



**BANGLADESH  
PARLIAMENTARY ELECTIONS  
1 OCTOBER 2001**

**EUROPEAN UNION  
ELECTION OBSERVATION MISSION**

**FINAL REPORT**

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## THE MISSION

### Introduction

Since its secession from Pakistan in 1971, Bangladesh has experienced a turbulent political history, with its parliamentary democracy and multi-party system challenged by assassinations, military rule and electoral irregularities. The political climate is marked by tensions among rival parties and leaders especially between Awami League on one side and the Bangladesh National Party (BNP) on the other. Politics pervades all socio-economic organisations and political violence is widespread; abuses and infringements of civil rights and law enforcement of most economic and social rights are often denounced; together with serious prejudice to vulnerable groups, particularly women, children and minorities.

The recent political history of the country has seen a succession of boycotts, general strikes (hartals) and accusations of vote rigging.

In February 1991, the BNP won a Parliamentary majority of 140 seats in the general elections and formed a coalition government with the Islamic party Jamaat-I-Islam, with Begum Khaleda Zia becoming Prime Minister after 8 years of military rule under General H.M Ershad.

In March 1994, controversy over a parliamentary by-election led to an indefinite boycott of Parliament by the entire opposition. Opposition MP's resigned en masse from Parliament in December 1994. The political impasse went on for almost two years, and the opposition parties boycotted general elections held by the BNP in February 1996. Following this election, increasing popular pressure compelled the BNP to pass a constitutional amendment to permit election under a caretaker government and dissolve the short-lived Parliament on March 30. New polls were contested by all the major parties in mid-June 1996. A new government led by the Awami League and Prime Minister Sheikh Hasina took its seat in late June 1996.

Even though international and domestic election observers found the June 1996 election free and fair, the BNP protested alleged vote rigging by the Awami League. In spite of these protests the BNP party ultimately decided to join the new Parliament. The BNP soon charged that police and Awami League activists were engaged in large-scale harassment and jailing of opposition activists. From the end of 1996, the BNP staged protests and parliamentary walkouts over this and other grievances. In June 1999, the BNP and other opposition parties again began to abstain from Parliament. Opposition parties staged an increasing number of nation-wide general strikes (hartals), rising from 6 days of general strikes in 1997 to 27 days in 1999. A four-party opposition alliance formed at the beginning of 1999 announced that it would boycott parliamentary by-elections and local government elections unless the government took steps demanded by the opposition to ensure electoral fairness. The government did not take these steps, and the opposition has subsequently boycotted all elections, including municipal council elections in February 1999, several parliamentary by-elections, and the Chittagong city corporation elections in January 2000.

On July 15th 2001 Sheikh Hasina handed over power to a caretaker government, which was charged with holding a general election within 90 days.

The 2001 election therefore represented an important test of Bangladesh's commitment to democracy and of the political and public resolve to maintain the tradition of parliamentary governance restored in 1991, further consolidated in 1996. The request made by the government and the major political parties to the EU to send observers was justified by the concern that these elections would have been fiercely contested with the possibility of irregularities and large scale violence, and by the belief that the presence of international observers could reduce the incidence of violence and inhibit abuses of the electoral process, thereby contributing to increasing confidence in the election process.

In its resolution of 18 January concerning the situation in Bangladesh, the European Parliament considered appropriate for the European Union, in the light of the potentially unstable political situation in Bangladesh and of its deepening relationship with this country, to send a mission to monitor the forthcoming general election, and called on the Council and the Commission to decide on this matter.

## Preparation and deployment of the mission

Following invitations from the Government and the major political forces in Bangladesh, the Commission undertook a Needs Assessment Mission to the country from 27 January to 6 February. Its conclusions endorsed “the advisability of an EU Election Observation Mission (EOM) in the light of the criteria set out in the Council’s resolution of 28 June 1998”, observing that the four conditions for advisability were adequately met: universal franchise (also if there were allegations that names of non-existent voters had been added to the voters’ list), political parties and individual candidates able to take part in the elections, freedom of expression and right to free movement and assembly, reasonable access to media for all contesting parties and candidates.

On 13 June 2001, the European Commission adopted the decision to send an Election Observation Mission “with a strong component of Long Term Observers (32 LTOs)” as well as a Core Team of 6 experts and approximately 30 Short Term Observers (STOs).

On 5 August, the Logistic Adviser arrived in Dhaka and started preparations for the mission.

On 21 August, with 4 members of the Core Team presents in Dhaka and the headquarters established at the BRAC Centre, the European Union Election Observation Mission in Bangladesh (EU-EOMB) started to work at full capacity.

The EOMB Core Team included Joaquim Antonio Miranda da Silva MEP, Chairman of the European Parliament’s Committee on Development and Co-operation, as Chief Observer, Paolo Salvia (Italy) as Deputy Chief Observer, Charlotte Souibes (France) as Media Adviser, Francesco Torcoli (Italy) as LTO Co-ordinator, Mr. Xavier Noc, (France) as Logistics Adviser, and Michael Meixner, (Germany) as Administrative and Financial Adviser. 32 Long Term Observers arrived on 27 and 28 August. The briefing took place during the following two days. On 30 August, the LTOs were deployed to 14 regional offices throughout the country. One of them had to leave for family reasons a few days after deployment.

27 Short Term Observers arrived on 21-22 September and were joined by 7 locally recruited STOs. On Election Day, the Mission numbered 72 EU Observers in total.

The decision to emphasise the long-term component of the observation mission proved appropriate. The continuous presence of observers throughout the country from 30 August until after the elections gave the EU-EOMB the possibility to rely on substantial findings and credibility towards the Bangladesh authorities and political parties. LTOs assigned to the mission worked with professionalism and commitment in a very challenging environment.

## LEGAL FRAMEWORK

### Constitution

The Constitution of the People’s Republic of Bangladesh was promulgated on 4 November 1972. It was suspended after the events of March 1982 and restored on November 1986.

Bangladesh is a parliamentary democracy. The Prime minister, who holds a seat in Parliament, is head of government. The Premier is assisted by a cabinet of ministers who are for the most part Parliamentarians. The President, who has limited power, is the Head of State, and is indirectly elected by Parliament every 5 years. The President’s powers are substantially expanded during the tenure of a Caretaker government.

The Bangladesh Parliament, the *Jatiya Sangsad*, is composed of 300 members that are directly elected from single member constituencies through simple majority.<sup>1</sup> Candidates for parliamentary seats do not have to be residents of the constituencies in which they run for office. An individual may stand for as many as five seats from different constituencies simultaneously. If the person is elected in more than one

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<sup>1</sup> During the last mandate, under a constitutional amendment that has expired, there were an additional thirty women MPs elected indirectly through a vote by the Parliament. Cfr. The constitution of the people’s republic of Bangladesh, Part V, art. 55 (3).

constituency, he/she will be able to occupy only one seat. For the other constituencies, by elections have to be organised.

The sections of the Constitution that relate to Elections are two: Chapter IIA<sup>2</sup>, that regulates the activity of the non-partisan Caretaker Government and Part VII<sup>3</sup> that establishes the Election framework.

### **Non-Partisan Caretaker Government**

Under Bangladesh's Constitution, a non-partisan Caretaker Government must be appointed by the President of Bangladesh within fifteen days after Parliament is dissolved or stands dissolved. The Caretaker administration comprises a chief adviser and not more than ten other advisors. The chief advisor is usually the most recently retired chief justice, but if not available, qualified or willing to hold the office, then other distinguished persons may be chosen under further provisions.<sup>4</sup>

The non-partisan Caretaker Government exercises the executive powers of the State and functions as an interim government. It is empowered to carry out all routine functions of the government and is not supposed to take any policy decisions, except the ones necessary to exercise ordinary operations of government. During the period that the Caretaker administration is in power, the provisions of the Constitution requiring prime ministerial approval for presidential actions are not applied.<sup>5</sup>

The President of Bangladesh can also exercise additional legislative powers during the period of Caretaker Government<sup>6</sup>. When the Parliament has been dissolved, the President, if "he is satisfied that circumstances exist which render immediate action necessary", can promulgate ordinances which have the force of law.<sup>7</sup> These ordinances must be laid before the next Parliament as soon as possible to remain effective and they cannot change the Constitution or be incompatible with it.

