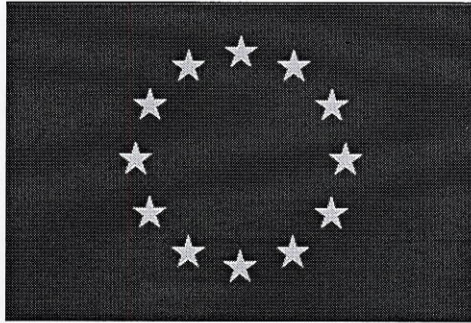


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PEOPLE'S REPUBLIC OF BANGLADESH

FINAL REPORT

Parliamentary Elections, 29 December 2008

24 March 2009

**EUROPEAN UNION
ELECTION OBSERVATION MISSION**

This report is available in English and Bangla, but only the English version is official.

This report was produced by the EU Election Observation Mission and presents the EU EOM's findings on the 29 December 2008 Parliamentary Elections in the People's Republic of Bangladesh. These views have not been adopted or in any way approved by the European Commission and should not be relied upon as a statement of the Commission. The European Commission does not guarantee the accuracy of the data included in this report, nor does it accept responsibility for any use made thereof.

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I. EXECUTIVE SUMMARY

EU EOM Mission

Elections for 299 of the 300 Members of the Jatiya Sangsad (JS) took place on 29 December 2008. Following an invitation from the Caretaker Government of the People's Republic of Bangladesh and the Bangladesh Election Commission (BEC) the European Union (EU) decided to re-deploy the Election Observation Mission (EU EOM) to Bangladesh that was suspended on 11 January 2007. Its mandate was to conduct a comprehensive assessment of the electoral process in accordance with international principles for genuine democratic elections as well as the laws of Bangladesh. The Chief Observer was Alexander Graf Lambsdorff, Member of the European Parliament. The EU EOM deployed the largest international observation mission in Bangladesh with 150 observers from 25 EU Member States plus Norway and Switzerland. The Mission undertook observation in all 6 Divisions of Bangladesh and was joined over the Election Day period by a four member delegation from the European Parliament.

Overall Conclusion

The 2008 Parliamentary elections marked an important step in the restoration of democratic governance to Bangladesh. A remarkably peaceful environment and high turnout on Election Day showed the determination of the people of Bangladesh to return to democratically elected government. In accordance with EU election observation methodology, the EU EOM to Bangladesh assessed the conduct of the JS elections in line with international standards and best practice for democratic elections. Minor technical difficulties aside, the EU EOM concluded that professionalism, transparency and credibility were the hallmarks of the election and that the election broadly met international standards. The outcome of the election appears to reflect the will of the people of Bangladesh and EU EOM observers did not report patterns of fraud in the process.

Legal Framework

The main legal basis for elections is the Representation of the People Order (RPO) which is excessively prescriptive in some places and insufficiently detailed in others. Over-regulation with the aim of transparency led to difficulty implementing some procedures, and some otherwise reasonable and useful processes, such as the scrutiny of candidates, disrupted the electoral preparations because of their implementation too close to Election Day. Bangladesh has acceded to and is bound by the International Covenant on Civil and Political Rights (ICCPR), the principal source of international standards for elections and committed to by 160 Member States of the United Nations. In line with EU methodology, the EU EOM also referred to General Comments of the United Nations Human Rights Committee, the body charged with providing interpretive guidance on the implementation of the rights and freedoms laid down in ICCPR. The EU EOM considers the comments of the Human Rights Committee relevant and valid as the rights to which they refer are those first laid down in the Universal Declaration of Human Rights (UDHR). The EU EOM also considered other treaties to which Bangladesh has acceded to, including the Convention on the Elimination of

All Forms of Discrimination against Women (CEDAW) and the Convention on the Political Rights of Women (CPRW).

Election Administration

There was a high degree of confidence in the Bangladesh Election Commission (BEC) which showed itself to be impartial and demonstrated its ability to conduct technically sound elections. While discharging most of its responsibilities in a transparent and responsible manner, efficiency was hampered by overreaching: the BEC regulated beyond its practical capacity to implement, which overwhelmed the system and left other areas such as the postal ballot system and the regulation of the consolidation process poorly-addressed.

Voter Registration

A key improvement in line with international electoral standards was the Final Voter List (FVL) which proved to be accurate, inclusive and reliable. However, the right to vote was undermined by the omission of some 3 million 18-year olds unable to vote in this election due to the registration cut-off date of 1 January 2008.

Party Registration

The RPO made registration of political parties taking part in the election compulsory for the first time in Bangladesh. The BEC managed the registration in an equitable manner, offering parties that initially failed to meet the requirements the opportunity to resubmit their application having made necessary changes. One consequence of the registration requirements was that very small or geographically concentrated parties could not qualify.

