, Mr	Indonesia	
10	Syl	Sylhet city, Maulvibazar, Sunamganj, Habiganj, Sunamganj	Ann Sriyanie, Ms	Sri Lanka	
			Faizal Bin Tajuddin, Mr	Malaysia	STO
11	Syl_A	Sunamganj	Prof. Kapil Shrestha, Mr	Nepal	
			Belinda Rutendo Musanhu, Ms	Zimbabwe	
12	Syl_B	Habiganj	Marie Grace Cristina Garong Faylona, Ms	Philippines	
			Abhaya Raj Joshi, Mr	Nepal	

#	Code	Cover Area	Observer Names	Country	Position
13	Bar	Barisal City, Patuakhali, Barguna, Pirojpur, Jhalokati, Madaripur, Shariatpur	Kan Savang, Mr	Cambodia	LTO
			Margaretha Tabitha Andoea, Ms	Indonesia	
14	Bar_A	Jhalakathi	Andriyani Utari, Ms	Indonesia	STO
			Madhav Prasad Gautam, Mr	Nepal	
15	Bar_B	Pirojpur	Jitrudee Nuj-Fuang, Ms	Thailand	
			Hishamuddin Bin Md Rais, Mr	Malaysia	
16	Khul-1	Khulna city, Gopalganj, Bagerhat, Satkhira, Jessore, Narail	Badri Siwakoti, Mr	Nepal	LTO
			Kristina Gadaingan, Ms	Philippines	
17	Khul-2	Khustia City, Pabna, Meherpur, Chuadanga, Jhenaidha, Magura, Rajbari	Rabi Aryal, Mr	Nepal	
			Yuli Rustinawati, Ms	Indonesia	
18	Khul_A	Khulna City	Rasidan Bin Muhamad Ramly, Mr	Malaysia	STO
			Sirjana Danuwar, Ms	Nepal	
19	Khul_B	Jessore	Amin Shah Bin Iskandar, Mr	Malaysia	
			Ayano Kikuchi, Ms (MSF)	Japan	
20	Khul_C	Satkhira	Rasheed Aiman, Mr	Maldives	
			Banasmita Bora, Ms	India	
21	Raj	Rajshahi city, Natore, Bogra, Naogaon, Chapai Nawajganj, joypurhat	Norodin Malanao, Mr	Philippines	LTO
			Aulina Adamy, Ms	Indonesia	
22	Raj_A	Siratganj	Bambang Kusrianto, Mr	Indonesia	STO
			Indika Nirosh Bandara, Mr	Sri Lanka	
23	Raj_B	Pabna	Qazi Asad -Ur -Rehman, Mr	Pakistan	
			Chiyuki Inoue, Ms	Japan	
24	Raj_C	Dinajpur	Raymond Copulong Ciriaco, Mr	Philippines	
			Sandar, Ms	Burma	
25	Raj_D	Nogaon	Wilfredo Laudit Bleza, Mr	Philippines	
			Shodiqin, Mr	Indonesia	

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#	Code	Cover Area	Observer Names	Country	Position
26	Chit-1	Chittagong City, Bandarban, Rangamati, Khagrachhari, Cox Bazar	U Soe Ong, Mr	Burma	LTO
			Noor-Ul-Ain, Ms	Pakistan	
27	Chit-2	Noakhali, Laksmipur, Chandpur, Comilla, Chandpur	Keo Darith, Mr	Cambodia	
			Bishnu Kumari Sharma, Ms	Nepal	
28	Chit_A	Rhanggamati	Md. Naeem Asghari, Mr	Afganistan	STO
			Sokha Huo, Mr	Cambodia	
29	Chit_B	Bandarban	Pompen Khongkachonkiet, Ms	Thailand	
			Supha Tiprat, Ms	Thailand	
30	Chit_C	Khagrachhari	Yada Hatthatummanoon, Ms	Thailand	
			Foto Gone, Mr	Burma	
31	Chit_D	Laksmipur	Min Naing, Mr	Burma	
			Stephen Brooks, Mr	Canada	
			Indira Lai Adhikari, Mr	Nepal	
32	Chit_E	Noakhali	Kazumi Abe, Ms	Japan	
			Saman Bandulasena, Mr	Sri Lanka	
33	Chit_F	Comilla	Bidhayak Das, Mr	India	
			Paing Paing, Mr	Burma	
34	Chit_07	Brahmanbaria	Munjin Park, Ms	South Korea	
			Kyu Yeon Cho, Mr	South Korea	
			Aimal Khan, Mr	Pakistan	
35	OK	Mobile	Cung Lian Hmunga, Mr	Burma	
			Kai Nam Shai, Mr	Burma	

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Annex 8 – Results of LTO Voter Questionnaire

LTO Voter Questionnaire results - 1 - 24 December 2008, Bangladesh. 942 voters were interviewed by 20 LTOs in all six divisions of Bangladesh.

				Total				Rural	Urban
				Total %	Male as % of total	Female as % of total	<30 as % of total	>30 as % of total	Total %
Election environment									
Do you think that the election environment is free and fair?	Yes, free and fair			89.5%	47.3%	42.1%	42.4%	47.1%	93.5%
	Mostly free and fair, but I have some concerns			6.8%	3.3%	3.5%	2.2%	4.6%	4.6%
	No, not free and fair			2.1%	1.4%	0.7%	0.7%	1.4%	0.8%
	Not sure/no response			1.6%	0.7%	0.8%	1.1%	0.5%	1.1%
Do you think a State of Emergency can create a positive environment for the election?	Yes			64.1%	34.2%	29.9%	31.2%	32.9%	64.6%
	No			20.1%	11.4%	8.7%	7.6%	12.4%	18.4%
	Not sure/no response			15.8%	7.2%	8.6%	7.7%	8.1%	17.1%

Election administration									
Do you know any eligible voters who are still unregistered?	Yes	17.5%	10.9%	6.6%	7.3%	10.2%	17.4%	12.2%	
	No	79.9%	39.5%	40.4%	37.6%	42.4%	81.0%	38.2%	
	Not sure/no response	2.5%	2.1%	0.4%	1.6%	1.0%	1.6%	1.1%	
The government has introduced a new National ID Card. Do you think it on Election Day will stop election fraud?	Yes	93.3%	48.3%	45.0%	45.1%	48.2%	93.3%	47.6%	
	No	2.2%	2.1%	0.1%	0.4%	1.8%	1.6%	1.6%	
	Not sure/no response	4.4%	2.3%	2.0%	1.4%	3.0%	4.9%	2.4%	
How effective do you think the new voter list will be in stopping election fraud?	Effective	93.2%	48.4%	44.8%	44.4%	48.8%	92.8%	47.6%	
	Not effective	1.8%	1.6%	0.2%	0.3%	1.5%	1.5%	1.1%	
	Not sure/no response	5.0%	2.5%	2.4%	2.0%	3.0%	5.7%	2.8%	
Do you think the BEC is neutral or biased?	Neutral	73.8%	38.7%	35.0%	35.2%	38.5%	73.5%	38.7%	
	Bias	9.8%	6.7%	3.1%	3.4%	6.4%	7.3%	5.0%	
	Not sure/no response	16.8%	7.3%	9.4%	8.1%	8.7%	19.7%	8.0%	
Does the CTG favour any political party?	Yes	15.4%	9.7%	5.7%	6.9%	8.5%	8.9%	5.9%	
	No	69.4%	37.9%	31.5%	31.5%	37.9%	73.3%	41.0%	
	Not sure/no response	13.6%	4.4%	9.2%	7.1%	6.5%	15.8%	3.9%	