The meaning of the Caretaker Government is to have a neutral body to provide for fair elections. According to Article 58D (2) of the Constitution: "The non-partisan Caretaker Government shall give to the Election Commission all possible aid and assistance that may be required for holding the general election of members of parliament peacefully, fairly and impartially". The Caretaker Government does not have the power to replace members of the Election Commission since they are appointed for a five year term and can only be removed through an impeachment procedure.<sup>8</sup>

Since the institution of the non-partisan Caretaker Government was adopted on 25<sup>th</sup> March 1996 with the 13<sup>th</sup> Amendment to the Constitution, it has become a respected part of the political system in Bangladesh, including in the eyes of public opinion. It is true, however, that the Caretaker administration is usually established after important steps in the electoral process have already been completed, such as the compilation of the voters' list.

### **Electoral process 2001**

The Caretaker Government took office on 15 July 2001. The broad "reshuffle" of public officers was the first act of the Government and sent a strong symbolic message of its non-partisan approach.

On 9 September, the EU-EOMB issued the following statement: "In spite of the critics, sometimes vociferous, towards the two main players of the game (Caretaker Government and Election Commission), their legitimacy and authority has not been questioned so far, and this gives credibility to the process. The reshuffle of public officers, carried out by the government as of the day of its appointment, has given an important signal to the entire society. However, some problems remain in the effectiveness and transparency of their actions."

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<sup>2</sup> Artt from 58E to 58E

<sup>3</sup> Artt from 118 to 126

<sup>4</sup> Cfr. Constitution of the People's Republic Of Bangladesh (English version issued by the Ministry of Law, Justice and Parliamentary Affairs, Dhaka January 1999), Chapter IIA Art 58B, 58C.

<sup>5</sup> Ibidem. Art. 58D, 58E.

<sup>6</sup> Under the constitutional provisions contained in Chapter III, "Ordinance Making Power" of Part V

<sup>7</sup> Ibidem. Art.93 (1).

<sup>8</sup> Ibidem. Chapter VII. Art. 118 (3) (5).

The Awami League was not satisfied with the “reshuffle” during the electoral campaign and increased its criticism towards the Caretaker Government. In a meeting with EU-EOMB, Awami League representatives stated “we do not want a three months dictatorship”. Sheikh Hasina, the party leader, personally took every opportunity to criticise the government regarding the amendments to the electoral law, the deployment of Army and the worsening of the Law and Order situation. In the last phase of the electoral campaign she accused the Caretaker Government to be part of an alleged conspiracy organised against Awami League. The allegations of partisanship could not be confirmed..

Concerning the efficiency of the government measures, the reshuffle meant concretely that key persons such as sub-district executive officers and officers in charge of police did not have in-depth knowledge of the area they were assigned to. Moreover, despite the fact that the heads of particular branches of local government had been reshuffled, the professional staff further down the ladder remained in place and therefore patronage links established over the past 5 years were not challenged or severed. Even on other essential points of the government’s programme, e.g. the improvement of law and order situation and the recovery of weapons, the results were not particularly satisfactory.

However, given the short time at its disposal and the heated atmosphere in which it had to operate, on the whole, the Caretaker Government has performed adequately, succeeding in giving the perception, if not the substance, of an environment that provided equal opportunities to all the contenders. In the long run however, it is a only provisional institution that has proved very useful in an emergency situation but that should sooner or later be replaced by an elected Government and a regular democratic process.

### **Electoral Law**

The Representation of People Order dates from December 1972. It regulates the work of the Election Commission and the duties of its officials, provides regulations for election disputes, determines electoral expenses and prescribes polling day procedures. The Electoral Law broadly respects international standards for a legitimate electoral process.

In some cases however, existing regulations encounter difficulties in terms of practical implementation, with particular reference to the postal ballot, election expenses and sanctions against violations of the electoral campaign regulations (see below). In other cases the system leaves much room for confusion, i.e. regarding the *modus operandi* of the Election Commission and the nomination of candidates (see below). Besides, there is a void regarding the essential point of the identification of voters (see below).

Another important problem concerns the fact that the key person in charge of election administration at constituency level is the Deputy Commissioner, responsible also for the local administration and nominated by the outgoing government.

### **Amendments to the Electoral Law**

The Caretaker government introduced its first reforms to the Electoral Law on 8 August 2001, namely the Representation of the People (Amendment) Ordinance 2001 (Ordinance I).<sup>10</sup>

The Ordinance I was the product of protracted discussions among civil society leaders, media and politicians, based on cumulative experiences drawn from the general elections of 1991 and 1996.

The main points of the Ordinance I were:

- definition of the ‘Law enforcing agency’ comprising: the Military, Bangladesh Rifles (paramilitary force), “Ansar” (civilian armed forces);
- the power to arrest any person on polling day was given to the members of any law enforcing agency;
- clear conditions to exclude persons from election were indicated;<sup>11</sup>
- security deposit on nomination was raised from taka 5,000 to taka 10,000;<sup>13</sup>

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9 ‘Representation of People Order 1972’

10 ‘Representation of People Order 1972’

11 Article 4 of Ordinance I of 2001 introducing articles (ai), (aai) and (aiii) to article 12 of the Representation of People Order 1972

12 Article 4 of Ordinance I of 2001 introducing articles (ai), (aai) and (aiii) to article 12 of the Representation of People Order 1972

- local and foreign observers for the first time were given legal status to observe the vote in the polling stations;<sup>15</sup>
- the High Court Division was given competence on all election disputes;<sup>16</sup>
- the amount of election expenses for each candidate was raised from taka 300.000 to taka 500.000; expenditure ceiling for parties were also established;
- any person performing any duty in connection with the elections, was given the power, if authorised by the Election Commission, to exercise the power of a magistrate to try election related offences;<sup>17</sup>
- registration procedures for political parties were established; registration was not mandatory;<sup>18</sup>
- violations of the electoral code of conduct, after a first warning, are punished with a 20,000 taka fine (approximately 380 Euro);
- the Election Commission was given the power to punish any person for contempt in the same manner as a High Court;<sup>19</sup>
- the Election Commission was empowered to formulate election rules - formerly the Commission made rules with the consent of the government.<sup>20</sup>

Some provisions of the Ordinance I created dissent amongst the political parties. The Caretaker government was urged to amend some of the rules introduced. Eventually, the Ordinance II was passed on 2 September with the following points:

- The possibility to appeal the decision of the High Court Division within 30 days<sup>21</sup>;
- the abolition of the power for the Election Commission to remove a candidate<sup>22</sup>;
- the abolition of the power for the Election Commission to punish any person for its contempt as if it were the High Court Division<sup>23</sup>.

These amendments in fact restricted the role and powers of the Election Commission, making clear that both this institution and the Caretaker Government would have a limited ability to improve the electoral framework.

## System of Appeals

### *Voters' list (until 1 October)*

The Election Commission appoints Revising Authority at district level for the purpose of deciding claims and objections about Electoral Roll during the prescribed time.

### *Pre-poll Irregularities (19 August - 1 Oct)*

The responsibility to deal with these appeals falls under the authority of the Electoral Enquiry Committee<sup>24</sup>.

### *Nomination of candidates (until 3<sup>rd</sup> September)*

Where the nomination paper is rejected by the Returning Officer, an appeal should be lodged with the Election Commission within 3 days following the day of rejection by the Returning Officer. No appeal can be lodged against the decision of the Election Commission in this matter.

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13 Refundable on getting one eighth of total votes cast, art. 41 (1) of RPO '72.

14 Refundable on getting one eighth of total votes cast, art. 41 (1) of RPO '72.

15 Articles 10 and 42 of the Ordinance I of 2001 introduced this provision to article 29 and 91C of the Representation of People Order 1972, respectively. Their rights and privileges are clearly set out in the electoral guidelines issued by the Election Commission.

16 Articles 42, 44, 57, 58, 60-62, 67, 68, 70-72 and 90 of the Representation of People Order 1972 are amended by the articles 15, 16, 22, 23,25-33 and 38 of the Ordinance I of 2001 to give jurisdiction to the High Court Division in certain respects. The Ordinance I also provides that the decision of the High Court Division shall be final subject to confirmation by Appellate Division if an appeal is preferred.

