

Bangladesh Election Commission
Election Commission Secretariat
Agargoan, Dhaka
Website: www.ecs.gov.bd

Guidelines for Foreign Election Observer 2013

November 2013

In pursuance to the provision of 91C of the Representation of the People Order, 1972, Bangladesh Election Commission makes and promulgates the following guidelines for appointment and deployment for Foreign Election Observer.

1. Short Title and Commencement:

- (1) These guidelines may be called the Guidelines for Foreign Election Observer, 2013.
- (2) It shall come into force at once.

2. Definitions:

In these guidelines for observers, unless the context otherwise requires, the following terms and definitions shall apply:

- a. “Commission” means the Election Commission within the meaning of the Constitution;
- b. “Electoral process” means all aspects of the election process and all election technologies including, but not limited to, nomination of candidates, campaigning, polling, counting, and announcing of results;
- c. “Election Observer” means a person permitted in writing by the Commission or by any person authorized by it in this behalf to observe any election under the Representation of the People Order; 1972 and includes a group of such observers.

3. Accreditation of Foreign Observer:

The following procedures shall be followed for accreditation of foreign observers:

A. Application Procedure:

- I. Foreign observers intending to observe any election need to apply to the Commission in the prescribed form annexed to the guidelines. Filled out forms may be sent to the commission either through e-mail (dirpr@ecs.gov.bd)/asad.bec@gmail.com or by fax (880-2-9129773). Local offices of foreign diplomatic missions or regional groups or international organizations may forward the applications directly to the commission by special messenger or by mail.
- II. Applications received through e-mail or fax or locally shall be scrutinized by the Secretariat of the Commission and forwarded to the Ministry of Home Affairs for clearance with a simultaneous copy to the Ministry of Foreign Affairs. The Ministry of Home Affairs shall convey its clearance directly to the Ministry of

- Foreign Affairs under intimation to the Commission.
- III. Subject to clearance by the Ministry of Home Affairs, the Ministry of Foreign Affairs will instruct the concerned Mission abroad for issuing the necessary visas. In case of necessity, it may also instruct the Airport Immigration to issue ‘on arrival’ visas.
 - IV. Observers intending to travel from countries, where currently there are no Bangladesh Missions, should send their application forms directly to the Ministry of Foreign Affairs who will then send these to the Ministry of Home Affairs and the Election Commission for further necessary action.

4. Other Procedures and Information Required

A. Grant of Visa:

- i. Election observers will be granted tourist visas. The validity of visas for long term observers would be for two months while for short term observers the period would be three weeks.
- ii. Immigration officials at the Hazrat Shahjalal International Airport, Dhaka would mark the ‘Election Observer’ seal on the passports of the observers.
- iii. Observers traveling from countries where Bangladesh has its diplomatic missions will have to obtain visas prior to their journey. However, in exceptional cases, ‘on arrival’ visas may be arranged.
- iv. Observers traveling from countries where Bangladesh does not have any diplomatic mission will have to obtain their visas from the neighbouring Bangladesh Missions or follow the procedure as detailed at A (iv) above.

B. Airport Help Desk:

An Airport Help Desk would be set up by Airport Immigration 10(ten) days prior to the actual date of polling for reception and assistance to incoming observers and journalists.

C. Observation Cell:

Ministry of Foreign Affairs would run an observation cell to coordinate with all concerned agencies for processing of visas and other related matters.

D. Foreign Journalists:

- i. Foreign Journalists intending to cover the election would have to follow the same procedures for obtaining visas as in the case of the observers.
- ii. Ministry of Information will open a media center with all modern facilities for transmitting news and messages by the foreign journalists.
- iii. Upon arrival at the airport, the Airport Help Desk will arrange to establish their contact with the media cell who in its turn will contact the Election Commission for providing them with identification cards and stickers for vehicles and other necessary documents.