Political parties										
Are you optimistic that political parties will bring change to Bangladesh after the election?	Yes		76.4%	39.1%	37.4%	36.5%	39.9%	80.3%	40.3%	
	No		13.5%	8.4%	5.1%	5.8%	7.6%	10.6%	7.0%	
	Not sure/no response		9.4%	4.8%	4.7%	3.7%	5.7%	8.9%	4.2%	
Do you think candidates in this election will be accountable and responsible if elected?	Yes		60.8%	33.5%	27.3%	29.4%	31.4%	61.1%	34.1%	
	No		21.0%	11.7%	9.3%	8.6%	12.4%	19.0%	11.2%	
	Not sure/no response		18.2%	7.6%	10.5%	8.9%	9.2%	19.8%	6.3%	
Do you think that restrictions on campaigning are fair or unfair?	Fair		68.5%	35.9%	32.6%	31.1%	37.4%	67.3%	35.1%	
	Unfair		21.1%	11.7%	9.4%	9.6%	11.6%	20.7%	10.7%	
	Not sure/no response		9.8%	4.9%	4.9%	5.3%	4.5%	12.0%	6.0%	
Campaigning										
Does anything restrict the campaigning of political parties?	Always		14.5%	8.1%	6.5%	5.7%	8.8%	13.5%	8.0%	
	Sometimes		15.1%	9.7%	5.4%	7.5%	7.5%	11.7%	7.0%	
	Never		50.1%	25.3%	24.8%	23.0%	27.1%	52.4%	26.2%	
	Not sure/no response		11.6%	4.8%	6.8%	6.3%	5.3%	13.0%	5.4%	

Are people free to attend campaign rallies and speeches?	Yes	75.8%	41.1%	34.7%	35.6%	40.2%	77.7%	42.1%
	No	15.4%	7.4%	8.0%	7.0%	8.4%	14.1%	6.7%
	Not sure/no response	8.0%	3.7%	4.2%	3.6%	4.4%	8.3%	3.1%
Have any parties or candidates tried to buy votes with money or gifts?	Yes	12.2%	7.6%	4.6%	5.1%	7.1%	12.0%	7.5%
	No	83.0%	42.5%	40.6%	39.1%	43.9%	84.2%	42.6%
	Not sure/no response	4.8%	2.8%	2.0%	2.0%	2.8%	3.9%	2.1%
Have any parties or candidates used threats, intimidation or violence?	Yes	19.7%	11.6%	8.2%	8.4%	11.4%	18.7%	11.4%
	No	75.4%	38.3%	37.0%	35.6%	39.8%	76.3%	38.0%
	Not sure/no response	4.9%	2.8%	2.1%	2.5%	2.3%	5.0%	2.3%
Media								
Do you think that media in Bangladesh is fair and balanced?	Yes, always	57.3%	28.5%	28.9%	26.3%	31.0%	60.3%	30.6%
	Sometimes	19.5%	13.6%	5.9%	8.0%	11.6%	17.6%	12.4%
	No, never	10.0%	6.5%	3.5%	5.6%	4.4%	6.2%	4.2%
	Not sure/no response	13.2%	4.2%	8.9%	6.7%	6.5%	15.9%	4.6%
Voter education								
Do you feel like there has been enough education about voting processes in the area?	Yes	39.4%	23.8%	15.6%	17.7%	21.7%	37.4%	23.4%
	No	54.8%	24.9%	29.8%	26.8%	28.0%	57.2%	24.6%
	Not sure/no response	5.8%	4.0%	1.8%	2.2%	3.6%	5.2%	3.9%

Participation of women												
Do women have freedom to express their opinions?	Yes, always		58.5%	32.7%	25.8%	27.2%	31.3%	58.5%	33.2%			
	Sometimes		21.5%	11.9%	9.7%	10.7%	10.8%	19.0%	9.8%			
	Never		15.0%	5.4%	9.6%	5.8%	9.1%	16.3%	5.9%			
	Not sure/no response		5.0%	2.4%	2.5%	2.8%	2.2%	6.2%	2.8%			
Do you think that there are enough women in politics and government?	Yes		41.1%	23.7%	17.4%	19.4%	21.7%	41.0%	25.0%			
	No		51.3%	24.7%	26.5%	23.9%	27.4%	50.2%	22.3%			
	Not sure/no response		7.6%	4.0%	3.6%	3.2%	4.5%	8.6%	4.1%			
Do women have the same say as men in politics and government?	Yes		52.3%	29.0%	23.4%	26.1%	26.2%	53.3%	29.6%			
	No		34.8%	18.3%	16.6%	15.1%	19.7%	32.2%	16.6%			
	Not sure/no response		12.2%	5.1%	7.1%	5.4%	6.8%	14.3%	5.2%			
Minorities												
Does anything stop minorities participating in the electoral process?	Yes		21.5%	10.5%	11.0%	8.5%	13.1%	22.1%	11.1%			
	No		73.7%	39.5%	34.2%	34.7%	39.0%	72.0%	37.6%			
	Not sure/no response		4.8%	2.1%	2.7%	3.3%	1.5%	6.2%	2.6%			