17 The offences are mentioned in articles 73, 78-82 of the Representation of People Order 1972.

18 Chapter VIA of the Representation of People Order 1972 as introduced by article 39 of the Ordinance I of 2001.

19 Article 93B of the Representation of People Order 1972 as inserted by article 43 of the Ordinance I of 2001. But this provision caused political dissensions among political parties, specially the Awami League. Ultimately the EC issued another ordinance on September 2, 2001, Ordinance II of 2001 and abolished article 93B.

20 Article 94 of the Representation of People Order 1972 as entirely replaced by article 44 of the Ordinance I of 2001.

21 article 2 of Ordinance II

22 article 3 of Ordinance II abolished article 91D of the Representation of People Order 1972

23 article 4 of Ordinance II abolished article 93B of the Representation of People Order 1972

24 See paragraph on "Electoral Enquiry Committees".

#### *Election disputes (After 1 October)*

Any candidate taking part in the election can file a case with the High Court Division of the Supreme Court by presenting an election petition. The High Court Division shall 'endeavour' to conclude the trial within 6 months from the date on which the petition is made<sup>25</sup>. Ordinance II of 2001 allowed appeal to the Appeal Division against the decision of the High Court Division.

## **ELECTORAL BODIES AND POLITICAL PARTIES**

### **Election Commission**

Article 118 of the Constitution provides for the establishment of an Election Commission for Bangladesh, consisting of a Chief Election Commissioner and of any such number of other Election Commissioners, if any, as the President may from time to time direct. The President appoints the Chief Election Commissioner and other Election Commissioners. When the Election Commission consists of more than one person, the Chief Election Commissioner is to act as its Chairman. Under the Constitution, the term of office of any Election Commissioner is five years from the date on which he enters in office. A person who has held office as Chief Election Commissioner is not eligible for appointment in the service of the Republic. Any other Election Commissioner is, on ceasing to hold such office, eligible for appointment as Chief Election Commissioner, but is not eligible for appointment in the service of the Republic.

#### *Powers of Election Commission<sup>26</sup>*

The Election Commission is an independent constitutional body in the exercise of its functions and subject only to the Constitution and any other law. The Commission may authorise its Chairman or any of its members or any of its officers to exercise and perform all or any of its powers and functions under the law. It shall be the duty of all executive authorities to assist the Election Commission in the discharge of its functions.<sup>27</sup> The Commission has the power to require any person or authority to perform such functions or render such assistance for the purpose of election as it may direct.

#### *Election Commission Secretariat*

The Election Commission is supported by a full-fledged Secretariat, which executes its decisions and orders. The Election Commission Secretariat is headed by a Secretary to the Government. The functions of the Election Commission Secretariat are, among others:

- (a) Preparation of electoral rolls for use in all national and local bodies elections.
- (b) Delimitation of Parliamentary constituencies.
- (d) Reservation and allocation of symbols to political parties/candidates, when required;
- (e) Supervision of polling arrangements throughout the country on the eve of each election and appointment of polling personnel;
- (f) Printing and supply of ballot papers to all polling stations located all over the country;
- (j) Consolidation of all election results and their formal publication in the official gazette, as required by law;
- (k) Constitution of Tribunal for the disposal of election petitions and performance of such other functions in this regard as may be prescribed by any other law;

#### *Field Offices*

(a) *Divisional:* There are 6 Deputy Election Commissioners posted at 6 Divisional Headquarters.

Functions of the Divisional Offices are to maintain liaison between the Election Commission Secretariat and the subordinate field level offices and to co-ordinate the work relating to conduct of all types of elections and registration of voters and preparation of electoral rolls, including day to day amendments and corrections in the electoral rolls and other matters as and when entrusted by the Election Commission .

(b) *District:* There are 83 Election Offices in the 64 District Headquarters headed by District Election Officers. Functions: The District Election Officers carry out all work relating to registration of voters, printing of voters' list, management of national and local elections, training of polling personnel and all

<sup>25</sup> Art 51(6) of Representation of People Order 1972

<sup>26</sup> (Article 118(4) and 126 of the Constitution, read with Article 4 of the Representation of the People Order, 1972)

<sup>27</sup> Article 126 of the Constitution and Articles 4 and 5 of the Representation of the People Order, 1972



logistical arrangements for elections. As an officer of the Election Commission, the District Election Officer renders all possible assistance to the Returning Officer and polling personnel with forms, packets, manuals, instructions and supply of ballot boxes, electoral rolls, ballot papers and maintains all accounts for expenses incurred for different elections.

(c) *Thana (or Upazila)*: At the lowest tier of the field organization, there are Thana Election Officers in all Thanas. The main function of the Thana Election Officer is to assist divisional/district offices in the discharge of functions relating to elections.

#### *Returning Officers and Assistant Returning Officers*

For all national and local elections, Returning Officers and Assistant Returning Officers are appointed from among government officials by the Election Commission or by authorized officers of the Commission for conducting specified election tasks.

#### *Appointment of Returning Officers and Assistant Returning Officers*

For the purpose of election of a Member of a Constituency, the Commission appoints a Returning Officer for each constituency. A person may also be appointed as Returning Officer for two or more constituencies. The Commission may appoint as many Assistant Returning Officers as may be necessary. Traditionally DCs (Deputy Commissioner) and TNOs (Thana Nirbahi Officer) are appointed as ROs (Returning Officer) and AROs (Assistant Returning Officer) respectively. This question has raised some reservations and concerns.

#### *Presiding Officers and Polling Officers*

Within the constituency, Polling Stations are set up with up to five polling booths each, in such a way that about four hundred voters can cast their votes at a booth between 8 a.m. and 4 p.m. on polling day. Each polling station is headed by a Presiding Officer (PO) and each booth by an Assistant Presiding Officer (APO). Two Polling Officers assist each APO. All these officials – POs, APOs and Polling Officers - are drawn from government and NGOs, taking into account their experience, abilities, integrity and courage.

According to the EU-EOMB findings, the Election Commission carried out its duties in an objective way, even though it was working under pressure from certain political parties, criticising some EC members for alleged partisanship. Regarding the organisational and logistical aspects, the Commission has performed satisfactorily. On Election Day, all the sensitive and non-sensitive materials were available and the polling officers were present and committed to their job.

On the other hand, in terms of transparency, no clear regulations were in existence regarding rules and procedures for the work of the Commission and for the publication of its decisions. In spite of repeated requests, the EU-EOMB was not able to obtain satisfactory information on this subject.

### **Electoral Enquiry Committees**

The Electoral Enquiry Committees (EEC) were established in 1994 at district level<sup>28</sup> to prevent and control pre-poll irregularities. Any interested person is able to address the EEC with a complaint. The EEC receives the case, evaluates it and then delivers a judgement. This is later sent to the Election Commission which gives the final verdict.

The Election Commission office that receives all complaints from the EECs, had processed 180 complaints one week before E-day, and had issued warnings in many cases, but without imposing a single fine. The Committees themselves had initiated 60% of all complaints. Political parties complained against one another in most other cases and very few complaints were initiated by the general public.

The considerable number of violations of the electoral code reported by the press and by the EU-EOMB observers and the persistence of this phenomenon until the end of the electoral campaign clearly show that the statutory redress of pre-poll irregularities has not functioned adequately.

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28 see The Representation of the People Order, 1972 , Chapter VII art. 91(A)

## Political Parties

The **Awami League (AL)**, was in the past legislature the ruling party in Bangladesh, commanding over 176 out of 330 seats in Parliament, including 28 seats reserved for women. The AL chairperson is the former Prime Minister Sheikh Hasina, daughter of Sheikh Mujibur Rahman, the “Father of Bangladesh” (Banga Bandhu). Sheikh Mujibur Rahman had been leader of the Awami League before secession from Pakistan and had served as Prime Minister and President of Bangladesh until being assassinated with the rest of his family by army mutineers in August 1975. The last general elections in June 1996, were observed by EU observers and considered “substantially free and fair”, AL won 36% of the popular vote.

