

UNITED STATES COMMISSION ON INTERNATIONAL RELIGIOUS FREEDOM
FORUM ON “THE BANGLADESH ELECTIONS: PROMOTING DEMOCRACY AND
PROTECTING RIGHTS IN A MUSLIM-MAJORITY COUNTRY”

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Madame Chairperson and distinguished Members of the Commission:

Thank you for this opportunity to comment on the vital issue of protecting rights in the period surrounding Bangladesh’s January 2007 elections and to offer comments on the Commission’s Policy Focus paper on Bangladesh, which is being released in conjunction with this Forum.

The connection between promoting democracy and protecting human rights is fundamental. This holds true for achieving democratic elections as well as for establishing broader aspects of democratic governance. Article 21 of the Universal Declaration of Human Rights and Article 25 of the International Covenant on Civil and Political Rights are touchstones for democratic elections and democratic governance.

Those articles recognize that: All persons have the right to take part in the government and public affairs of their country – either directly (such as, by holding governmental office) or indirectly, by freely choosing representatives in genuine elections that are conducted by *universal and equal suffrage*. The Universal Declaration goes so far as to state that the will of the people of a country expressed in such elections is the basis of the authority of government. At the core of this precept is the “nondiscrimination norm.” Universal and equal suffrage, both in the right to be elected and the right to vote, require that there be no discrimination based, among other things, on race, color, gender, language, religion, political or other opinion.

Thus, protection of freedom of thought, conscience and religion and protection of the rights of religious minorities are of direct concern not just in Bangladesh but in every country, when we address democratic development. Of course, this includes the ability to genuinely exercise the right to stand for election and the right to vote. It concerns whether election districts are drawn to ensure that religious minorities (or in some cases majorities) are not disempowered based on discrimination. It concerns how censuses are conducted and voter registries are created, how polling stations are located and voting materials delivered. It concerns the languages by which voter information is distributed and many other things.

At the core of protecting rights, including religious freedom, in the electoral context, is the issue of security of the person. If violence undermines that security, free choice is subverted and potentially negated. If violence is directed at the populace, including the electorate, based on gender, religion, national minority status, political opinion or other discriminatory basis, it can

potentially negate the democratic nature or potential of elections and the legitimacy of government.

It is in this light that NDI welcomes the Commission's Policy Focus Paper on Bangladesh and its upcoming elections. The Paper targets politically motivated violence, including violence toward religious groups, as a direct threat that must be effectively addressed. The Paper provides a depth of analysis and a significant number of important recommendations concerning "Urgent Measures to Prevent Anti-Minority Violence in the Upcoming Elections" and "Urgent Measures to Protect Those Threatened by Religious Extremism," as well as "Longer-Term Measures to Protect Universal Human Rights". While some of the recommendations go beyond my areas of expertise, I find the recommendations concerning the elections to be valuable contributions that should provide immediate guidance not only to the United States government but to Bangladeshis and to the broad international community.

Last month, NDI sent a pre-election assessment delegation to Bangladesh. That delegation included a new member of NDI's Board of Directors, former Senator Tom Daschle, former New Zealand Prime Minister Mike More and former Minister of Women's and Veteran's Affairs of Cambodia Mu Sochua, along with lead NDI staff. The delegation's report is appended to my presentation and is available on NDI's website.

The delegation expressed NDI's concern about rampant and escalating politically motivated violence in Bangladesh, and the delegation's recommendations highlighted the urgent need to effectively address political violence. The delegation noted that it received reports of intimidation and violence against women, religious minorities and ethnic minorities, and it emphasized that such actions undermine the reputation of Bangladesh as a tolerant society.

The delegation also noted that political violence in Bangladesh includes both inter-party and intra-party manifestations that subvert democratic politics. There are widespread complaints within the Bangladesh Nationalist Party (BNP) and the Awami League that nominations and elections are dominated by what Bangladeshis call "money and muscle." Politically influenced killings happen frequently within and between both of these parties. To quote the delegation: "The responsibility for reducing violence does not rest alone with the authorities. The leaders of the political parties, themselves, must exercise stronger party discipline over members."

The authorities, of course, must act responsibly and in a politically impartial manner when dealing with the violence and the potential for it. Unfortunately, however, there are many reports of police reacting violently and disproportionately to political demonstrations, and there are reports of mass detentions occurring before Opposition rallies and marches.

