



## **Bangladesh Ninth Parliamentary Elections December 29, 2008**

### **Preliminary Election Observation Report EXECUTIVE SUMMARY**

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

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

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

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

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

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

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

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

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

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

**Accessibility:** The EWG observers found most polling centers and individual booths to be accessible to voters of all ages and mobility levels. Yet, while election officials and voters were generally respectful of the rights of elderly voters, pregnant women, and disabled persons, future elections will benefit from improved arrangements for polling station and polling booth access by those who require special facilities.

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

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



## **Bangladesh Ninth Parliamentary Elections December 29, 2008**

### **PRELIMINARY ELECTION OBSERVATION REPORT**

#### **I. ABOUT EWG**

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

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

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

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

The national-level voter and civic education program included:

- Production and distribution of 9 million copies of four parliamentary Voter Guides on the role and responsibilities of Members of Parliament as national policy makers and lawmakers, women's electoral participation, issues of interest to first-time voters (youth vote), and the election manifestos of major political parties.
- Production of four public service announcements (PSAs) for television and radio broadcast on the themes of independent voter choice, accountability of elected representatives, the importance of women's participation in elections, and the role and expectations of first-time voters.

The local-level voter and civic education initiative included:

- Establishment of Citizen’s Alliances for Promoting Transparency and Accountability (CAPTAs or accountability committees) at the upazila level. The CAPTA committees of respected business persons, school principals and teachers, women’s leaders, religious leaders, and other community members) contributed to the planning and implementation of local voter and civic education activities.
- Local program activities included candidate meetings, rallies, cultural performances, and other activities on the themes of accountability, election violence prevention, women and youth issues, and the electoral rights and participation of religious and ethnic minorities and disabled persons.

### **III. EWG OBSERVATION OF THE NINTH PARLIAMENTARY ELECTION**

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

#### **A. Pre-Election Observation**

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

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

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

#### **B. EWG Election Day Observation**

##### **1. Deployment Plan and Reporting Structure**

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

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

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

## **2. Practical Challenges in Deployment**

The large-scale mobilization of nearly 180,000 election observers was an ambitious undertaking that depended on the efforts of many individuals. EWG is grateful to its member organizations and Election Day observers for their hard work in pursuing the deployment target and demonstrating that ordinary Bangladeshis were committed to make a personal contribution to the electoral process. EWG believes that such high levels of commitment and participation by voters are essential if democracy is to continue to lay deep roots in Bangladesh.

EWG faced a series of *external* and *internal* challenges in meeting its Election Day observer deployment objectives. The external challenges included conformity with the strict conditions prescribed in the BEC's domestic election observation guidelines. EWG is grateful to the BEC for the steps taken to establish clear and precise observer guidelines and for extending the opportunity to review and comment on draft guidelines. While the domestic observation guidelines were generally well crafted, certain requirements proved highly cumbersome. EWG looks forward to sharing details of its election observation experience under this first time application of the accreditation

guideline with the BEC and to working with BEC counterparts in reviewing certain conditions that hampered the quality and efficiency of domestic observation—the most significant of which are discussed in further detail in Sections V and VI, and Annex 1 of this report.

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

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

### **C. Post-Election Observation**

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

## **IV. ELECTION DAY FINDINGS**

### **A. General Findings**

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

- ***Exceptional voter participation and enthusiasm:*** EWG commends the people of Bangladesh for their overwhelming enthusiasm to participate in the first parliamentary election to be held in seven years. The voter turnout, estimated at 87 percent, is exceptionally high by international standards, and demonstrates that citizens attach great importance to parliamentary democracy.
- ***Women voters and elected women candidates:*** EWG is especially pleased with the high turnout of women voters and first-time voters on Election Day, as evidenced by its observation of long queues of women voters across the country, and the record number of women Members of Parliament elected.