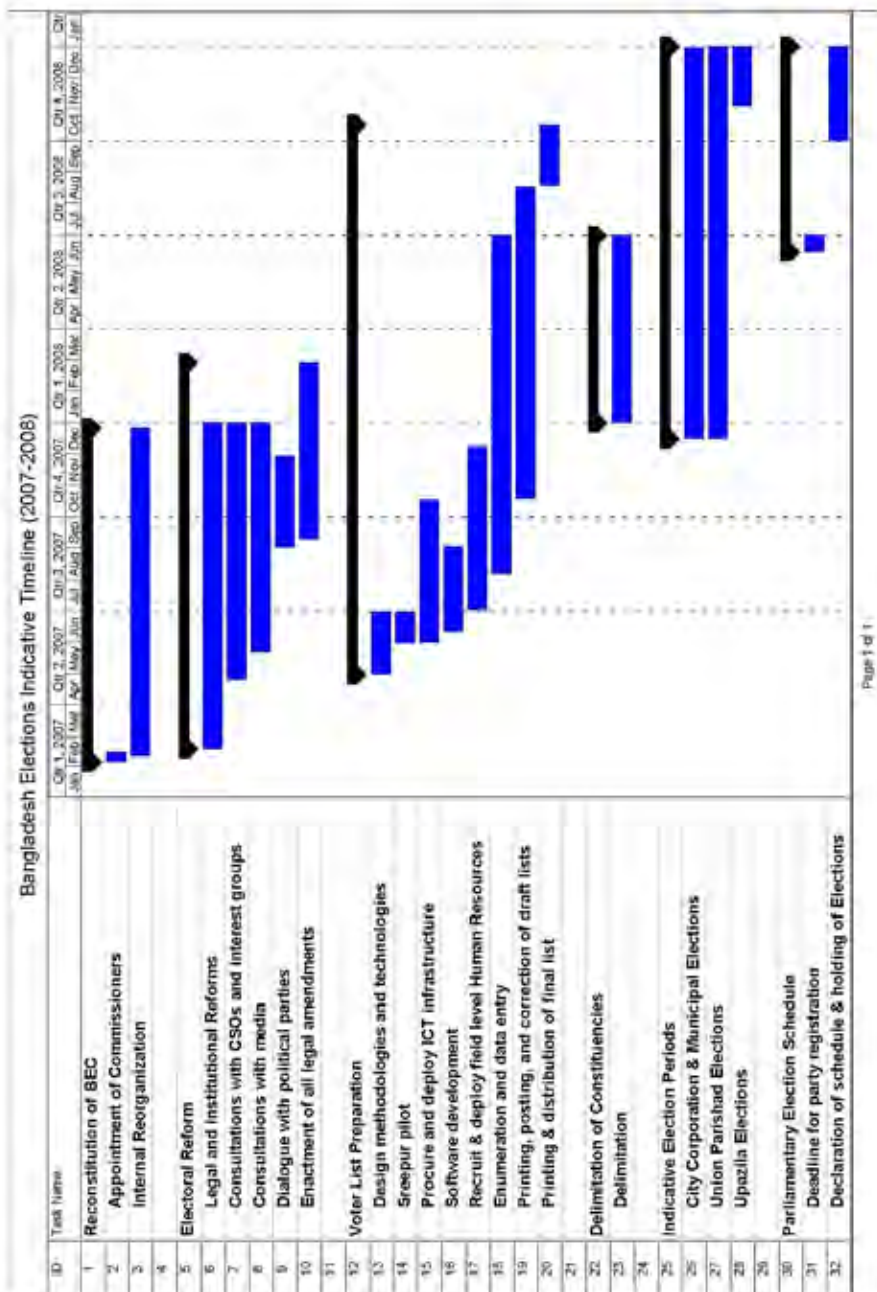
Annex 9 – Results of STO Voter Questionnaire

STO Voter Questionnaire results - 25 - 28 December 2008, Bangladesh.
888 respondents were interviewed by 74 observers in 35 districts across Bangladesh

Questionnaire		Total %
Did you get enough information about how to cast your ballot?	Yes	88.1%
	No	10.9%
	No response	1.0%
Do you know where your polling station is?	Yes	94.9%
	No	5.0%
	No response	0.1%
Do you need to show your ID Card to vote?	Yes	78.1%
	No	19.3%
	No response	2.6%
Have you seen/heard any voter education? (TV, radio, theatre, posters, booklets, etc)	Yes	90.1%
	No	9.9%
	No response	0.0%

Questionnaire		Total %
Has any candidate or agent come to campaign in this area?	Yes	83.2%
	No	16.4%
	No response	0.3%
Has anyone been threatened to vote in a particular way?	Yes	5.5%
	No	92.5%
	No response	2.0%
Has anyone offered you money for your vote?	Yes	8.4%
	No	91.4%
	No response	0.2%
Do you fear anything will stop you casting your vote freely?	Yes	8.7%
	No	91.1%
	No response	0.2%
Has there been any violence in this area during the election period?	Yes	10.4%
	No	89.2%
	No response	0.3%

Annex 10 – BEC roadmap for election preparations



Annex 11 – Official election schedule

According to section 11 of the RPO, the BEC must specify by notification in the official Gazette the dates for nomination of candidates, scrutiny and withdrawal of nomination papers and the election itself. After some delay, caused by legal objections to new delimitations of constituencies, the BEC released its initial notification on 3 November 2008. This schedule was amended on 9 November to extend nomination deadlines. The Schedule was amended again on 20 November to encourage parties to participate. It was released for the fourth time on 24 November to postpone the polling date to 29 December 2008.

The final schedule for the ninth Parliamentary election 2008 was as follows:²⁴⁷

- Last date of filing of nomination papers 30 November 2008
- Dates of scrutiny of nomination papers 3 - 4 December 2008
- Last date of withdrawal 11 December 2008
- Polling date 9 December 2008

²⁴⁷ BEC website 'Re-Schedule of 9th Parliamentary Election 2008.' Available: http://www.ecs.gov.bd/English/QLTemplate1.php?Parameter_QLSCat_ID=44&ByDate=0&Year= [accessed 3 March 2009].

Annex 12 – ANFREL statements issued during mission

PRESS RELEASE

Asian observers deployed for JS election

DHAKA, 30 November 2008- The Asian Network for Free Elections (ANFREL) will deploy 70 international observers to monitor the Ninth Jatiya Sangsad (National Parliament) elections on the invitation of the Bangladesh Election Commission.

ANFREL is pleased to note that its observation mission is one of the largest to be deployed and the only one conducted by Asian civil society, comprising observers from 19 countries representing 33 organizations. This will be ANFREL's 35th observation mission since its inception in 1997 and second mission to Bangladesh.

The mission will impartially assess parliamentary elections in line with international benchmarks of inclusive, free and transparent democratic processes.

The first stage of ANFREL's mission is the deployment of 20 Long-Term Observers from 1 December 2008 to 3 January 2009, who will be monitoring the pre-election environment, campaigning, media, election preparations and the counting processes.

The second stage involves the deployment of 50 Short-Term Observers from 21 to 30 December. ANFREL's Short-Term Observers will monitor the immediate pre-election environment, cooling period, and voting and counting processes.

The mission is led by Damaso Magbual, Chairperson of ANFREL and leader of NAMFREL (NCR) in Manila, Philippines. ANFREL will present an initial post-election report two days after the polls and a detailed report in March 2009.

“I’m proud to join ANFREL’s mission in solidarity with the people of Bangladesh. I hope that campaigning will be peaceful and lawful, the election will involve all stakeholders and democracy here will be finally restored,” said ANFREL’s Executive Director Somsri Hananuntasuk.

For more information please contact Mr. Ichal Supriadi, Mission Director, on 01741140947 or visit ANFREL’s website at www.anfrel.org

PRESS STATEMENT

Dhaka, Dec 20 - The Asian Network for Free Election (ANFREL) urges all election stakeholders to intensify efforts to educate voters, particularly rural or illiterate voters, about voting procedures.

ANFREL's preliminary findings showed that there is a general lack of awareness about the voting process. Often, respondents said they rely on past voting experiences and are unsure of new developments such as the 'no vote' and the code of conduct for candidates.