E. Security:

- i. Ministry of Home Affairs will instruct the concerned Deputy Commissioners and Superintendents of Police to provide the necessary security to the foreign observers and journalists during their visit to different polling stations of the country. The sponsoring organizations of the observers and journalists must provide their itinerary of visits well ahead of time to the Ministry of Home Affairs for ensuring the needed service. Bangladesh Government or the Election Commission will not be responsible for any mishap encountered by any such visitor who follows his own program.
- ii. A list of all observers and foreign journalists will be sent to the Deputy Commissioners and Superintendents of Police by the Election Commission and the Ministry of Home Affairs.

F. Health Care:

Ministry of Health and Family Welfare will alert all medical establishments under its control to provide the necessary health care to all visiting foreign observers and journalists should such occasions arise during their visit to different polling centers throughout the country.

5. Code of Conduct:

International election observation is conducted by intergovernmental and international nongovernmental organizations and associations in order to provide an impartial and accurate assessment of the nature of election processes. Much, therefore, depends on ensuring the integrity of international election observation and, all who are part of these missions, must subscribe to and follow this Code of Conduct:

a. Respect Sovereignty and International Human Rights

Election is an expression of sovereignty, which belongs to the people of a country, the free expression of which will provide the basis for the authority and legitimacy of government. The rights of citizens to vote and to be elected at periodic, genuine elections are internationally recognized human rights, and they require the exercise of a number of fundamental rights and freedoms. Election observers must respect the sovereignty of the host country, as well as the human rights and fundamental freedoms of its people.

b. Respect the Laws of the Country and the Authority of Electoral Bodies

Observers must respect the laws of the host country and the authority of the bodies charged with administering the electoral process. Observers must follow any lawful instruction from the country's governmental, security and electoral authorities. Observers must maintain a respectful attitude toward electoral officials and other national authorities also. Observers must note if laws, regulations or the actions of state and/or electoral officials unduly burden or obstruct the exercise of election-related

rights guaranteed by law, constitution or applicable international instruments.

c. Respect the Integrity of the International Election Observation Mission

Observers must respect and protect the integrity of the international election observation mission. This includes following this code of conduct, any written instructions (such as a terms of reference, directives and guidelines) and any verbal instructions from the observation mission's leadership. Observers must: attend all of the observation mission's required briefings, trainings and debriefings; become familiar with the election law, regulations and other relevant laws as directed by the observation mission; and carefully adhere to the methodologies employed by the observation mission. Observers also must report to the leadership of the observation mission any conflicts of interest they may have and any improper behaviour they see conducted by other observers that are part of the mission.

d. Maintain Strict Political Impartiality at All Times

Observers must maintain strict political impartiality at all times, including leisure time in the host country. They must not express or exhibit any bias or preference in relation to national authorities, political parties, candidates, referenda issues or in relation to any contentious issues in the election process. Observers also must not conduct any activity that could be reasonably perceived as favouring or providing partisan gain for any political competitor in the host country, such as wearing or displaying any partisan symbols, colours, banners or accepting anything of value from political competitors.

e. Do Not Obstruct Election Processes

Observers must not obstruct any element of the election process, including pre-election processes, voting, counting and tabulation of results and processes transpiring after Election Day. Observers may bring irregularities, fraud or significant problems to the attention of election officials on the spot, unless this is prohibited by law, and must do so in a non-obstructive manner. Observers may ask questions of election officials, political party representatives and other observers inside polling stations and may answer questions about their own activities, as long as observers do not obstruct the election process. In answering questions observers should not seek to direct the election process. Observers may ask and answer questions of voters but may not ask them to tell for whom or what party or referendum position they voted.

f. Provide Appropriate Identification

Observers must display identification provided by the election observation mission, as well as identification required by national authorities, and must present it to electoral officials and other interested national authorities when requested.