- ***Confidence of religious and ethnic minorities:*** EWG is also pleased to note that the ethnic and religious minority communities that faced significant threat and incidence of violence in the 2001 parliamentary election voted in large number and generally felt very secure in casting their votes. In addition, EWG welcomes the first-ever electoral participation of the Bihari people.
- ***BEC leadership:*** EWG congratulates the BEC for its excellent organization and management of the Ninth Parliamentary Elections in accordance with its electoral roadmap. All members of the BEC—from the three election commissioners to local officials working in polling centers across the country—were driven by a tireless determination to make the election a success. Their collective effort yielded the most credible election in the nation’s history. EWG national public perception research indicates that public trust and confidence in the BEC stood at 76 percent on the eve of the election—33 percent higher than a similar poll conducted in 2006. Notable achievements of the BEC that contributed to the quality and integrity of the elections include the first national application of the milestone electoral roll with photographs. The new electoral roll virtually eliminated the risk and incidence of electoral fraud at the polling booth—as reflected by the low incidence of tendered or challenged ballots noted by EWG observers across the country. Electoral law reforms undertaken, together with voter and civic education materials produced and disseminated, by BEC further enhanced the quality of the election and contributed to greater voter knowledge and engagement in the electoral process.
- ***Minor administrative irregularities and incidents had no impact on the overall quality and integrity of the elections:*** EWG observers nationwide noted minor administrative irregularities and incidents of a kind to be expected in administering elections for over 81 million voters in 299 constituencies, over 35,000 polling centers, and nearly 180,000 polling booths. The same new administrative systems and procedures that in broad application contributed to the high quality of the election were certain to face certain challenges in their first-time application. The minor Election Day irregularities and incidents observed in different polling centers had no impact on the overall quality and credibility of the election.
- ***EWG interaction with international election observation missions:*** EWG welcomed the opportunity to cooperate and exchange information with leaders and members of several international observation missions at the national and sub-national level.

## **B. Findings of EWG Observers**

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

### **1. Preparations for Opening the Polls**

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

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

## **2. Polling Process**

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

- ***Challenges and delays in locating polling booths and voter names on the voter list:*** In many polling centers—especially those that operated in large school facilities with numerous polling booths on multiple levels—voters faced challenges and time delays in locating their designated polling booths and finding their names on the electoral rolls. Voter names were listed by serial number rather than alphabetically. The provision of chits with registration details by political parties expedited the process in most polling centers, but in many cases considerable time and effort was needed for voters to confirm their polling booth, locate their names on the voters list, verify their identity, and complete the voting process.
- ***Long voter queues:*** Many polling centers experienced long queues during peak voting hours. While most men and women voters were content to stand patiently in long lines to cast their votes, in some cases voters discouraged by the long wait left the polling center without voting.
- ***Voting patterns:*** Some EWG observers reported a striking variation from past elections, when voters who lacked confidence in earlier national electoral rolls would arrive at the polling center early in the morning to cast their vote with the aim of reducing the risk of identity theft. Public confidence in the integrity of the electoral

roll with photographs prompted voters to take a more leisurely approach in visiting polling centers later on Election Day.

- ***Application of national ID cards:*** Inconsistencies were observed in the application of national ID cards, which technically were not required to establish a voter's identity. While most election officials followed the correct procedures of applying the voters list with photographs as proof of identity, some insisted on the national ID card as proof.
- ***Individuals missing from the voters list:*** EWG observers noted isolated cases in which voters held a voter registration chit but could not locate their names on the voters list. In some cases, those turned away from the polling center without voting were upset and protested vigorously.
- ***Tendered ballots or challenges:*** As noted previously, there were few instances of tendered ballots cast or challenges, which affirmed the integrity of the electoral roll with photographs. EWG observers reported a few cases in which voters claimed to have discovered on arrival at the polls that their vote had already been cast.
- ***Ballot papers:*** Some voters were confused by the compact size of the ballot paper and sought clarification from election officials on whether to place the seal on the party symbol or party name section of the ballot paper. Some voters were confused by the double-sided format and thinness of ballot papers, while others struggled to fold the ballots in the specified manner in the absence of clear instructions.
- ***Voter privacy:*** Polling station officials were left to their own ingenuity and available materials in preparing screened areas in which voters could cast their votes in private. While the overall quality of arrangements was satisfactory, the privacy afforded varied significantly between rudimentary privacy screens made of light fabric and more substantial screens.
- ***Translucent ballot boxes:*** While the newly introduced translucent ballot boxes generally worked very effectively, observers noted in some cases that double-sided ballot papers pressed against the side of the box could be clearly read as a vote for a particular political party.
- ***Placement of ballot boxes:*** In most cases, election official placed ballot boxes in prominent locations that were easily visible to polling station officials, party poll agents, and election observers; however, in some cases the ballot box was placed in a less prominent location.
- ***Voters in the queue at poll closing time:*** With few exceptions, election officials permitted voters who were in the queue by the 1600 closing time to complete the polling process. In some cases, election officials took initiative to reduce the wait for those in line by dividing the voter list in half and creating two shorter lines.

- ***Election observers and party agents:*** While EWG observers were not permitted to observe the polls in isolated circumstances, in most polling centers election observers and polling agents were permitted to observe the polling process.
- ***Finger marked with ink:*** The indelible ink markers used to identify voters generally worked well; however, the ink could be removed quite easily. In some instances, observers reported that the markers dried out and had to be replaced.
- ***Names and numbers of voters called out clearly:*** Polling officials were generally well informed of their administrative duties, including clearly calling out the name and number of voters and stamping ballot papers.