Some, particularly first-time voters, believe that they need to present their National ID Cards in order to cast their ballots. Others expressed that they were completely unsure of the voting process.

These issues can be attributed to the lack of proper voter education programmes. Only 37% of rural voters and about 39% of urban voters told ANFREL observers that there was sufficient voter education.

"Rural and illiterate people make up a large bulk of voters. If not properly informed about the election process, they may face unnecessary misunderstandings on voting day which may affect the integrity of this election," said ANFREL executive director Somsri Han-anantasuk.

Media campaign not reaching everyone

ANFREL applauds the voter education efforts undertaken by the Bangladesh Election Commission (BEC) and civil society groups such as the Election Working Group (EWG).

The BEC has produced posters as well as television and print advertisements on topics such as the code of conduct for candidates and ‘no vote’.

Moreover, EWG has television advertisements targeted at women, youths and first-time voters and will deliver some nine million copies of its voter guide and about 300,000 voter education posters.

These are commendable efforts as the BEC and EWG materials are well produced and easy to understand. However, as the data collected by ANFREL shows that these programs have yet to achieve the desired results as the materials may not be reaching the illiterate, rural and remote areas.

“We hope that the BEC and other stakeholders recognize that there is still time to reach out to the rural and illiterate voters by holding voter education activities,” added Somsri.

Ensure security of voters

ANFREL also welcomes the decision of the Care Taker Government to lift the State of Emergency as promised, restoring fundamental constitutional rights such as freedom of movement, assembly and speech. Hopefully, this would allow the democratic process in Bangladesh to proceed smoothly.

“Though Emergency laws have been withdrawn, it is hoped that all participants in the elections take all necessary measures to avoid violence and intimidation during the election period, to avoid a repeat of violent incidents during 2001,” adds Somsri.

Voters often expressed their concerns over the security situation. In fact, many voters told ANFREL observers that the State of Emergency could help ensure their security during the election period.

The deployment of troops today to ensure pre-polling peace will help maintain security but ANFREL hopes that the military will not overstep its boundaries and influence the elections.

ANFREL is also proud to announce in addition to our 20 observers currently in Bangladesh, another 50 international observers from 16 Asian countries will be deployed on December 24 to observe the immediate pre-polling environment and polling processes.

The mission would be led by Damaso Magbual of the Philippines.

For further enquiries, please contact ANFREL Media Officer Andrew
Ong at 017 3355 1184

PRESS STATEMENT

Dhaka, Dec 31 - The Asian Network for Free Elections (ANFREL) congratulates the people of Bangladesh for holding successful elections to the ninth Jatiya Sangsad, moving together towards a new era of democracy and development.

Reports from ANFREL's 70 international observers, deployed throughout the country, indicate that the December 29 election process was conducted with integrity and credibility.

"We commend the measures taken by the Bangladesh Election Commission (BEC), the Care-Taker Government (CTG), civil society groups and other stakeholders. They fostered a peaceful and inclusive election environment which attracted a strong and enthusiastic voter turnout.

"Our observers have reported some isolated breaches of electoral laws, but we do not believe these incidents affected the overall election process," said ANFREL Head of Mission Mr. Damaso Magbual.

ANFREL recognizes that great strides have been taken by the CTG in amending existing laws and introducing new laws, such as a strict code of conduct and nomination procedures. These measures, combined with the lifting the State of Emergency, set the framework for a conducive election environment.

Campaigning was largely peaceful and most candidates adhered to the BEC code of conduct. There were isolated incidents of clashes between party supporters and violations of the code of conduct, but such incidents did not disrupt the election process. Those with grievances should pursue appropriate legal mechanisms for the resolution of their disputes.

Though generally pleased with the conduct of the polls, ANFREL hopes that all stakeholders will build on the success of this election to improve the process further, especially in these areas:

1. ANFREL's primary concern was the number of voters who could not find the correct polling booth to vote. Voters were dependent on party 'chits' which outlined their serial number, polling booth number and polling station location. Voter assistance should be handled by the BEC.
2. An even greater degree of transparency could be achieved by allowing members of the public to observe the counting process.
3. Most polling centers experienced long queues. Many had no mechanisms to grant the disabled, the elderly and mothers with children any priority. Some voters gave up after queuing for hours.

ANFREL is also concerned about the apparent breakdown of security in at least two areas of Chittagong division.

In Khagrachari, a group allegedly prevented people from voting in up to 16 polling centers. In Comila-11, supporters from one party allegedly attacked both male and female voters before entering polling booths and tampering with votes.

"People must be allowed to vote without any fear or intimidation. We hope the authorities will expedite investigation into allegations of violence," added Mr. Magbual.

More than 400 polling centers were observed during polling day. ANFREL will release its preliminary mission report on 5 January 2009 and the final report in March 2009.

Annex 13 – Media coverage of ANFREL in Bangladesh

Newspapers

Date	Organisation	Language	
Dec 1	Daily Star	English	ANFREL to bring 70 polls observers
Dec 1	New Age	English	Emergency should go before campaign starts: ANFREL
Dec 2	Protom-Alo	Bengali	ANFREL deploys 70 election observers
Dec12	Daily Star	English	Bangladesh polls: The world is watching (opinion). Author... Somsri Han-anantasuk
Dec 17	Daily Star	English	Eyes Wide Shut (opinion) by Tazreena Sajjad
Dec 21	New Age	English	Military should not overstep its boundaries: Anfrel
Dec 21	Protom-Alo	Bengali	ANFREL hopes there will be no polls violence
Dec 21	Amader Shomoy	Bengali	Military should not interfere with elections, ANFREL
Dec 21	Daily Jugantor	Bengali	There is a lack of voter education, ANFREL
Dec 21	Jai Jai Din	Bengali	ANFREL appeals that rural and illiterate voters be educated on voting procedures

Date	Organisation	Language	
Dec 21	Daily Inqlab	Bengali	Educate rural and illiterate voters about voting process: ANFREL urges based on preliminary findings
Dec 23	Amader Shomoy	Bengali	CEC: Biased observers will be blacklisted
Dec 23	Daily Star	English	EC to blacklist observers if found biased
Dec 23	Janakantha	Bengali	CEC: Biased observers will be blacklisted
Dec 23	Jugantor	Bengali	CEC: Biased observers will be blacklisted
Dec 23	Manabzamin	Bengali	CEC: Observers siding any party will be held liable
Dec 23	Naya Diganta	Bengali	CEC: We will be seen as neutral after polls
Dec 23	New Age	English	CEC warns polls observers over biased roll
Dec 23	Prothom-Alo	Bengali	CEC: New voters will decide political future
Dec 23	Sangram	Bengali	CEC: Biased observers will be blacklisted
Dec 30	New Nation	English	Counting held professionally: Foreign observers
Jan 01	Amader Shomoy	Bengali	No fault found to cancel election – Khaleda Zia has right to complain