The **Bangladesh Nationalist Party (BNP)** was the main opposition party with 113 seats in the last Parliament. Begum Khaleda Zia, the wife of General Ziaur Rahman, who founded BNP in 1977, chairs the party. General Ziaur Rahman took over the Presidency in Bangladesh in January 1977, but was assassinated in May 1981 by rebel army officers.

The **Jatiya Party (JP)** was represented in the outgoing Parliament with 33 seats. JP was founded in 1986 by the former army chief-of-staff, General Ershad, who in 1982 appointed himself Chief Martial Law Administrator, and in December 1983 took over the Presidency. Elected as President in October 1986, Ershad was eventually deposed in December 1990, amidst mounting civil protest led by AL Sheikh Hasina and BNP Khaleda Zia. After the 1996 general elections, JP entered into an alliance with AL to enable its chairperson to become Prime Minister. However, JP withdrew its support to the presently ruling party in March 1998 and joined the opposition.

In April 1999 the Jatiya Party, split up into two factions when the party’s secretary general, Anwar Hossain Manju, who also held a cabinet position with the AL government, formed a group comprising 12 of the 33 JP lawmakers. It split again in April 2001 when Mr. Manjur, led the split in protest against Mr. Ershad’s.

The **Jamaat-e-Islami** is a religious party, represented in the last Parliament with three seats. The party ran on a joint opposition ticket against the ruling Awami League government together with BNP, Jatiya Party, and Islami Oikya Jote.

The **11 Parties Alliance** is a coalition of small parties of the left and includes the Communist Party, the Workers Party, and the Workers Peasants Socialist Party.

There are a considerable number of minor political parties and groupings, which have not reached political significance or influence nation-wide.

BNP, Jamaat-e-Islami, the Manjur faction of JP and Islami Oikya Jote formed the so-called **4 parties alliance** to contest the 2001 elections. The large majority of the 300 candidates belonged to BNP, 31 to Jamaat-e-Islami, and a few others to the remaining two parties.

Polarisation, fierce rivalry, personal controversies are the main features of the political environment in Bangladesh. Every person or institutions was supposed to be related to one of the parties. Also trade unions, student organisations, NGOs belong or are perceived as belonging to AL, BNP or Jamaat.

A progressive monetarisation of politics is under way, with more and more rich people using elections to promote their own interests. The use of money has become one of the key elements to gain the vote of the electorate. This phenomenon was reflected in the problematic process of candidate nominations.

## Nomination of candidates<sup>29</sup>

Candidate nomination forms contain a declaration from the candidate expressing his/her willingness to accept the nomination and that s/he is not disqualified. The candidate's proponent and the second are required to make a declaration that they have not subscribed to any other nomination. The candidate, proponent or second presents the nomination paper to the Returning Officer. All subsequent nomination papers concerning the same candidate for the same constituency shall be void.

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<sup>29</sup> The Representation of People Order 1972 article 12(2)-(7)

To be acceptable a nomination paper must fulfil the following condition: the candidate or any person on his/her behalf has to deposit a sum of 10,000 taka (approximately 190 Euro).

Only one deposit is required for candidates contesting in more than one constituency and nobody is allowed to contest in more than 5 constituencies.

The Returning Officer, in the presence of the persons attending the scrutiny, examines the nomination papers and decides on objections raised by people present.

A nomination is void if:

1. the candidate is not qualified, i.e.
  - a person holding any office of profit on the service of the Republic or of any statutory authority;
  - a person imprisoned for offences or removed from service in any mode provided in the law;
  - a trustee of a private benevolent trust;
  - a person defaulted in the payment of a loan or its instalment(s).
2. the proponent or second are not qualified to subscribe;
3. the security deposit is not provided;
4. Signature(s) of the proponent or second are not genuine.

The rejection of a nomination paper shall not invalidate other valid nomination papers by the same candidate. Minor mistakes shall not invalidate the nomination and the Returning Officer may allow it to be remedied. Where the nomination paper is rejected by the Returning Officer, an appeal may be lodged with the Election Commission within 3 days following the day of rejection by the Returning Officer. No appeal can be made against the decision of the Election Commission in the matter of nomination.

Although nominations are submitted on behalf of individual candidates and not through the political parties, each party prepares its own "unofficial" list. Once the deadline for the presentation of candidatures has passed, there is no more possibility of "fresh" nomination. To substitute the rejected candidates, the parties have the possibility to ask independent or so-called "rebel" candidates (persons who have presented nomination papers against the decision of their own party) to run for their list.

During the 2001 process, the question of nominations encountered several problems, in particular in relation to candidates presenting themselves against their own party, changes of party at the last minute and intra-party clashes. Several interlocutors explained this situation with the fact that the candidature is no longer reserved for people active in the framework of political parties. The tendency at present is for affluent people to run for election and for money to become an important factor in the campaign.

Returning Officers finalised the revision of the candidate nominations at the end of August. They rejected 143 applicants, most of them because of bank loan default. The candidates had time until the 3<sup>rd</sup> of September to present an appeal and the Election Commission should have taken a decision by 5<sup>th</sup> September. On 6<sup>th</sup> the final list of candidates should have been published. The 6<sup>th</sup> was also the starting day of the electoral campaign. In fact, the Election Commission postponed several times the announcement of the result of the appeals of rejected candidates. The activity of the "rebel" candidates for both AL and BNP gained momentum and contributed to the growing violence and confusion.

## **PRE ELECTION PERIOD**

### **The Electoral Roll**

According to art. 119 of the Bangladesh Constitution, the Election Commission delegates the preparation of the electoral roll to Parliament. Under constitutional provisions, there shall be one electoral roll for each constituency and is forbidden to classify electors according to religion, race caste or sex.<sup>30</sup>

A person is eligible to be enrolled in the voter's register if he/she:

- Is a citizen of Bangladesh.

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<sup>30</sup> Cfr. Art. 121.

- Is not less than eighteen years of age.
- Does not stand declared by a competent court to be of unsound mind.
- Is or is deemed by law to be a resident of that constituency.<sup>31</sup>

#### *Preparation of the 6<sup>th</sup> electoral Roll*

Between 15 May and 30 June 2000, the Election Commission carried out a nationwide voter registration exercise that resulted in the compilation of a completely new voter list, the 6<sup>th</sup> electoral roll since independence. In total, 267,374 information collectors were involved in the exercise, 67,898 Supervisors, 6,102 Assistant Registration Officer and 83 Registration Officers.<sup>32</sup>

To accomplish the work, registrars went to each household and, according to the Election Commission's instructions, no person should be added to the voters' roll unless he or she was interviewed in person. A return visit would be scheduled if members of a family unit were not at home when the registrars first visited.<sup>33</sup>

Once the draft registers were compiled they were posted for two weeks, from 18 July to 3 August 2000, at district and thana offices, the offices of union council chairmen and commissioners of city corporations, educational institutions used as polling centres and other "convenient public places". The draft list included 74,675,749 registered voters. The deadline for appeal was set for 20<sup>th</sup> August 2000. The EC reported that they had received 68,746 appeals from the public for corrections on the voter list, 44,621 of which were requests for enrolment, 21,313 were objections and 2,812 requests for corrections.<sup>34</sup> The final roll was published on 26 October 2000.<sup>35</sup>

On 24 May 2001, the Election Commission decided by a circular that the roll should be displayed in all Unions/Pouro and Sava/Ward of City Corporations (all units of local governments bodies at the lowest level) from 27 May 2001 for the purpose of public scrutiny and updating.<sup>36</sup>

The EU-EOMB asked the Election Commission how many complaints, objections and requests for correction had been received, but no clear answer was ever given. Observers were only told the total number of voters on 15 May 2001 was 75,037,178, including 38,661,594 men and 36,402,543 women.

#### **Controversies over the Voters' list**

The voters' list increased by 32%, compared to that used for the 1996 Elections, when 56,716,935 voters were registered. In some areas, even larger increases in the voters' list were reported to the EU-EOMB. In Comilla, the number of voters increased by 37% (2,041,895 in 1996 and 2,810,051 in 2001). In Bhola the District Commissioner told the EU-EOMB that 668,289 voters had been registered in 1996 and 1,062,747 in 2001. In Pabna, there was an increase by 37% and in Pirojpur the District Commissioner reported a 35% increase<sup>37</sup>.