### 3. Security Environment Between Polling Centers

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

- ***Election campaign posters displayed within 400 yards of polling centers:*** In several cases nationwide candidate campaign posters were observed hanging within 400 yards of polling centers in contravention of BEC guidelines.
- ***Instances of illegal Election Day campaigning observed:*** EWG observers noted a series of unrelated incidents around the country in which candidate loyalists engaged in obvious or discrete campaigning on Election Day in contravention of BEC guidelines.
- ***Voter intimidation or denial of access to polling centers:*** While isolated incidents of voter intimidation or denial of access to polling centers were reported—particularly in the Chittagong Hill Tracts, there was no evidence of any widespread effort to intimidate voters or deny them access to polling centers.
- ***Candidate arrangement of transport or refreshment for voters:*** EWG observers reported several cases of candidates or their supporters arranging rickshaw and other transportation of voters to or from polling centers and providing midday snacks and refreshments.

### 4. Security Environment at Polling Centers

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

pressure. Law enforcement officials present in polling centers and polling booths generally discharged their security functions in a neutral manner.

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

## 5. Accessibility

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

- ***Inadequate arrangements for polling center access by elderly or women voters:*** The efficiency of arrangements for polling center access varied among different centers. In the case of large polling centers in urban schools, multiple levels and a labyrinth of narrow corridors posed access challenges for elderly and disabled voters and pregnant women and resulted in significant crowding at peak times. While election officials and voters were generally respectful of voters with special assistance needs, future elections will benefit from better arrangements—as discussed in the recommendations section. Some polling centers had few windows and inadequate ventilation, while others had inadequate water supplies and sanitary facilities to support voters, election workers, polling agents, and observers for the day.
- ***Inadequate guidance:*** While election officials and party agents were generally helpful in assisting or directing voters once they reached their designated polling booth, the voting process was slowed by the absence of persons to provide directions at the entrance to polling centers.

## 6. Counting Procedures

Election officials were generally well prepared to complete the ballot counting procedures in polling centers, ensuring an efficient transition from voting hours to closing procedures and the counting process. EWG observers noted that in most cases polling agents of all political parties were permitted to observe the counting process, with no unauthorized persons allowed access to the counting center. The counting process was generally free from intimidation or threats, while in most cases election officials properly reconciled used, unused, and spoiled ballots and applied the same standards for determining valid and invalid ballots for all parties and completed the counting process with no objection or demand for recounting. Likewise, in most cases polling sheets were signed by the presiding officers and distributed to all polling agents, while observers were permitted to record the polling results posted by the presiding officer.

- ***Periodic delays in the start of counting procedures:*** In some polling centers around the country counting procedures were delayed for some time following the closure of the polls. In some cases, the counting process began rather chaotically, with heated debate among polling officials and polling agents, but gradually settled into a more orderly procedure.
- ***Exclusion of EWG Observers:*** As reported in Section V below, EWG observers were barred from the counting process in several polling centers around the country, including Sirajgonj-3. The problem resulted from miscommunication between the BEC secretariat and election officials in the field, or cases of local election officials taking independent decisions in contradiction of BEC guidelines.

## 7. Observation

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

## V. CHALLENGES FOR ELECTION OBSERVERS

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

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

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

## **VI. EWG RECOMMENDATIONS**

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

### **A. Election Day Procedures**

#### **(1) Before Opening**

- More consistent use of identification by all officials and accreditation for party workers.
- There should be a booth outside each polling station to provide voters with their serial numbers and to help find the correct voting booth.
- The BEC, rather than the political parties, should ideally provide voters with information on their serial number and polling station. If political parties are to continue to provide chits to assist voters, it is recommended that the chits be prepared in conformity with a standard format specified by the BEC, which should not include candidate photographs.
- Future arrangements for the presence of accredited, non-partisan volunteers inside the polling centers would help voters find the correct polling booth. Bangladesh Scouts or student volunteers could potentially perform this role.

#### **(2) Polling Process**

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

- In future the BEC should prepare standard, reusable screens for all polling booths and avoid independent arrangements at each polling booth. The standardized screen should ensure full privacy, be easily installed and removed, and be easily stored between elections.
- Ensure that local election officials clearly understand the function of the national ID card and the steps to be followed in establishing voter identity on the basis of the electoral roll with photographs.
- Provide voters with information on the basic steps to be followed in completing the polling process, including the format of the ballot.
- Ensure that election officials are clearly instructed on the placement of ballot boxes in a prominent place, where they can be clearly seen by officials, voters, poll agents, and election observers.