Date	Organisation	Language	
Jan 01	Inqilab	Bengali	Polls fair, neutral and of international standards
Jan 01	Ittefaq	Bengali	Polls meet international standards, complaints could not be verified
Jan 01	Daily Star	English	Observers find no irregularities
Jan 01	Daily Star	English	Accept polls result to strengthen democracy
Jan 01	Jugantor	Bengali	Election was neutral, credible and of international standards – International observers have not found any evidence of Khaleda Zia's complaints
Jan 01	Jai Jai Din	Bengali	Polls free, fair, meets international standards – EU, Commonwealth, NDI and ANFREL says
Jan 01	Manabzamin	Bengali	ANFREL says elections free, accept the results
Jan 01	New Age	English	ANFREL terms elections fair

Radio

Date	Organisation	Language	
Dec 20	Abc Radio Dhaka 89.2fm	Bengali	ANFREL mid-term press conference
Dec 20	Radio Today 89.6fm	Bengali	Ibid
Dec 22	Abc Radio Dhaka 89.2fm	Bengali	Opening ceremony of ANFREL STO briefing by Chief Election Commissioner Dr ATM Shamsul Huda
Dec 22	Radio Today 89.6fm	Bengali	Ibid
Dec 31	Abc Radio Dhaka 89.2fm	Bengali	ANFREL post-election press conference
Dec 31	Radio Today 89.6fm	Bengali	Ibid

Television

Date	Organisation	Language	
Dec 20	ETV	Bengali	ANFREL mid-term press conference
Dec 22	ATN Bangla	Bengali, English	Opening ceremony of Anfrel STO briefing by Chief Election Commissioner Dr ATM Shamsul Huda
Dec 22	Bangladesh TV	Bengali, English	Ibid.
Dec 22	Banglavision	Bengali	Ibid.
Dec 22	Boishaki	Bengali	Ibid.
Dec 22	Channel 1	Bengali	Ibid.

Dec 22	Channel i	Bengali	Ibid.
Dec 22	Democratic Voice of Burma	Burmese	Ibid.
Dec 22	ETV	Bengali	Ibid.
Dec 22	NTV	Bengali	Ibid.
Dec 22	RTV	Bengali	Ibid.
Dec 31	ATN Bangla	English, Bengali	Anfrel post-polling day press conference
Dec 31	Bangla Vision	Bengali	Ibid
Dec 31	Channel i	Bengali	Ibid
Dec 31	Channel 1	Bengali	Ibid

News Agencies

Dec 22	Reuters	English	Bangladesh polls chief says voters key to change
Dec 22	bdnews24	English	Observers will be blacklisted for affiliation, bias: CEC
Dec 22	BSS	English	2500 foreign observers to watch JS elections
Dec 23	Pakistan	English	Pakistanis to monitor BD votes
Dec 26	Reuters	English	Khaleda asks supporters to guard Bangladesh polls
Dec 28	Press Trust India	English	Indian team among 2 lakh observers for B'desh polls
Dec 31	Press Trust India	English	Bangladesh polls was free, fair and credible: Observers
Jan 01	Nepal	English	An experience with the Bangladesh polls

Annex 14 – Background information on ANFREL

Formed in November 1997, the Asian Network for Free Elections (ANFREL) has established itself as the preeminent NGO in Asia working on elections. ANFREL's main objectives are to observe and report on pre and post-electoral processes and to develop and train civil society groups that are actively working on democratization in their home countries.

To date ANFREL has operated in 34 elections in 16 countries, including Afghanistan, Philippines, Cambodia and Bangladesh, and in post-conflict areas such as East Timor, Nepal and Aceh.

ANFREL draws its observers from a network of partner civil society organisations in Asia, listed below. Our long-term aim is to build expertise on elections and governance in the region, entrenching a culture of democracy that is seen as locally developed rather than externally imposed. Through observing election administration internationally, our observers have developed a strong understand of international best practice – knowledge that can then be applied in their home countries.

Objectives

As part of its overall objective of supporting democratization efforts in Asia, ANFREL is committed to supporting national based organizations initiatives on:

- A. Election monitoring / pre-post election, referendum and local election and other democracy-related processes
- B. Education and trainings on election and democracy-related studies
- C. Research on election and democracy-related issues and cover electoral and democratic reforms

D. Conduct campaigns and advocacy work on issues related to democratic processes

E. Information dissemination and publication of material related to election and other democratic processes

F. Creation of an environment conducive to a democratic development in the spirit of regional solidarity

Election observation mission objectives

For all of our election observation missions, we aim:

1. To support the enhancement of the integrity of electoral processes and minimize election irregularities and election-related human rights violations
2. To provide accurate, impartial information and analysis on issues related to general elections in particular and prospects for democratic development in general
3. To enhance and sustain the capacity of civil society organisations to ensure an environment conducive for the conduct of free elections as well as for the realisation of people's aspiration for democracy
4. To strengthen the civil society among participating nations (achieved in training and promotion of democratic values among members of the observation mission)
5. To support and strengthen local networks of elections observation bodies in organising, information gathering and data exchanging activities during missions
6. To publish a mission report which underlines the outcome of the observation mission of the observation team, together with recommendations for the electoral process

List of ANFREL election observation missions

Country	Election date	Election type
Malaysia (Permatang Pauh)	August 2008	Parliamentary by-election
Philippines (ARMM)	August 2008	Regional elections
Cambodia	July 2008	General elections
Sri Lanka	May 2008	East provincial elections
Nepal	April 2008	Constituent Assembly elections
Taiwan	March 2008	Presidential elections
Thailand	August 2007	Constitutional referendum
East Timor	July 2007	Parliamentary elections
Mindanao, Philippines	May 2007	General elections
East Timor	April 2007	1 st round Presidential elections
Aceh	December 2006	Governor and mayoral elections
Thailand	April 2006	Parliamentary elections

Country	Election date	Election type
Singapore	May 2006	General elections
Thailand	November 2005	Provincial re-elections
Sri Lanka	November 2005	Presidential elections
Thailand	February 2005	Parliamentary elections
Afghanistan	October 2005	Parliamentary elections
Taiwan	December 2004	Legislative elections
Indonesia	December 2004	Presidential + Legislative elections
United States (Ohio)	November 2004	Presidential elections
Afghanistan	October 2004	Presidential elections
Sri Lanka	April 2004	Parliamentary elections
Cambodia	July 2003	General elections
Pakistan	October 2002	Parliamentary + provincial elections
Cambodia	February 2002	Commune council elections
Sri Lanka	December 2001	Parliamentary elections
Bangladesh	October 2001	Parliamentary elections

Country	Election date	Election type
East Timor	August 2001	Constituent Assembly elections
Tamil Nadu (India)	May 2001	State elections
Thailand	January 2001	Parliamentary elections
Sri Lanka	October 2000	Parliamentary elections
Japan	June 2000	General elections
Sri Lanka	December 1999	Presidential elections
Malaysia	November 1999	General elections
East Timor	September 1999	Constitutional referendum
Indonesia	June 1999	General elections
Nepal	May 1999	Parliamentary elections
Cambodia	August 1998	National elections

Annex 15 – Selected news clippings

:The Daily Star: Internet Edition

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ANFREL to bring 70 poll observers

Staff Correspondent

The Asian Network for Free Elections (ANFREL) Foundation, an international election observation mission, will engage about 70 international observers in 35 districts across the country to monitor the upcoming parliamentary elections at the invitation of the Election Commission.