Campaign period

The campaign was generally conducted in an open and free environment with parties and candidates not reporting any obstacles to holding meetings and rallies. Although the State of Emergency was lifted five days into the official campaign period, on 17 December, before this it did not stand in the way of the campaign as the Government had relaxed the restrictions on election-related political meetings and rallies as of 3 November. On the same day, the Government had repealed the emergency provisions restricting freedom of expression and speech. Overall the campaign was peaceful but isolated violent incidents occurred between supporters of rival candidates. Police and security personnel discharged their duties appropriately on the whole. The army was deployed to ensure additional security from 20 to 31 December.

Media

Print and broadcast media covered the elections extensively and for the most part equitably. The media enjoyed a reasonable degree of freedom of expression with no reported instances of intimidation or violence against journalists during the campaign. Overall the coverage by the state owned media was neutral in tone.

Polling and Counting

Opening, voting and counting were conducted in a calm and orderly atmosphere, with procedures generally being implemented appropriately and only 2.8 per cent of cases being assessed as poor or very poor. The BEC polling staff proved to be committed and generally well-trained. The closing and counting procedures were followed and implemented appropriately in 86 per cent of cases observed, with some minor technical exceptions. Despite these minor procedural lapses, the observers noted that the Statements of the Count accurately reflected the results. The presence of party/candidate agents as well as domestic observers was considered important and contributed to the transparency of the voting and counting processes at polling centre and polling booth level. However, the BEC's reliance on party representatives to inform voters of their polling booths was unfortunate and arguably enabled campaign activities to continue on Election Day.

Consolidation of Results

The consolidation process, although transparent overall, was marred by a significant number of technical and procedural irregularities in its implementation. Both the informative network and the official consolidation process became entangled in a disorderly manner in 29 of the 38 consolidations observed. While this was regrettable it does not put the validity of the results produced in these consolidations into serious doubt.

Women in Elections

The participation of women in political and state institutions in Bangladesh is still very limited. The main reasons for the low number of women in the political process are the lower educational achievements of women, the patriarchal social system and particularly the influence of wealth in Bangladesh politics which is a constraint on women's political participation since very few women have independent access to financial resources. Of the 55 women who contested the elections 19 were elected. These 19 elected women will be joined by 45 women nominated to the parliament as per the provision in the Constitution on reserved seats for women. Beside the Prime Minister Sheik Hasina, there are four women who have been appointed as ministers – Foreign Affairs, Home Affairs, Agriculture and a State Minister.

Minorities in Elections

The political party's registration requirements in the RPO adversely affected the ability of national or ethnic minorities to form political parties, especially for those concentrated in particular areas. Of the 63 candidates from minorities groups, 14 candidates, all of whom stood for the AL won a seat. Three members of Sheik Hasina's new cabinet belong to minority groups: one Hindu, one Buddhist and one person of tribal origin from the Chittagong Hill Tracts (CHT). Issues relating to national minorities did not feature in the campaign, with none of the candidates making contentious comments about ethnic relations in the country. The enfranchisement of Bihari people was a positive development.

Civil Society

Participation of civil society organisations and a large number of accredited domestic observers was one of the positive features of this electoral process. There was a number of election activities carried out by civil society organisations, including election observation, civic education, political party development and efforts to increase women's participation.

Complaints and Appeals

Appeals and petitions related to candidate nominations had a significant impact on the election process in the month prior to Election Day. However, EU EOM observers reported that the establishment of the Election Enquiry Committees (EECs) and their flexible approach towards offenders had a positive effect on the campaign period. The EECs effectiveness can also be attributed to the fact that EECs were composed of experienced district judges who had received a two day briefing well in advance and with a well defined task as described in the Code of Conduct. At the end of the EU EOM's deployment in Bangladesh only one election petition contesting the election results in the constituency of Sirajganj-5 had been filed at the High Court with a court hearing still pending.

Key recommendations

- The annual update of voter registration conducted in the month of January should include citizens of 17 years of age but who will become 18 years of age before the next annual update, to ensure that those turning 18 between the registration cut-off date and the date of elections will be registered and allowed to vote.
- In view of the total dysfunction of the postal ballot, the BEC is advised to remove it as a polling option for security agents, displaced electoral personnel, polling staff and persons in legal detention and replace it with alternative mechanisms for the groups concerned.
- The BEC should undergo a review of its activities during the 2008 elections with a particular view to maintaining/increasing confidence in its activities. It should review the structure of its organization in order to strengthen and develop the capacity of its middle management and its secretariat.
- Political Parties and the BEC should achieve a minimum of one third of their leadership and decision making positions occupied by women by 2020, meeting the targets set in the 2008 National Women Development Policy.
- The Voter List should be organised in alphabetical order at the PCs and PBs so as to facilitate the information to voters for them to know in which PB they should vote. A second copy of the VL should be available at the PC for voters to check by themselves or with the help of some BEC official which is their PB rather than with party representatives.
- A Broadcasting Law should be drafted to ensure clear legal provisions for the media sector. Furthermore, a new instrument should be introduced setting out the mandate