### **(3) Accessibility**

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

### **(4) Security Environment Between Polling Centers**

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

### **(5) Security Environment at the Polling Station**

- Increase the number of female security personnel for female voting booths

### **(6) Counting Procedures**

- Provide election officials with supplementary training in counting procedures.

## **B. Election Observation**

### **(1) Election Specific**

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

## **(2) Future Enabling Environment for Domestic Observation**

- Any organization that wishes to observe elections should be accredited to do so, provided that it meets basic legal status requirements, leaving it to citizens to judge the performance and credibility of the observer organization.
- The limit on the number of organizations per constituency permitted to observe elections should be relaxed to permit more than just two accredited organizations.
- The minimum age limit for observers should be the same as for voters.
- The minimum qualification for observers should be lowered to accommodate any citizen who can read and write and complete a required training program on election observation.
- All restrictions on where observers can observe should be dropped
- Any accreditation process of observers should ideally be completed at least 6 weeks prior to an election.
- Once an organization receives BEC accreditation to observe elections, candidates should not have the ability to reject individual observers at the local level.
- Observers should not be obliged to undertake information gathering tasks for organizations other than their own.

## **C. Voter and Civic Education**

- Plan and conduct voter education program on the basic technical aspects of voting, including the layout and procedures of polling stations, the format of the ballot paper, folding the ballot, and other basic details.
- Ongoing efforts should be made to strengthening the capacity of domestic election observation organizations.

## **Annex 1**

### **Enabling Environment for Domestic Observation**

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

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

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

EWG believes in principle that:

- Any domestic organization that wishes to observe elections should be allowed to observe as a fundamental right, leaving it to the citizens of Bangladesh to determine whether observer organizations are credible and neutral.
- Subject to reasonable bounds, there should be no limitation on the number of organizations that may receive BEC accreditation per constituency. Local organizations should be permitted to observe local political processes and should not have a prescribed minimum or maximum geographic or electoral area to observe. For organizations that associate through a coalition structure like the EWG network, the sharing of responsibility among several organizations working in a constituency

provides a strong check-and-balance in reducing the risk of bias and in monitoring organizational performance.

- The minimum age limit for observers should be the same as for voters. Observers are deployed to ensure the rights of ordinary voters, and should accordingly be equated with voters. The minimum age requirement of 25 years lacks reasonable justification. Internationally, the majority of election observers are drawn from persons in the 18 to 25-year age group, representing a demographic that is best able to devote voluntary time to participate in observer trainings and observation. EWG member organizations faced far greater challenges in recruiting volunteer observers in the context of the 25-year age minimum than they did in the case of the August 2008 city corporation elections, in which no minimum age requirement was set.
- EWG submits that the minimum educational qualification should likewise be lowered to accommodate any citizen of legal voting age who can read and write and is thus able to complete an appropriate training course and complete an observer form on the basis of thoughtful observation. Since there is no education requirement to register as a voter, the same rights should be extended to anyone who wishes to serve as a domestic election observer.
- While EWG is grateful to the BEC for reducing the prohibition on domestic observer deployment in home upazilas to a union-level restriction, geographic restrictions of any kind have a serious impact on sustainable domestic observation. As observers are expected to commence Election Day duties at the opening of the polling center, a geographic restriction effectively deprives an observer of his or her fundamental right to vote—at least until alternative arrangements are in place to allow observers to vote through postal balloting or comparable facility. In addition, the geographic restriction places logistical and financial burdens in requiring observers in more remote areas to travel to their designated observation place one day prior to the election. It may also necessitate up to two nights of overnight accommodation in areas where available facilities are very limited. The prohibition poses even greater difficulties for women and disabled observers whose ability to travel is typically more restricted than that of men. The application of the union-level deployment bar posed challenges for EWG observation of the Ninth Parliamentary Elections of a kind not encountered in the August 2008 city corporation elections.
- While EWG appreciates the serious and sincere efforts of the BEC to establish a rationale process of domestic observer accreditation, the length of the accreditation process followed in preparation for the parliamentary elections left domestic observer organizations little time to complete their final program preparations. The process should ideally be completed several weeks before Election Day. For a large coalition like EWG, it is difficult to organize a comprehensive national observation program involving the recruitment and training of thousands of observers, distribution of materials, and other preparatory steps when organizational accreditation is only completed three weeks prior to the election and individual observer accreditation

continues until hours before the election in some cases. Again, EWG welcomes the opportunity to share the practical lessons of recent experience with BEC counterparts.

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