

PARLIAMENT ELECTION-2001



POLICY AND GUIDELINES FOR FOREIGN ELECTION OBSERVERS



Bangladesh Election Commission
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A. Introduction :

Bangladesh is a unitary, independent and sovereign Republic formally known as the People's Republic of Bangladesh. The Republic is a democracy in which fundamental human rights and freedoms and respect for the dignity and worth of the human person is guaranteed by the Constitution. The Constitution also ensures effective participation by the people through their elected representatives in administration at all levels. Freedoms of movement, assembly, association, thought and conscience and of speech are guaranteed by the Constitution.

Executive Power :

The executive power of the Republic is exercised by or on the authority of the Prime Minister. The President appoints as Prime Minister the member of Parliament who appears to him to command the support of the majority of the members of Parliament.

Parliament :

The Parliament is composed of 300 members elected from single territorial constituencies by direct election. Unless sooner dissolved, Parliament stands dissolved on the expiration of 5 years from the date of the first meeting.

Non-Party Care-taker Government :

According to a Constitutional arrangement put in place in 1996, the election to the Parliament is held under a non-party Caretaker Government. The head of the non-party Caretaker Government is the Chief Advisor who takes office after the Parliament is dissolved. The non-party Caretaker Government works as an interim Government and carries out the routine functions of the Government. The Caretaker Government gives to the Election Commission all possible aid and assistance that is required for the holding of the general election of members of Parliament peacefully, fairly and impartially. The Caretaker Government stands dissolved on the date on which the Prime Minister enters upon his office after the Constitution of the new Parliament.

Election Commission :

The Constitution of Bangladesh provides for setting up an Election Commission for the superintendence, direction and control of the preparation of electoral rolls for election to the office of President and to Parliament and the conduct of such elections in accordance with the Constitution. The Election Commission is independent in the exercise of its functions and subject only to the Constitution and applicable laws.

B. Policy of Election Commission regarding Poll Observers :

Bangladesh Election Commission is constitutionally responsible for the conduct of elections in a free and fair manner. To ensure such elections, transparency is required at all stages of election process. One of the methods through which transparency can be sought to be achieved is by inviting impartial/neutral/trusted Observer groups to observe the process of election without in any way interfering with the free flow of activities relating to elections.

The International Institute for Democracy and Electoral Assistance (IDEA) has worked out the following ethical principles for all types of Observers :

1. Election observers must recognize and respect the sovereignty of the host country.
2. Election observers must be non-partisan and neutral.
3. Election observers must be comprehensive in their review of the election, considering all relevant circumstances.
4. Election observation must be transparent.
5. Election observation must be accurate.

Bangladesh Election Commission generally endorses these principles and has developed its guidelines accordingly.

The Election Commission adopts a very liberal policy of hosting local/international Observers to observe all elections conducted by the Commission.

The Commission's liberal approach in this matter is constrained only by limitation of resources which are stretched to the limit at the time of any national level elections as well as by legal requirements on some matters. On the Election day, pressure is at the highest peak and it is hoped that the Observers will appreciate these constraints and requirements and cooperate fully with all officials connected with the election.

The following guidelines are to be followed by Observers willing to observe the election.

C. Role of the Observers :

The Observers may watch all aspects of the organization and conduct of the election including actual polling on Election Day without any interference in proceedings. They may also watch vote counting and result consolidation.

It may be noted that : (a) while the Observers may observe and view the proceedings of activities like campaign, voting, counting etc they shall not participate in such activities; (b) they will not interfere with any of the election activities ongoing at the polling station; (c) announcement of any result of voting of a center or constituency must not be done by the Observers/Observer groups; exit polling and projection of results should not be attempted; (d) the Observers are to be completely neutral and non-partisan and are required to satisfy the Election Commission on this; (e) the Foreign Observers may have co-operation arrangements with local Observers. However, the local Observers are to follow separate guidelines prescribed for them; (f) the Observers do not have any supervisory or executive role in the conduct of election.

D. Logistical arrangements :

1. The Foreign Observers willing to observe polling in Bangladesh may get in touch with the concerned Bangladesh Mission abroad for briefings on weather, places to stay, visa requirements etc.

2. The Observers are advised to enlist their names in advance with the UN Electoral Assistance Secretariat (UNEAS) to obtain necessary assistance.
3. During their stay in Bangladesh observers will remain fully responsible for their accommodation and transportation.
4. The Observers will be issued information kits and appropriate accreditation cards by the Election Commission. Accreditation cards will be given individually or in a group from the Election Commission.

Requirements :

1. The Observers shall not be supporters of any political party in Bangladesh and shall not do anything covertly or overtly which may compromise the quality of the effort. Election Commission reserves the right to cancel the observers' accreditation if he/she violates observer rules.
2. Observation areas for the International Observers will be selected by them in a co-ordinated balanced way and mindful of the need to avoid excessive concentrations in any particular constituency or area. Election commission will have to be kept informed of broad areas of observers movement for security reasons.
3. Only one observer and translator may enter a polling station at a time. It is suggested that Observers do not remain inside the polling station for long periods so that others who may be waiting outside may enter. A Presiding Officer or Assistant Presiding Officer may ask any of the Observers to withdraw from the centre at any time if he thinks that the Observer's presence in any way may be prejudicial to the conduct of election. In such a case the observer concerned should immediately bring up the matter to the notice of the Election Commission as well as the Returning officer.

4. During their visit of the polling centres, the Observers are expected to abide by all the legal and administrative requirements of the Presiding Officer/Assistant Presiding Officer.
5. It is expected that a copy of the Observers report or any statement by the Observer Group will be given to the Election Commission within 24 hours after the release of their statement.

F. Pre-poll activities by Observer Groups :

Observer Groups are encouraged to carry out at their own cost voter education programmes, through TV/Radio /rallies, etc to encourage people to participate in the polls. Such activities must be completely non-partisan, unbiased and free from any religious, local or racial prejudice and shall be in accordance with any general policies of the competent authority relating to the activities involved.

G. Journalists :

Foreign Journalists willing to observe the polling will also be covered by these guidelines.

BANGLADESH ELECTION COMMISSION

