

GUIDELINES FOR DOMESTIC ELECTION OBSERVATION

Preamble

In order to ensure transparency, credibility and impartiality of all elections held in the country through neutral, independent, and conscientious observation of the electoral process, the Bangladesh Election Commission is pleased to issue the following Guidelines for Observers, herein-after referred to as “the Guidelines” for the appointment and deployment of domestic election observers.

SECTION 1

Definitions

In the Guidelines, unless the context otherwise requires, the following terms and their definitions shall apply:

- a. "Commission" means the Bangladesh Election Commission constituted under Article 118 of the Constitution of the People’s Republic of Bangladesh;
- b. "Electoral process" means all aspects of the election process and all election technologies including, but not limited to, voter registration, nomination of candidates, campaigning, polling, counting, announcement of results, and processing of complaints and disputes;
- c. "Observer" means an individual that represents or is sponsored by an observer organization; and
- d. "Observer organization" means any individual organization registered under the laws of Bangladesh and accredited by the Commission. When two or more accredited observer organizations form a working group or partnership for, among other things, election observation, such working group or partnership shall be deemed to be a single observer organization.

SECTION 2

Purpose of Election Observation

The Commission encourages election observation for two basic reasons: (i) to get information through neutral and independent observation as to the extent to which elections are held in a free and fair manner and, if there were any deficiencies, what were those and (ii) to know the performance of various elements and actors in election management so that the identified deficiencies can be rectified in the future. Election observation involves watching and noting what takes place in relation to the electoral process, making an informed judgment on the quality or integrity of the electoral process, and reporting about the electoral process on the basis of the information collected. Domestic election observation is conducted to provide the Commission unbiased information about the conduct of election that it may not receive from any other source. It is not concerned with any particular election result but is concerned with electoral outcomes only to the degree that they are reported honestly and accurately in a transparent and timely manner. In addition to providing credible information on electoral

process, the presence of election observers builds voter confidence in the integrity of the process. Election observation also helps to deter or expose violence or intimidation as well as cheating or manipulation of the vote or electoral results.

SECTION 3

Procedures for accreditation

The following procedures shall be followed for accreditation of observer organizations:

- a) Public notice will be published in newspapers inviting application from interested organizations for accreditation. Such organizations shall have to submit their application forms to the Commission within the stipulated date by filling out Form **EO1**.
- b) The Commission shall scrutinize all applications with reference to the criteria set in the Guidelines and upon being satisfied about their suitability for accreditation, publish another notice in newspapers inviting objections to any organization's accreditation.
- c) The Commission will deny an application for accreditation submitted by an observer organization if its chief executive or a member of its Board of Directors, or a member of any of its management committees, by whatever name called, had been or continues to be associated with any political party or is a candidate or an activist for any candidate seeking public office in an election during the period for which accreditation is being sought.
- d) If no objection is received from any quarter upon publication of notice under (c) above, the Commission shall grant accreditation to such parties within two days from the last date fixed for filing objections to the Commission.
- e) If the Commission receives any objection with regard to any organization, it shall direct the parties concerned for a hearing at the Commission. Upon hearing the parties, the Commission shall give its final decision.
- f) Each organization's accreditation shall be valid for one year from its date of issuance unless revoked earlier.

Section 4

Revocation of Accreditation

The Commission may revoke an accreditation granted to an observer organization upon credible evidence that the observer organization has violated any provision of the Code of Conduct. Prior to revoking accreditation, the Commission shall provide the observer organization with advance written notice of the alleged violation including its factual basis. The observer organization shall have five (5) days from receipt of written notice of the alleged violation to request a hearing before the Commission. Upon such request, the Commission shall hold the requested hearing and render a final decision in writing within seven days to dismiss the allegation or revoke the accreditation. The observer organization shall be permitted to be represented at the hearing by counsel and submit evidence in its defense.

SECTION 5

Responsibilities of Observer Organizations

- 5.1 Observer organizations shall be responsible for the following:
- a. be ready with a deployment plan of observers within their allotted units within one week after the declaration of election schedule and submit the plan to the concerned Returning Officer for his scrutiny and vetting;
 - b. deployment plan should be such that it covers the entire upazila/metropolitan thana or constituency assigned to it;
 - c. deployment plan shall contain the profile of all selected observers in **Form EO2** and show the placement of each individual observer against polling stations;
 - d. provide necessary training and logistical support to individual observers to enable them to carry out their assigned tasks in an objective and professional manner;
 - e. monitoring the activities of individual observers for compliance with the observer Code of Conduct. In the case of concern about alleged violations of the Code of Conduct, the observer organization shall conduct an inquiry into the matter. If a serious violation is found to have occurred, the observer organization concerned may have his observer status withdrawn or be dismissed from the observation mission. The authority for such determination rests solely with the leadership of the observer organization; and
 - f. submitting a report to the Commission on their findings on the overall conduct of the election and recommendations for further improvement of electoral process in the future to be furnished in **Form EO4**. This requirement, however, does not in any way constrain any observer organization in generating their own data base or report by following their own methodologies and objectives.