g. Maintain Accuracy of Observations and Professionalism in Drawing Conclusions

Observers must ensure that all of their observations are accurate. Observations must be comprehensive, noting positive as well as negative factors, distinguishing between significant and insignificant factors and identifying patterns that could have an important impact on the integrity of the election process. Observers' judgments must be

based on the highest standards for accuracy of information and impartiality of analysis, distinguishing subjective factors from objective evidence. Observers must base all conclusions on factual and verifiable evidence and not draw conclusions prematurely. Observers also must keep a well documented record of where they observed, the observations made and other relevant information as required by the election observation mission and must turn in such documentation to the mission.

h. Refrain from Making Comments to the Public or the Media before the Mission Speaks

Observers must refrain from making any personal comments about their observations or conclusions to the news media or members of the public before the election observation mission makes a statement, unless specifically instructed otherwise by the observation mission's leadership. Observers may explain the nature of the observation mission, its activities and other matters deemed appropriate by the observation mission and should refer the media or other interested persons to those individuals designated by the observation mission.

i. Cooperate with Other Election Observers

Observers must be aware of other election observation missions, both international and domestic, and cooperate with them as instructed by the leadership of the election observation mission.

j. Maintain Proper Personal Behaviour

Observers must maintain proper personal behaviour and respect others, including exhibiting sensitivity for host-country cultures and customs, exercise sound judgment in personal interactions and observe the highest level of professional conduct at all times, including leisure time.

k. Violations of this Code of Conduct

In a case of concern about the violation of this Code of Conduct, the election observation mission shall conduct an inquiry into the matter. If a serious violation is found to have occurred, the observer concerned may have their observer accreditation withdrawn or be dismissed from the election observation mission. The authority for such determinations rests solely with the leadership of the election observation mission.

6. Pledge to Follow This Code of Conduct

Every person who participates in the election observation mission must read and understand this Code of Conduct and must sign a pledge to follow it.

ANNEX: I PLEDGE FORM

PLEDGE TO BE SINGED BY FOREIGN ELECTION OBSERVER

I have read and understood the Code of Conduct for International Election Observer that was provided to me by the international election observation mission. I hereby pledge that I will follow the Code of Conduct and that all of my activities as an election observer will be conducted completely in accordance with it. I have no conflicts of interest, political, economic nor other, that will interfere with my ability to be an impartial election observer and to follow the Code of Conduct.

I will maintain strict political impartiality at all times. I will make my judgments based on the highest standard for accuracy of information and impartiality of analysis, distinguishing subjective factors from objective evidence, and I will base all of my conclusions on factual and verifiable evidence.

I will not obstruct the election process. I will respect national laws and the authority of election officials and will maintain a respectful attitude toward electoral and other national authorities. I will respect and promote the human rights and fundamental freedoms of the people of the country. I will maintain proper personal behaviour and respect others, including exhibiting sensitivity for host country cultures and customs, exercise sound judgment in personal interactions and observe the highest level of professional conduct at all times, including leisure time.

I will protect the integrity of the international election observation mission and will follow the instructions of the observation mission. I will attend all briefings, trainings and debriefings required by the election observation mission and will cooperate in the production of its statements and reports as requested. I will refrain from making personal comments, observations or conclusions to the news media or the public before the election observation mission makes a statement, unless specifically instructed otherwise by the observation mission's leadership.

Signature ;.....

Name :.....

Organisation :.....

Date :.....

ANNEX : II APPLICATION FORM



Bangladesh Election Commission
Election Commission Secretariat
Agargoan, Dhaka
www.ecs.gov.bd

Two Stamp Size
Photographs

Foreign Election Observer Application Form

1. Name :
2. Delegation/Group/Country :
3. Passport Detail:
Number :
- Date of expiry :
4. Nationality :
5. Address in Bangladesh :
7. E-mail :
8. Phone (if available) :

By signing this application, I hereby confirm that, I will respect the guidelines issued by Bangladesh Election Commission for the role of the Foreign Election Observer. And I confirm that, the Election Commission has the right to reject my accreditation.

Date :

Signature