Some points can partially explain the inaccuracies in the updated voters' list, including:

- a rudimentary civil registration system. Most citizens have no identity documents. Tax and utility invoices are not sufficient proof of identity.

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<sup>31</sup> Cfr. Art 122 (2).

<sup>32</sup> Cfr. Election Commission Annual Report July 1999 – June 2000 (only in Bengali), p. 17

<sup>33</sup> According to an IFES report, it is probably overly optimistic to think that all these procedures have been respected. Cfr. International Foundation For Election System, *Pre-Election Technical Assessment Republic of Bangladesh*, September 2000, p.17.

<sup>34</sup> The detailed procedure for amendment corrections is given in the Electoral Roll Rules'82 (ERR'82) rule 10. As per rule 11 of the ERR'82, claims and objections by person not entitled to make or present such claim/objection shall be rejected. Here the law does not specify the entitled persons, presumably are those persons from the same area as the Electoral Roll. See also Election Commission, *Annual Report for 2000*, p.17. (only in Bengali).

<sup>35</sup> A copy of the Electoral Register was made available for sale to the public on CD-Rom.

<sup>36</sup> In the circular, it was not specified for how long the voter list should have been posted. Cf. Election Commission 24<sup>th</sup> May 2001 Circular (only in Bengali). Regarding the deadline for updating the voters list

<sup>37</sup> According to some sources the 1996 voter's list was not accurate at all and many persons had been missed in the registration process, which would explain the huge increase.

- a high rate of illiteracy (estimated between 45 and 65 %, depending on sources). Compilation of information on each person is only as accurate as the registrar's judgement as to how a person's name should be spelled in each case.<sup>39</sup> Many common names are shared by thousands of persons and the use of a "family" name is not a common practice in Bangladesh.
- high numbers of homeless people. General estimates indicate there are 3 to 5 million people who live in temporary shelter.<sup>40</sup>
- and financial incentives. Field workers involved in the updating of the voters' list received 6 thaka per form filled and had an interest in increasing the number of registered people.

Doubts on the impartiality of the officials and the objectivity of the operation, conducted during Awami League government, were presented to the mission. The complaints focused on two main problems, e.g. the inclusion of fake voters and the intentional exclusion of genuine ones.

BNP reported a huge number of irregularities on the voters' list to the EU EOMB. In Comilla, BNP candidates claimed that their supporters had deliberately not been registered. In Bogra, BNP leaders alleged that the registrars were biased toward Awami League. In Dhaka, BNP reported that 50.000 voters had not been registered and that 30.000 voters' names on the list were fake. However, not many complaints had been submitted officially to the Election Commission and no evidence was provided to support these allegations.

According to an investigative report produced by an NGO, in several constituencies the increase of registered voters was above 40%. In Chittagong district, a high percentage of investigated cases revealed problems. It is not possible for the EU-EOMB to give a definite assessment of the integrity of the voters' roll. Many elements indicate that the flaws were numerous and important, but the LTOs reported no concrete evidence nor have the parties substantiated their allegations.

### **Voter identification**

Another problem, directly related to the voters' list, is the voter identification procedure. The provisions of the Electoral Law on the identification of the voters through identity cards have been suspended.<sup>41</sup> The Election Commission has not issued further instructions on how to identify the voters, leaving a vacuum in the legislation. Party agents present in the Polling Stations had the opportunity to challenge the identity of the voters<sup>42</sup>. This system generates confusion and may be used to intimidate voters, attributing to party representatives an inappropriate role.

### **Postal Ballot**

The electoral law provides that government officials (civil servants, members of security forces), prisoners and persons professionally involved in the electoral process, such as polling officers, parties agents (and possibly domestic observers), are entitled to vote through postal ballot.<sup>44</sup> However this provision has not been fully implemented. It has even been reported that many Deputy Commissioners did not have information at all on postal ballots. This meant that a very large number of citizens, (the estimate number can easily reach one million) had been deprived of the right to vote. In fact, EU-EOMB and UNEAD teams reported that only in 9% of 52 Consolidation Centres monitored, postal ballot papers were received and counted.

<sup>38</sup> Cfr. The EU's relations with Bangladesh ([http://europa.eu.int/comm/external\\_relations/bangladesh/intro/](http://europa.eu.int/comm/external_relations/bangladesh/intro/) ), 2001 World Development Indicators database, World Bank, Stato del Mondo 1997. Annuario economico e geopolitico mondiale, Il Saggiatore, Milano, p. 496,

<sup>39</sup> According to some sources the 1996 voter's list was not accurate at all and many persons had been missed in the registration process, which would explain the huge increase.<sup>39</sup> Cf. The EU's relations with Bangladesh ([http://europa.eu.int/comm/external\\_relations/bangladesh/intro/](http://europa.eu.int/comm/external_relations/bangladesh/intro/) ), 2001 World Development Indicators database, World Bank, Stato del Mondo 1997. Annuario economico e geopolitico mondiale, Il Saggiatore, Milano, p. 496,

<sup>40</sup> Cfr. International Foundation For Election System, *Pre-Election Technical Assessment Republic of Bangladesh*, September 2000, p. 19.

<sup>41</sup> Cfr. The Representation of the People Order, 1972, Chapter III Election Art. 31 ((8), p 21 (English Version as modified up to the 8<sup>th</sup> August 2001)

<sup>42</sup> Cfr. The Representation of the People Order, 1972, Chapter III Election Art. 33

<sup>43</sup> RPO n.155 of 1972, Chapter III-Election, Art.27

<sup>44</sup> RPO n.155 of 1972, Chapter III-Election, Art.27

## Violence

The most striking characteristic of politics in Bangladesh is the permanent confrontation between BNP and the Awami League. Political differences did not lead to debates but to accusations, defamation, insults and violence. In fact, violence has severely affected the entire electoral process. Its repression was not effective because the political parties did not commit themselves to avoiding violent confrontations. Although they publicly complained about the spread of violence in the country, there was little effort on their part to control their supporters.

All the parties met by the EU-EOMB condemned the use of violence during the electoral campaign and declared to be ready to sign a common declaration, calling for the end of violence. The public speeches of their leaders, however, seemed to contradict this statement. During Khaleda Zia's presentation of the Bangladesh Nationalist Party manifesto in Dhaka, a long video was shown with repeated filming of mutilated bodies and bloodshed. The movie conveyed the impression that the party was out for revenge and retaliation. On the opposing side, Sheikh Hasina, in a public meeting in Feni, gave full support to a very controversial candidate, a fugitive from criminal justice. The meeting was the final act of an aggressive campaign of the Awami League, which had asked to drop criminal charges against this candidate, to protest against the local police's attitude and to ask for the removal of the Deputy Commissioner (who was also the Returning Officer).

Some of the LTOs got caught in some of the clashes, such as the LTO responsible for Bhola district. On 10 September he was visiting the Upazila (administrative level below district) office in Lalmohan, while a violent clash occurred in the street with 2 activists killed and 5 injured. In Upazila Nagarkanda on 21 September, the LTO based in Faridpur was stopped by a group of party supporters who asked him to transport a person that had been injured (allegedly by another party's supporters) to the hospital.

A UNEAD summary of incidents reported in the press in the period 26 August-30 September, rates the total number of incidents at 139.<sup>45</sup> Fifty incidents resulted in 84 deaths and 108 incidents resulted in 2780 injured. In 31% of cases, the victims were Awami League supporters and in 26% BNP supporters.

This report shows a grievous balance of violence, although both main parties portrayed themselves as victims of attacks from their opponents. Violence is undoubtedly one of the features of Bangladesh's short political history and has been one of the main issues discussed by the media. In few countries were similar levels of politically related violence reported. The level of violence observed is a clear hindrance to the development of a normal democratic process; however it is difficult to assess how violence affected the voters' choice. Furthermore, it should be noted that the Election Day was surprisingly calm, with only sporadic episodes of violence reported.