A delegation comprised of mission Director Ichal Supriadi and Executive Director of ANFREL Foundation Somsri Hananuntasuk disclosed it yesterday at a press conference at the Jatiya Press Club in the capital.

Damaso Magbual of Philippines and Kingsley Rodrigo of Sri Lanka will lead the mission that will observe the pre-and post-election environments as well as polling and counting process on the election day.

The delegation said the first group of 20 long-term observers would be engaged from December 1 to January 3 to monitor the pre-election environment, campaigning, media, election preparations and the counting process.

The second group of 50 short-term observers will be engaged from December 21-30 to monitor the immediate pre-election environment, voting and counting processes.

"I am proud to join ANFREL's mission in solidarity with the people of Bangladesh. I hope that campaigning will be peaceful and lawful, the election will involve all stakeholders and democracy here will be finally restored," said Somsri Hananuntasuk.

She said the mission would impartially assess parliamentary elections in line with international benchmarks of inclusive, free and transparent democratic process and present an initial post-election report two days after the polls and a detailed report in March 2009.

Asked whether the election will be free and fair under the state of emergency, mission Director Ichal Supriadi said the government should ensure freedom of speech and make sure that all voters can go to the polling centres without any trouble.

International observer Corazon Ignacio and Bishnu Kumari Sharma, among others, were present.

Daily star, Dec 12, 2008, Page 10

Bangladesh polls: The world is watching

SOMSRI HAN-ANUNTASUK

UNCERTAINTY has loomed over the restoration of democracy in Bangladesh for nearly two years. International observation groups were initially unsure if the December 18 elections, rescheduled for December 29, would be held in 2008. Regardless, a large number of international observers are being deployed throughout the country, their spirits bolstered by increasing signs that there will be no more delays to the polling date.

It is this very uncertainty which makes Bangladesh a compelling case study for the international community. One of the more unique features in Bangladesh politics is the caretaker government (CTG) system.

The CTG system was introduced in 1996 by an amendment to the constitution, and had the agreement of all key political parties. The CTG provisions stipulate that an interim non-party government is to facilitate the transition of power by preparing the country for elections. New elections must be held within 90 days. Meanwhile, the CTG is to carry on the routine functions of government, although it is supposed to refrain from making policy decisions.

In 2006, the CTG was activated for the fourth time, with President Prof. Iajuddin Ahmed assuming the position of chief advisor. This was followed by a period of civil unrest, leading to the proclamation of emergency on January 11, 2007.

To its credit, the CTG has put in a significant amount of effort to ensure a credible election. Now it is up to all the stakeholders to ensure a significant reduction in polling irregularities and violence. This will allow the Bangladeshi people to play a meaningful role in shaping the country's future through the ballot box.

Iajuddin resigned, paving the way for Dr. Fakhruddin Ahmed, who soon appointed ten advisors to look after the 34 ministries.

Bangladesh stands out as the only country in Asia that practices a constitutionally established CTG. Foreigners might regard the concept of a CTG as an undemocratic and unusual practice, as the advisors of the CTG are not appointed by or accountable to the people.

Voters seem to have another take on the CTG. Preliminary findings from our organisation, The Asian Network for Free Elections (ANFREL) indicates that people support the CTG system as it helps to ensure a safe environment and, thus, free and fair elections. However, our preliminary findings also indicate that the current CTG has been in existence for too long and should be replaced by a democratically elected government as soon as possible.

Concerns with the CTG are in part also due to its army backing. In view of the suspension of constitutional rights, some worry that the army may have some influence on the election and institutions in

Bangladesh.

Credibility at stake

While some may question the legitimacy of the CTG, there had been significant steps taken by the government to improve the integrity of the elections and contribute towards the return to democracy.

For instance, the new photographic voter list system is drawing keen interest from foreign observers who want to gauge its effectiveness in stamping out voter impersonation and multiple voting. Bangladesh is the only country in South Asia and the second country in Asia, after Philippines, to have such a system.

Foreign observers will also be looking for any political violence during the election period. It has been almost two years since any major act of political violence took place in Bangladesh, and the continuity of this violence-free atmosphere is crucial for a free and democratic process. Hopefully, the two major political parties will familiarise themselves with non-violent political rivalry.

Refraining from political violence will

be even more crucial when campaigning begins, followed by the expected lifting of Emergency. Democracy can only be allowed to flourish if people and candidates are allowed to express their views freely without fear of violence or threats.

Although the necessary laws are in place to discourage political violence, the Election Commission (EC) can still take precautionary steps, such as requiring participating parties to sign a pledge of non-violence. This is not a new practice in Asia. In the December 2006 governor and mayoral elections of Aceh, Indonesia, all major party leaders were compelled to swear in a mosque that violence would not be used during the election period.

Another step the Bangladesh authorities and the EC could take to avoid clashes is to keep political parties apart during their campaign activities. For example, permission for the use of popular venues to hold rallies can be rotated between contesting candidates. This practice is common in Indonesia and Thailand.

To its credit, the CTG has put in a significant amount of effort to ensure a credible election. Now it is up to all the stakeholders to ensure a significant reduction in polling irregularities and violence. This will allow the Bangladeshi people to play a meaningful role in shaping the country's future through the ballot box.

Somsri Han-anuntasuk is executive director of the Bangkok-based Asian Network for Free Elections (ANFREL).



যায়যায়দিনের সম্মেলন কক্ষে সিনিয়র সাংবাদিকদের সঙ্গে মতবিনিময় করছে আনফ্রেনেলের তিন সদস্যের প্রতিনিধি দল

—যায়াদি

যায়যায়দিনের সঙ্গে আনফ্রেনেল প্রতিনিধি দলের মতবিনিময় অবাধ ও শান্তিপূর্ণ নির্বাচনের আশাবাদ