It is important to note that these problems are not new in Bangladesh. President Carter, Cambodian opposition political leader Tioulong Saumura and I traveled to Bangladesh as a pre-election delegation in August 2001, principally to address the threat to the election process posed by political violence. Our statement noted that: "The single largest obstacle to ensuring a democratic environment is the hostility between the two major political parties that breeds politically motivated disharmony and violence." Last month's NDI delegation found that: "The political climate of Bangladesh remains polarized, marked by inherent difficulties brought on by

lack of communication and cooperation among the parties and prone to both partisan and political violence.”

This stands in stark contrast to the accomplishments of the Bangladeshi population, which has a longstanding reputation for tolerance and political participation. The electorate, with large voter turnouts, has alternated the parties in government in each of the national elections since military dictatorship was ended in 1991. Bangladeshis take justified pride in this. Nonetheless, whether the BNP or the Awami League have been in government, they have not provided adequate opportunities or mechanisms for the development of constructive opposition. At the same time, whichever of these parties has been in opposition, it has too often chosen destabilizing and polarizing tactics of parliamentary boycotts, street demonstrations and hartals (general strikes) – backed up by “muscle power” to ensure that the population appears to go along with the strikes and street actions.

These approaches to inter-party conflicts are often conducted at the expense of the real-world needs of Bangladesh’s 140 million people. Failure to adequately improve the conditions of the population due to the deep effects of corruption and confrontation politics creates a gulf between the major parties and the population. That gulf can be exploited by extremists.

A recent factor in this respect has emerged in Bangladesh. Beginning in the late 1990’s, extremist groups have carried out an escalating series of bomb attacks. They have included a grenade attack on an Awami League rally that killed 24 people and injured Sheik Hasina and other top Awami League leaders. The Commission’s Policy paper notes the recent introduction of suicide bombings and the almost simultaneous detonation by extremists around the country, on August 17, 2005, of over 450 bombs. The Jamaatul Mujahideen Bangladesh (JMB) claimed responsibility for this and other attacks.

The rising threat of terrorist groups makes the need for responsible political conduct by the country’s political leaders all the more urgent. This places even greater pressures on the process and the political environment surrounding the upcoming 2007 elections in Bangladesh. The corresponding obligation to pursue the broader national interest lies not just on the Awami League and the BNP but on all parties participating in the election process, including the BNP’s present governing coalition partners – the Jamaat-e-Islami, Jatiya Party (Naziur) and Islami Oikya Jote.

NDI’s pre-election delegation noted significant problems and critical challenges to the integrity of Bangladesh’s election process. The delegation emphasized that the country’s national elections since 1991 have been considered to have met international standards, but this should not allow either the domestic or international communities to be complacent about the future of genuine democracy in Bangladesh.

In the present electoral context, it must be noted that:

- The Caretaker Government should be formed in accordance with constitutional provisions and dialogue and consultation that ensure political impartiality and effectiveness;

- The election commission, and particularly the Chief Election Commissioner, must undertake immediately necessary steps to address the perceptions of incompetence and bias that are undermining public confidence in the electoral process;
- All relevant actors must devise effective strategies to curb the rampant violence that threatens to destabilize not just the electoral process but society itself;
- The voters list, which includes over 93 million names and is thus substantially inconsistent with census data, should be subjected to a variety of verification techniques and opened for correction;
- Campaign conduct, including spending, must be brought into compliance with the law and international standards;
- Impartial and effective electoral complaint mechanisms must be put in place;
- Violations of the law, including past violations, should be vigorously prosecuted to break any appearance of impunity;
- Sufficient polling booths in women's polling centers should be established to ensure a genuine opportunity to vote, and other obstacles to women's political participation should be addressed;
- Electoral transparency, including streamlined provisions for domestic and international observers, should be ensured, including specific provisions to safeguard the accuracy and honesty of vote counting and reporting.

I will close with a quote from last month's NDI delegation: "The delegation believes it is important that legitimate questions as to the fairness of the election process be fully investigated, discussed and resolved. At the same time ... the election should not be held hostage to the intransigent positions held by either the government or any political party."

Thank you.

ANNEX