## Minorities

According to official figures from the 1991 census, the religious and ethnic minorities stood at 12.6% of the total population. Hindus account for 10.5% (12.5 million), Christian for 0.3%, Buddhist for 0.6% and other religious minorities for 0.3%. Hindus, mostly Bangla speaking are the biggest religious minority community and they are scattered all over the country. Similarly spread are the Christians while the Buddhist populations are largely concentrated in Chittagong, Chittagong Hill Tracts and Patuakhali. The highest proportions of Hindus to Muslims in Bangladesh live in the city of Comilla.

The EU-EOMB mission made contacts with the Hindu community and other religious groups. Inter-religious cohabitation seemed to vary from area to area. In Cox's Bazar, there seemed to be a pacific cohabitation between different communities, both in rural and urban areas, where several mosques and temples stand side by side. During a "Motivational Workshop", organized by the Ramu Assistant Returning Officer, around 350 women, both Muslim and Hindu, attended the workshop even if it was specially targeting Muslim issues. In Dhaka, the EU-EOMB was told by members of the Hindu minority that they felt treated as second class citizens, both men and women. Regarding election issues, they

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<sup>45</sup> The United Nations Electoral Assistance Division co-ordinated the work of several international observation missions in Bangladesh.

<sup>46</sup> The United Nations Electoral Assistance Division co-ordinated the work of several international observation missions in Bangladesh.

expressed concerns about the lack of ethnic minority candidates in these elections. Hindus said they were discriminated against by most women organisations and NGOs are, who help mainly Muslim women. Anyway, they said that their situation had improved a little in the last few years.

In meetings with the EU-EOMB, some parties (Jamaat-e-Islami and BNP especially) referred to the Hindu minority question. These parties foresaw a low turnout, due to the overall security situation, although this minority (10-12% of the total population) could have assumed a crucial role in the election. Furthermore, they denounced the possibility that Indian nationals could come to Bangladesh to vote in the areas along the border.

The vote of minorities became one of the main issues of the Awami League's electoral campaign. In some areas, LTOs confirmed that women and minorities were worried that they might face problems casting their vote freely. On election day, however, observers did not report significant obstacles hindering the vote of minorities.

On the Chittagong Hill Tract (CHT), despite the signature of a Peace accord between the government and the tribal people three years ago, the situation was still volatile. The chairman of the Chittagong Hill Tract regional Council during the last months accused the government of failing to implement its treaty obligations. A separate voters' list with only CHT "permanent resident" was demanded. Such a list should only include indigenous people and not migrant Bengalis. The Partbattya Chattagram Jana Sanghati Samity (PCJSS) called a two days hartal in the three districts of the Chittagong Hill Tract, to boycott the elections. The EU-EOMB was not able for security reasons to observe in the Hill districts. According to the figures of the Election Commission, the turnout for the three Hill Tracts districts was much lower than in the rest of the country, but no violence or other major irregularities were reported.<sup>48</sup>

## Women

The Constitution of Bangladesh grants equal rights to women and men in all spheres of public life.<sup>49</sup> However, due to a variety of cultural factors, women's rights are often violated. Various laws have been enacted and amended to protect women's rights: the Muslim Family Laws Ordinance of 1961, the Dowry Prohibition Act of 1980, the Family Court Ordinance of 1985, the Child Marriage Registration Act of 1992, and the Muslim Marriage and Divorce Registration Act of 1974.

However, most often, women are not conscious of their rights; this is particularly true of poor women. In spite of the work done by NGO's to increase women's awareness of the election process, there are still many barriers. In particular, it is said that women usually vote according to the wish of the dominant person in their family. In Netrokona 3 and 4 constituencies, a section of women voters never cast their vote due to religious beliefs.

On Election Day, a high turn out of women was reported almost everywhere by EU observers<sup>50</sup>. The team deployed in Dhaka reported that women turned out in huge numbers to cast their vote, including "very old and frail ones". However, in the Narayangani constituencies, women often seemed unaware how to cast their vote.

37 Women were candidates in 47 constituencies and 6 were elected.

In meetings arranged by an LTO based in Dhaka, focussing on gender issues, the main NGO demands were: direct election of minimum 64 seats reserved for women (one per district) and equal opportunities for women in Parliament, local Government, and in Government Departments.

<sup>47</sup> National turnout 74,87%. Khagrachhari district 57,58% (in 1996 65,24%), Rangamati district 44,31% (in 1996 58,51%), Bandarban district 58,80% (in 1996 60,24%).

<sup>48</sup> National turnout 74,87%. Khagrachhari district 57,58% (in 1996 65,24%), Rangamati district 44,31% (in 1996 58,51%), Bandarban district 58,80% (in 1996 60,24%).

<sup>49</sup> Cf. Constitution Article 28(1), 28(2), and 28(3).

<sup>50</sup> Official data not yet available.

## **Civic Education**

Various voter education programmes were held around the country by NGOs and by government organisations. These programs used dramas and folk songs to teach people how to vote and why it was important to vote. Especially in rural areas, these programmes played a positive role in enhancing awareness and education about the election process. LTOs from Cox's Bazaar reported a visible effort to target women voters. These programs helped women realise their rights and responsibilities as equal standing citizens but failed to explain electoral procedures. In Khulna, many NGOs were keen to get involved in voter education programmes but lacked sufficient funds as they preferred to stay independent rather than join an umbrella organisation. In few cases, LTOs reported that the programmes implemented were politically biased, and sometimes, that the message was poor and not neutral.

## **Media Monitoring**

As there is little literature on the media in Bangladesh, the EU-EOMB started with a comprehensive analysis of the situation<sup>51</sup>. There is a total absence of EC rules and regulations governing media coverage of the campaign. The EU-EOMB focussed on media access for all major political parties and the possible influence of media coverage of the campaign on voting behaviour.

Given the absence of a legal framework regulating the media coverage of the election the EU-EOMB's monitoring was restricted to newscast. The Bangladeshi media are, by and large, of a rare quality and most report the news accurately. However, newspapers show political tendencies, when quantitative data is cross-referenced with qualitative findings.

Overall, the media in Bangladesh did not attempted to sway the vote dramatically to one side or the other. Print and electronic media showed restraint in their coverage of the violent electoral campaign. The Mission observed no instances of news coverage directly calling to vote for one specific candidate or against another. Political parties or candidates raised no complaint with the EU-EOMB of being denied coverage by media outlets. There was one instance where a private television outlet [ETV] was accused of biased coverage, but that was denied by the EU-EOMB's monitoring findings.

There were a few special programmes and debates on BTV and ETV, not regulated by the Electoral Commission. Political campaigning advertisements were aired on private TV channels, although not regulated by the Electoral Commission and therefore not bound to be financially transparent. BTV and Betar broadcast no political advertisement.

On the whole, the results of the monitoring of printed and electronic media, show that there was no significant disproportion in the space allotted to the different parties and all contestants received a substantially fair treatment.<sup>53</sup>

## **Relations with the Press**

The EU EOMB maintained a high profile in the Bangladeshi media throughout the mission. The Head of Mission and his Deputy frequently talked to the press and received much media coverage. At regional level, LTOs were also in contact with the local media to present themselves and the mission. They were specifically briefed on the nature of their contacts with the local press and had strict guidelines to observe when dealing with journalists.

All press conferences and communication between the EU EOMB and the English and Bangla press were reported fairly by the media - except in one case, later corrected by the newspaper.

A press conference was held on August 29 to present the Core Team and the EU EOMB to the national media. On September 21<sup>st</sup>, a press release was sent out to keep the media apprised of the first debriefing of the LTOs in Dhaka. On Election night, the Head of Mission made a statement to the press, followed by a more comprehensive press conference held on October 2nd. Finally, to present the long-

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<sup>51</sup> A specific report on Media has been prepared.

<sup>52</sup> The monitoring process began on September 9<sup>th</sup>

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term component of the EU EOMB, an informal press meeting was held with carefully chosen LTOs, in the presence of the Head of Mission and the Media Advisor. On the whole, the media reported the findings of LTOs correctly.

### **Domestic Observation**

Domestic observation was one of the most relevant issues covered by the Press. Several umbrella organisations were willing to observe the election process and the number of observers was supposed to reach several hundred thousand people.