যায়াদি রিপোর্ট

নির্বাচন পর্যবেক্ষক সংগঠন এশিয়ান নেটওয়ার্ক ফর ট্রি ইলেকশন (আনফ্রেনেল) প্রতিনিধিরা আশা করেন, আসন্ন জাতীয় সংসদ নির্বাচন সুষ্ঠু, অবাধ ও শান্তিপূর্ণ হবে। গতকাল বিকালে আনফ্রেনেলের তিন সদস্যের প্রতিনিধিদল যায়যায়দিন পত্রিকার সিনিয়র সাংবাদিকদের সঙ্গে মতবিনিময়কালে এ অভিমত ব্যক্ত করেন। প্রতিনিধিদল নির্বাচনে জনগণের অংশগ্রহণসহ বিভিন্ন বিষয়ে মিডিয়ার দায়িত্বশীল ভূমিকার কথা উল্লেখ করেন। আনফ্রেনেলের নির্বাহী পরিচালক সমসরি হানানউটাসুকের নেতৃত্বে প্রতিনিধিদলের অন্য সদস্যরা হলেন অ্যাঙ্কু ওয়াং কোক হেং ও কল্ললতা দত্ত। প্রতিনিধিদলকে স্নাতক জানান যায়যায়দিনের নির্বাহী সম্পাদক মাহমুদ আল ফয়সাল। তিনি প্রতিনিধিদলকে পত্রিকার বিভিন্ন বিভাগ ঘুরে দেখান।

পরে যায়যায়দিনের সম্মেলন কক্ষে নির্বাহী সম্পাদকের সভাপতিত্বে এক মতবিনিময় সভার আয়োজন করা হয়। এতে আনফ্রেনেলের প্রতিনিধিরা ছাড়াও যায়যায়দিনের বার্তা সম্পাদক খালেদ ফারুকীসহ বিভিন্ন বিভাগের সিনিয়র সাংবাদিকরা নির্বাচন নিয়ে কথা বলেন।

যায়যায়দিন নির্বাহী সম্পাদক মাহমুদ আল ফয়সাল প্রতিনিধিদলকে নির্বাচন সামনে রেখে দেশের বর্তমান পরিস্থিতি তুলে ধরেন। তিনি বলেন, গণমানুষের প্রত্যাশা আসন্ন সংসদ নির্বাচন সুষ্ঠু, অবাধ ও নিরপেক্ষ এবং সবার কাছে গ্রহণযোগ্য হবে।

আনফ্রেনেলের নির্বাহী পরিচালক বাংলাদেশে প্রথমবারের মতো ব্যালট পেপারে ‘না’ ভোটের ব্যবস্থা নিয়ে অগ্রহ প্রকাশ করেন এবং এর সুফল বর্ণনা করেন। এ ক্ষেত্রে তিনি তার দেশ থাইল্যান্ডের উদাহরণ তুলে ধরেন। তিনি মন্তব্য

করেন, নির্বাচনে স্বচ্ছ ব্যালট বাজ ব্যবহার এবং ছবিসহ ভোটরপিস্ট প্রস্তুত হওয়ায় কারচুপির ঝুঁকি কমবে।

আনফ্রেনেলের ৭০ সদস্যের পর্যবেক্ষকদলের নির্বাচন পর্যবেক্ষণের কথা। কিংগ ডিসা জটিলতার কারণে অনেকেরই আসায় সমস্যা হচ্ছে। বিষয়টি নিয়ে তারা এরই মধ্যে নির্বাচন কমিশন ও সরকারের সংশ্লিষ্টদের সঙ্গে যোগাযোগ করেছেন।

যায়যায়দিন নির্বাহী সম্পাদক নির্বাচন চলাকালে আনফ্রেনেলকে সার্বিক সহায়তার আশ্বাস দেন। মতবিনিময় সভায় অন্যান্যের মধ্যে যায়যায়দিনের সহকারী সম্পাদক সালাম সাগোহ উর্দীন, ফিচার ইনচার্জ মাসুদ রুমী, কন্ট্রি ডেস্ক ইনচার্জ আপন মাহমুদ, ইন্টারন্যাশনাল ডেস্ক ইনচার্জ গোলাম শরীফ শাকিল, ইলেকশন পেইজ ইনচার্জ সাইমুল ইসলাম শ্যাম, স্পোর্ট রিপোর্টার মিনহন আশরাফ উপস্থিত ছিলেন।

Military should not overstep its boundaries: ANFREL

Staff Correspondent

THE Asian Network for Free Elections, a Bangkok-based international election observer group now in Bangladesh to observe the December 29 polls, on Saturday said the military should not overstep its boundaries and influence the elections.

There is no relationship between the military and democracy. It is the civil administration including the police to take care of the law and order during the election period. The military can only intervene when the situation goes beyond the control of the police, said the executive director of the observer group, Somjai Hananantauk, while replying to newsmen's queries at a press conference at the IRAC Centre two in the capital.

Deployment of the troops from Saturday, however, will bolster the security measures to protect all the election stakeholders ranging from the voters to the election officials. But we hope the military will not overstep its boundaries and influence the election process in any way, she said.

Divulging its study findings, the executive director said, The preliminary findings showed that there was a lack of awareness among the voters about the voting process.

Of a total of 500 respondents, only 37 per cent of the rural voters and about 59 of the urban voters had observed that there was sufficient voter education, she said and urged the authorities concerned and the political parties to take steps to educate the voters about the voting process by using dummy ballot papers.

Somjai Hananantauk said, 'We hope democracy will be restored in Bangladesh through December 29 elections with the state of emergency ended peacefully.'

In response to a question, the mission director of the organisation, Ibtel Supriadi, said, 'The organisation gets funds from the British High Commission and other international groups but operates independently.'

On an invitation from the Bangladesh Election Commission, a total of 20 international observers of the network have been deployed across the country, who will also monitor the post-election scenario. Besides, another 50-member delegation, headed by Ganesha Magbual, the ANFREL head in Bangladesh mission, will arrive today. They will monitor the immediate pre-election environment, cooling-off period, and the voting and counting processes.

The organisation will present an initial post-election report on December 31 and a detailed report in March 2009.

Electioneering gears up in Khulna

Times Kant Das - Khulna

ELECTIONEERING has geared up in the Khulna city with the supporters of different political parties going door to door seeking votes for their respective candidates.

The candidates contesting for different constituencies in the city are now busy addressing rallies and making mass contacts in different areas to woo voters.

Posters in support of the candidates have covered the whole city and the people are enjoying the electioneering with a festive mood.

Posters have been hung on

almost all the roads giving a festive look to the divisional city.

City dwellers are happy that this time posters were not pasted on the walls of any structures.

It is a good sign for sound and healthy politics, some city people said while talking to New Age on Saturday.

Festivity also marks the election campaign in other areas of Khulna with the polls only eight days away.

In the past, we used to see processions without band parties but this time processions are being brought with band parties, said Mahmud Hossain, Mayor of Sher-e-Bangla Road of the city.

All instalments in the city and other areas of the district have now become a place for gossiping on the forthcoming elections slated for December 29.

The people sitting at the tea stalls talk about the polls manifestos of different parties and the pledges of the candidates.

When a candidate visits any house to seek votes, a good many people accompany him for some time and hear their words, local sources said.

I think the ensuing national elections will held in a free, fair and peaceful manner, said Abdul Hamid Gazi, a tea-stall owner on Sir Iqbal Road in the city.



The Asian Network for Free Elections executive director, Somjai Hananantauk, addresses a news briefing at the IRAC Centre Inn in Dhaka on Saturday. — New Age photo

Over 50,000 troops deployed

Continued from page 1

M. Sakdawat Hossain told reporters in his office on Saturday.

He and troops would remain deployed across the country even after the announcement of the polls result. They will remain stationed in temporary camps across the country after the elections.