Section 6

Qualification of Individual Observers

- 6.1 To qualify as an observer, an individual must:
- a. Be a citizen of the People's Republic of Bangladesh;
 - b. Be at least **25** years of age and must have passed SSC or equivalent level of exams;
 - c. Not be subject to any of the grounds for disqualification as an elector;
 - d. Be nominated by an accredited observer organization; and
 - e. Sign the Election Observer Pledge **as in Form EO3** and observe the Code of Conduct and all applicable laws.

SECTION 7

Deployment of Election Observers

- 7.1 The basic unit for observer deployment is either an upazila/metropolitan thana or a constituency and scale of deployment authorized hereafter is based on that concept.
- 7.2 Only observers sponsored by an accredited observer organization shall be permitted to observe the election process.
- 7.3 Not more than two observer organizations shall be permitted access in an unit of

observation.

- 7.4 Each observer organization shall be allowed at the rate 1 (one) observer per booth, per counting room of a polling center and per Returning Officer during consolidation of results.
- 7.5 In addition, each observer organization shall be allowed to operate two mobile teams during the polling hours consisting of 5 members each.
- 7.6 Each observer organization shall inform the Presiding Officers and Returning Officer well ahead of time as to who are its designated observers respectively for counting and consolidation of results.
- 7.7 The Returning Officer shall make the list available for inspection by the contesting candidates. If any objection is raised by any such candidate about the neutrality of any observer, the Returning Officer shall inform the observation organization about such objection with a request for a suitable replacement.
- 7.8 The Commission is the sole authority to **issue** observer identification cards and blank ID cards shall be sent to the Returning Officers well ahead of time as per their requisition. Observers shall at all times during observation of the electoral process prominently display their observer identification cards on their person.
- 7.9 Individual observers shall attend all of the sponsoring observer organization's required briefings, trainings and debriefings, become familiar with the election laws, regulations and other relevant laws as directed by the sponsoring observer organization and carefully adhere to the methodologies employed by the sponsoring observer organization.
- 7.10 While conducting an observation, observers shall at all times respect the rights of voters and the need for Commission officials to efficiently and effectively administer the election. Observers shall not interfere with the electoral process and may be assigned seating within the polling station provided their observation of the electoral process is not thereby impeded.
- 7.11 An observer shall report to the relevant officer of the sponsoring observation organization any conflicts of interest they may have and any improper behavior they see conducted by other observers that are part of the observation.

Section 8 ***Reporting Requirements***

8.3 Within a month from the date of polling, an observer organization shall furnish a report to the Commission on their findings on the overall conduct of the election and recommendations for further improvement of electoral process in the future in **Form EO4**. This will be in addition to all other reports that an observer organization may independently prepare by following its own methodologies.

CODE OF CONDUCT FOR OBSERVERS

The purpose of this Code of Conduct is to ensure that the observation of the electoral process is done with integrity, transparency and impartiality and in support of the conduct of a credible electoral process, that election officials remain independent in their work, and that a level playing field is established for all participants in the electoral process.

Accredited observers shall adhere to this Code of Conduct and shall:

1. Obey the Constitution, laws and regulations for holding democratic elections and call on others involved with the election process to do the same;
2. Respect the role of the Commission and other election authorities at all levels and at no time interfere unlawfully or inappropriately in the administration of the elections;
3. Refrain from touching or removing any polling material or equipment without the consent of the Presiding Officer or other Polling Officer, as the case may be;
4. Maintain strict impartiality and neutrality in the process of observing any aspect of the election process and not be seen displaying anything that could be interpreted as identification with a political party or a candidate contesting an election;
5. Refrain from carrying, wearing or displaying on their person any electioneering material or any article, clothing or any insignia denoting support for or opposition to any political party or candidate contesting an election;
6. Comply with lawful directives issued by or under the authority of the Commission, including an order to leave a polling center or any premises where an electoral activity is being conducted by the Commission, given by the Returning Office or Presiding Officer or any other person authorized by the Commission to administer an election;
7. Refrain from accepting or attempting to procure gifts, favors or inducements from a political party or candidate, their agents, organizations or persons involved in the electoral process;
8. Report irregularities where relevant to an election official but refrain from giving instructions contrary to the decisions of an election official; and
9. Refrain from making personal comments, about their observations or their conclusions to the public, candidates, political parties or the media before the observation mission makes a statement and shall limit their remarks to general information about the nature of their activity.

This Code of Conduct shall be binding on all observers accredited by the Commission for the purpose of observing the election process.