In several articles the funding of these organisations, their credibility and relations with political parties were questioned. During meetings with the EU-EOMB, almost all the political parties questioned the neutrality of the domestic observer organisations. The Awami League in particular questioned the participation of Fair Election Monitoring Alliance (FEMA). Some newspapers reported that individual members of FEMA allegedly accused the leaders of the organisation of favouring one party. The EU-EOMB received no evidence to support the allegation.

Each monitoring organisation had to apply at district level before 9 September. The Returning Officer then was to decide on issuing authorisations, according to guidelines issued by the Election Commission (EC). Only government-registered organisations were eligible. Domestic observer organisations, such as FEMA and the Asia Foundation, complained that no clear rules had been established for their authorisation, that different criteria were used in the different districts (as reported also by EU-EOMB LTOs) and that artificial obstacles were created. FEMA at the end was given "special permission" to observe the election although it was not registered. The EC exercised its discretionary authority to allow FEMA to participate, as it monitored the 1996 elections. The Awami League questioned this decision.

To solve logistical problems, the Election Commission (EC) decided to distribute 150,000 accreditation cards to local observers through the Asia Foundation. FEMA and other organisations opposed this decision, declaring that this responsibility should not be entrusted to a private entity. The responsibility of disseminating the accreditation cards to local observers had previously been the duty of the EC.

The great variety and numbers of domestic observers is a clear indication of the important commitment of Bangladesh's civil society to this election. However, this phenomenon risks widening the gap between the general population and political parties. It is also true that such large numbers of domestic observers represent a very difficult task to manage for an election administration already at the limit of its capabilities. Moreover, the sheer number of observers involved meant that selection and training could not always guarantee the necessary standard of quality.

### **Electoral Campaign**

The electoral campaign officially started on 6 September. However, political parties started their campaign all over the country beforehand. Campaigning mainly consisted of noisy demonstrations of supporters, often paid by the parties, and of door to door visits. The Election Commission provided a strict Code of Conduct, regulating in detail subscriptions and donations to parties, the use of government accommodation, the use of posters and leaflets, the use of motorcycles and other means of transport and a register of statements. All parties systematically violated this Code, without incurring effective sanctions. The Election Commission issued many warnings, but no fine was imposed on any candidate.

Inflammatory language and smear campaigns were widely used by all contenders, contributing to further increasing the level of violence and intimidation. In the Barisal Division, LTOs reported horrific colour posters showing mutilated bodies displayed in most districts, to spread fear amongst the population.

Freedom of movement and freedom of speech, however, were generally assured for all parties, except in certain areas, e.g. some localities in Feni and Bhola districts. Each party was able to present its Manifesto, indicating the main points of its programme. EU-EOMB teams reported that parties hardly debated programmes between each other. This was also the case in the press. Sheik Hasina and Khaleda Zia, the two main protagonists of the campaign, refused to enter in a direct debate, neither on television nor in public.

## Mid Term Statement

On 21 September, after the LTO debriefing in Dhaka, the EU-EOMB released a statement with some preliminary findings related to the electoral process:

“The European Union Election Observation Mission in Bangladesh [EOMB] is pleased to announce the first findings of its 31 Long Term Observers [LTOs] deployed in the 14 regional offices of Bangladesh since August 30<sup>th</sup>. During the first part of their assignment, the LTOs have visited 63 districts. They were debriefed by the EOMB Core Team in Dhaka last week. They will be joined by more than 30 Short Term Observers [STOs] on September 22<sup>nd</sup> and will remain in Bangladesh until after Election Day.

The EOMB notices that:

- The LTOs report that the authorities in charge of implementing the election process are generally carrying out their task in a fair way.
- European observers notice the existence of freedom of movement and speech in most of the monitored districts, notwithstanding the difficult circumstances.
- Voter/civic education and awareness programs are being implemented in almost all districts. These efforts are carried out by government officials as well as by NGOs. The European Observers point out that some of the voter awareness effort is being directed at increasing women voters’ information in Bangladesh.

However, the European observers stress that serious problems subsist:

- The EOMB remains concerned by politically motivated violent incidents and their effect on the overall atmosphere of the electoral campaign. It notices that the political parties also bear a significant responsibility in the spreading of election related violence.
- The EOMB is preoccupied by the practice of smear campaigning, the usage of inflammatory language and brutal electoral campaigning material. These practices contribute to create a heated atmosphere in the country and hinder the development of a peaceful election process.
- LTOs have reported numerous violations of the Electoral Code of Conduct for Political Parties and Candidates, which questions the authorities effectiveness in enforcing these rules.
- Due to the limited implementation of the procedure regarding postal ballots, the Mission is concerned that a large number of Bangladeshi citizens [Police, military, polling officers, local observers, prisoners] could be disenfranchised in the coming elections.
- Various political parties complaints have been presented to the European observers regarding deliberate inaccuracies in the voters’ list. However, no concrete documentation was supplied to support these allegations.

The EOMB expresses a strong wish that its presence in all six Divisions during the coming elections reinforces Bangladesh’s commitment to democracy through a democratic, transparent and peaceful electoral process.”

## Election Day

### *Facts And Figures*

Date of Election	Monday, 01 Oct. 2001
Polling Hours	8 a.m. to 4 p.m. (without break)
Number of constituencies	300
Number of polling stations	29978
Number of polling booths	149288
Total number of voters	75,226,722
a. Male voters	38,797,573
b. Female voters	36,429,149
Number of Returning Officers	68

Number of Assistant Returning Officers	525
Number of Presiding Officers	29978
Numbers of Assistant Presiding Officers	149,288
Number of Polling Officers	298576
Total Number of Polling Personnel	477842
Number of Divisions	6
Number of Districts	64
Number of contesting political parties	50
Total number of contesting candidates	1935
Number of candidates contesting more than one constituency	30 (in 80 seats)
Total number of women candidates	37 (in 47 constituencies)
Number of candidates nominated by political parties	1441

### **Polling and Counting Procedures**

On Election Day the EU-EOMB deployed 65 teams of observers. The teams visited 368 out of 29,978 polling stations in approximately 100 out of 300 constituencies in Bangladesh. Observers assessed the opening and polling procedure as good or fair in 91% of polling stations visited. The voting process was generally carried out in an orderly manner throughout the country.

Polling officials generally followed the provisions of the Electoral Code. Minor infringements of the electoral procedures were observed mainly due to lack of training or understanding. The voters' hands were not always properly checked and sometimes they were marked after casting the ballot. Campaign material was present in some polling stations. None of these irregularities, however, was assessed by observers as undermining the transparency of the process.

Party agents both from Awami League and Four Parties Alliance (led by BNP) were present in most of the polling stations visited (95,1% the former and 93.5% the latter) and they appeared to be well briefed and committed to the process. Domestic observers were present in 66.7% of the polling stations visited.

Stalls of political parties were observed almost everywhere at a short distance from polling centres. In the stalls, voters were issued with slips bearing the party symbol and the voter's name, number and polling station. This practice can be seen as an infringement of the secrecy of vote (as the voter then is supposed to present the slip to the polling officers) and as a form of potential intimidation. Although this procedure is very common and was implemented by all parties, nobody complained. Political parties should nevertheless be encouraged to drop this practice in future elections to ensure no undue pressure is placed on voters.

In 13.9% of polling stations visited, some form of intimidation was observed or reported inside or outside. However, from a detailed analysis of the reports and from the discussion with the observers during the debriefing, the EU-EOMB concluded that these problems did not decisively affect the general atmosphere in polling stations.

In some Polling stations (90 around the country), voting procedures were stopped due to violent clashes, or to problems with election materials.

Observers witnessed considerable numbers of women voters and in 77.1% of polling stations women were represented among polling staff.

The EU-EOMB teams observed the counting in 35 polling stations and reported a good or fair overall assessment of closing and counting in 97% of cases. Although procedures were not all strictly followed, the process appeared sufficiently transparent. Awami League party agents were present in 100% of polling stations observed and the Four Parties Alliance in 94.7%.

Consolidation of results was observed in 13 centres. In 87% of the centres, EU observers rated the process as good or fair. However domestic observers were present only in 46.2% of the centres observed, Awami League agents in 53.8% and Four Parties Alliance in 69.2%.