He said the troops had been given the 'area of operation' and they would work to ensure franchise of all voters, including women and minority people.

To safeguard polling centres it is not the duty of the striking force. It will work at our instructions, he said. He, however, said the Rapid Action Battalion and the police would continue with their duty as usual.

According to a decision of the home ministry, every district will get one battalion, drawing on 800 members of the Armed Forces. The Rapid Action Battalion and the Armed Police Battalion will be deployed on December 24.

The Armed Forces personnel will start functioning as returning or presiding officers' work assistance. They will also help the police and the Armed Forces in connection with the security of polling stations.

Each battalion of the striking force will be directed by an executive magistrate, who will act in line with the Representation of the People Order, regulations of the code of conduct for political parties and candidates and the Code of Criminal Procedure.

The troops will remain ready at one or more strategic points outside the upazila headquarters so that presiding officers can immediately contact them, if required.

Sakdawat urged the candidates and their supporters to refrain themselves from any post-elections violence and also asked them to go by the electoral code of conduct.

Terming the whole atmosphere good, he said the law enforcement agencies are working to recover illegal firearms and arrest criminals.

We have no worry or fear about the elections as the law enforcement agencies will remain alert, he said in reply to a question.

Poll campaigns peak in Ctg

Continued from page 1

Shamul Alam, the Bangladesh Nationalist Party-led alliance candidate for Chittagong-8 (Kotwali-Bakuria) constituency, on Saturday conducted door-to-door visits in Bakuria neighbourhood while his supporters were visiting different areas in groups.

vote for his father.

Supporters of other candidates are not lagging behind. Followers of independent candidate for the constituency, panel member of the Chittagong City Corporation M. Manjur Alam, brought out a procession in Agrabad area while A's nominee

the problems facing the constituency. His supporters brought out procession in Patenga.

The BNPD alliance candidate for Chittagong-7 (Chandgaon-Boulbain) constituency, M. Farhadullah, conducted mass contacts in Darapara and Bahadderpura



পতাকাল শনিবার মহাপ্রাঙ্গী গ্র্যাক পেটিনে এশিয়ান নেটওয়ার্ক ফর ট্রি ইলেকশন (এনফ্রেল) আয়োজিত আন্তর্জাতিক পর্যবেক্ষক মণ্ডলের সংবাদ সম্মেলনে বক্তব্য পেশ করেন মণ্ডলের প্রধান সোমেশ্বরী হানি অনন্তরাক-সত্যাম

সেনাবাহিনীর উচিত হবে না নির্বাচন প্রভাবিত করা-এনফ্রেল

গ্র্যাক রিপোর্টার্স : আন্তর্জাতিক নির্বাচন পর্যবেক্ষক সংগঠন এশিয়ান নেটওয়ার্ক ফর ট্রি ইলেকশনস 'এনফ্রেল' বশেছে, সেনাবাহিনীকে তাদের সীমা অতিক্রম করে নির্বাচনকে কোনভাবেই প্রভাবিত করা উচিত হবে না। একইসাথে দেশ থেকে আকস্মিক অবস্থা জলে নেয়ায় সরকারকে স্বাভাবিক আনিচ্ছে এই পর্যবেক্ষক সংগঠন। এবারের নির্বাচনে অতীতের মতো কোন সন্ধি নেই ঘটনার পুনরাবৃত্তি ঘটলে না বলেও তারা আশা প্রকাশ করেছেন। আসন্ন নবম সংসদ নির্বাচনের আগে মাঠ পর্যায়ে নির্বাচনপূর্ব পর্যবেক্ষণ শেষে তারা পতাকাল মহাপ্রাঙ্গী গ্র্যাক

সেটোর ইন মিলনায়তনে আয়োজিত সাবাদিক সম্মেলনে এসব তথ্য জানান। সাবাদিক সম্মেলনে জানানো হয়, বর্তমানে বাংলাদেশে 'এনফ্রেল' এর ২০ জন পর্যবেক্ষক অধিষ্ঠান করছেন। আর বাংলাদেশের মধ্যে এশিয়ায় ১৬ টি দেশের আরো ৫০ জন আন্তর্জাতিক পর্যবেক্ষক বাংলাদেশে এসে যোগ দেবেন। আগামী ২৪ ডিসেম্বর থেকে তারা লরাই দ্বারা দেশে গ্র্যাক-নির্বাচনী পরিদ্রুতি ও ভোটদান প্রক্রিয়া পর্যবেক্ষণ করবেন। নির্বাচন শেষে আগামী ৩১ ডিসেম্বর হোটেল শেরাটনে নির্বাচনোত্তর সাবাদিক সম্মেলনের (১১-এর পাঁজর ও কফ মেশিন)

নির্বাচন শেষে স্পষ্ট হবে কতটা স্বচ্ছ ও নিরপেক্ষ ছিলাম : সিহিসি

নিজস্ব প্রতিবেদক

আসন্ন নির্বাচনে পরিবর্তন প্রত্যাশা করে প্রধান নির্বাচন কমিশনার (সিহিসি) ড. এ টি এম শামসুল হুদা বলেছেন, এবারের নির্বাচনে প্রায় ৩১ ভাগ নতুন ভোটার তাদের ভোটাধিকার ব্যয়োগ করবেন। এ ধরনের ভোটাররা ইচ্ছা করলে এবার পরিবর্তন আনতে পারেন।
তারিখ : ১১ পৃষ্ঠার ৪-এর কলামে

নির্বাচন করেই বিদায় নিচ্ছি

১ম পৃষ্ঠার পর

তিনি খুশি বলেও সম্পাদকদের জানান। 'ইউপিডেক্স' সম্পাদক মাহবুবুল আলম, 'আমার দেশের' উপদেষ্টা সম্পাদক আতউল সামাদ, 'ইত্তেফাক' সম্পাদক রাহাত খান, 'নয়া দিগন্ত' সম্পাদক আলমগীর মহিউদ্দিন, 'বাসব' প্রধান সম্পাদক জগদল আহমেদ চৌধুরী, 'ডেইলি স্টার' সম্পাদক মাহফুজ আনাম, 'প্রথম আলো' সম্পাদক মতিউর রহমান, প্রধান উপদেষ্টার প্রেস সেক্রেটারি সৈয়দ ফাহিম দুদয়েম, তথ্য সচিব জামিল ওসমান, প্রধান তথ্য কর্মকর্তা ইফতেখার হোসেন প্রমুখ এ সময় উপস্থিত ছিলেন।



এশিয়া নেটওয়ার্ক ফর ট্রি ইলেকশন আয়োজিত প্রশিক্ষণ কর্মশালার বিদেশী পর্যবেক্ষকদের সাথে প্রধান নির্বাচন কমিশনার ড. এ টি এম শামসুল হুদা ও নয়া দিগন্ত