Altogether, the Election Day was surprisingly quiet and well organised. Although some problems and irregularities happened, and some cases of fraud or intimidation were reported (sometimes with no confirmation), the general assessment of election day by EU-EOMB observers is quite positive.

### **Preliminary Statement**

On 2 October, the EU-EOMB presented its Preliminary Statement during a Press Conference held at the Sonargaon hotel at 1.00 pm. On TV that night (BTV, ETV and BBC) and in the newspapers on the following day, the general presentation of election news was the following:

1. Khaleda has won;
2. Hasina has rejected the results;
3. EU-EOMB (and other observers) said that the elections were held in sufficient conditions of freedom and fairness and have expressed the hope that all political actors will respect the people's choice.

### **"PRELIMINARY STATEMENT - 2 OCTOBER 2001**

1. The EU Election Observation Mission in Bangladesh [EOMB] has been deployed to monitor the October 1<sup>st</sup> General Elections on the invitation of the authorities of Bangladesh.

31 Long Term Observers [LTOs] were deployed in 14 regional offices since August 27<sup>th</sup>. During this time, the observers have concentrated on the pre-electoral phase, in particular the election campaign and administrative preparations.

The various authorities and electoral-related organisations have always constructively co-operated with all the European Union Observers throughout Bangladesh in all our observation operations.

On Election Day, 72 Observers have been present in more than a third of all constituencies, and more than half of the sixty four districts of Bangladesh. They have visited more than 500 polling stations. They also made observations on vote counting and results consolidation.

2. The European Union Observation Mission in Bangladesh considers that the electoral process has guaranteed sufficient conditions of freedom and fairness and represents an important step towards democratic consolidation. We strongly hope that all the political actors will respect the people's choice as reflected in the results announced.

The Bangladeshis have shown their strong commitment in furthering democracy in the country, and the electoral authorities, the security forces and the media have contributed to a positive process with a spirit of independence and authority, in challenging circumstances.

3. However, several crucial problems were observed during our six weeks presence. They must be taken into consideration:

Politically motivated violent incidents and their effect on the overall atmosphere of the electoral campaign.

The practice of smear campaigning and the usage of inflammatory language and brutal electoral campaigning material. These practices have contributed to create a heated atmosphere in the country and hindered the development of a peaceful election process. These practices have affected, in some cases, the freedom of choice of the voters.

Several flaws in the regulation, and violations of the Electoral Code of Conduct have affected the full implementation of the electoral process: For instance, a lacking of information about the postal ballot system disenfranchised a large number of Bangladeshi citizens [Police, military, polling officers, local observers, prisoners].

4. Finally, the European Union Observation Mission expresses its strong wish that the confrontation and politically motivated violence be now replaced by dialogue in view of a furthering of democratic progress in Bangladesh."

## **Repolling**

A joint operation of the EU EOMB and the United Nations Electoral Assistance Division (UNEAD) observed the re-polling in 16 constituencies on Monday, 8 October 2001. Observers followed the voting process in the majority of the 90 polling stations in Moulavi Bazar, Mymensingh, Kishoreganj, Barisal, Chandpur, Lakshmipur, Shariatpur, Comilla, Brahmanbaria and Bagerhat, where the poll had been stopped on 1 October.

The observers were present for the set-up, opening, and closing of some of the polling stations, and visited a great number of polling stations during voting in the majority of these constituencies. Few cases of missing electoral material were reported; polling stations opened on time; polling agents from the Awami League and the Bangladesh Nationalist Party (BNP) were present during the voting; and voting proceeded generally according to prescribed regulations. Incidents involving intimidation, or illegal political activity inside or outside the polling stations, observed by the observers or reported to them, had no significant impact on the voter turnout, the count or the results.

Based on the information provided by the observers, the overall assessment and evaluation of the opening, voting, closing, and counting procedures of the re-polling was considered "good."

## **CONCLUSIONS**

The electoral process in Bangladesh was marred by several serious problems. In the first place, violence was present during all phases of the process. Moreover, continuous infringements of the electoral code of conduct by parties and candidates went unpunished and uncertainty about the voters' list remained. The suffrage was restricted by the failed implementation of procedures for the postal ballot and by an environment, which did not encourage women and minorities participation in the electoral process. Political parties did not contribute positively to creating an atmosphere conducive to a peaceful process.

However, the bodies responsible for the conduct of the election demonstrated impartiality; freedom of campaigning (even with some shortcomings) was guaranteed and the media played a neutral role. Thanks to the security forces, voting and counting procedures on Election Day were carried out in a generally calm atmosphere and were well organised. No instance of major intimidation or fraud was reported.

The EU EOMB confirms its assessment that sufficient conditions of fairness for the participants and of freedom of choice for the electorate were guaranteed.

Conditions for a dialogue between government and opposition, as well as a normal democratic process need to be reconstituted. Only in such atmosphere will it be possible to undertake the necessary improvements and reforms.

## Recommendations

The confrontational character of the relationship between the main political forces, and their practice of obstructionism, now institutionalised in Parliament, were the main obstacles to the establishment of an effective democratic dialogue in Bangladesh. The EU-EOMB wishes to emphasise those recommendations aimed at improving the dialogue amongst political forces, to break the confrontation that resulted in regular boycotts not only of elections but of Parliament as well.

1. The parties should start an internal democratisation process, by establishing clear inter- and intra-party rules; the current system of candidate nomination should also be amended.
2. The Election Commission should achieve a higher level of transparency, by redefining itself as a deliberative body holding formal sessions where decisions are taken under appropriate rules and regulations. Moreover EC decisions should be duly publicised in a timely manner.
3. Issuing a photo ID card to each elector would improve voter identification, enhance the accuracy of the whole process and diminish instances of fraudulent voting and misuse of the voter register.
4. Voter education activities should be further developed and extended throughout the year, not just limited to the short pre-election period. Special attention should be given to programmes targeting women.
5. Domestic observer groups should be encouraged to join forces rather than multiply. Such co-operation or re-groupings could enhance the quality of domestic observation.
6. The role of party agents should be reinforced and special training programmes developed.
7. The current electoral system increases the level of confrontation amongst political parties. The EU – EOMB, considers it advisable to study possible electoral reforms. Such reforms should aim at improving the practice of dialogue, increasing the representation of minority groups, reducing the use of force and of money, and favouring the presence of women in the Parliament.
8. Postal ballot procedures should be duly implemented in a timely manner by the Election Commission, to avoid disenfranchising many voters on Election Day.
9. Guidelines regarding the role of the media in the electoral campaign should be adopted; the Electoral Commission could form a specialised media committee responsible for:
  - monitoring access to the media for political parties during the election campaign;
  - regulating political advertisement aired in electronic media;
  - dealing with political parties' complaints in case of violations of airtime allocated by the media, or any other violations regarding the presentations of political parties in the media.

**Annex: Deployment of LTOs**

<b>Name</b>	<b>Country</b>	<b>Regional office</b>
Narcisse Banze Mukalay Mats Melin Katarina Smits Willy Wirantaprawira	Belgium Sweden Belgium Germany	Barisal
Conceicao Teixeira Da Silva Carl Grasveld	Portugal Netherlands	Bogra
Emmanuel Geny Christian Gessner	France Austria	Chittagong
Zeina Ghandour Ralf Rosvelds	United Kingdom Belgium	Comilla
Lennart Haggren Margarida Dos Ramos Alves	Sweden Portugal	Cox's Bazar
Manfred Georg Aschaber Polyna Lemos Marian Kelliher	Austria United Kingdom Ireland	Dhaka
Paul Harrington Clive Jordan	United Kingdom United Kingdom	Feni
Gordon Currie Carlo Pappalardo	United Kingdom Italy	Jessore
Therese Fallot Ramon Mesquita Sanchez	France Spain	Khulna
Monica Reintjes Andreas Ufen	Netherlands Germany	Faridpur
Louise Mallée Gerard Le Marec	Netherlands France	Mymensingh
Gunilla Blomquist Mafalda Sousa Lara Gomes	Sweden Portugal	Rajshahi
Ron Herrmann Anne-Marie Steemans	Germany Netherlands	Rangpur
Matthew Cooke Marie O'Meara	United Kingdom Ireland	Sylhet