



**STATEMENT OF NDI/IRI'S
PRE-ELECTION ASSESSMENT MISSION
TO BANGLADESH'S 12TH PARLIAMENTARY ELECTIONS**

October 15, 2023

SUMMARY

This statement is offered by the bipartisan and international pre-election delegation organized by the International Republican Institute (IRI) and the National Democratic Institute (NDI). The delegation's purpose was to provide an independent and impartial assessment of electoral preparations in advance of Bangladesh's upcoming 12th Parliamentary Elections; examine factors that could affect the integrity and viability of a credible electoral process; and offer practical and timely recommendations to help improve the prospects for inclusive, transparent, and peaceful elections and public confidence in the process.

Members of the delegation included Bonnie Glick (IRI Co-Chair), Former Deputy USAID Administrator; Karl F. Inderfurth (NDI Co-Chair), Former Assistant Secretary of State for South Asian Affairs; Maria Chin Abdullah, Former Member of the House of Representatives, Malaysia; Jamil Jaffer, Former Associate Counsel to the President of the United States; Johanna Kao, IRI Senior Director, Asia-Pacific Division; and Manpreet Singh Anand, NDI Regional Director, Asia-Pacific. The delegates were joined by technical and country experts from NDI and IRI.

From October 8 to 11, 2023, the delegation met with: the Prime Minister, several cabinet ministers, and other government officials; the Bangladesh Election Commission (EC); party leaders from across the political spectrum; civil society representatives, including citizen election observer group leaders; current and former women members of parliament; representatives of organizations engaging with youth, persons with disabilities (PWD) and religious minorities; media representatives; members of the legal community; and representatives of the international and diplomatic communities. The delegation appreciates all those with whom it met and who shared their views freely.

Bangladesh has a strong tradition of democratic values buttressed by ideological pluralism, vibrant media, an active civil society, and politically engaged citizens. Over the past decades, the country has achieved strong economic growth, successfully weathered the COVID-19 pandemic, and shown environmental stewardship.

These achievements set a strong foundation for the country to achieve its 2041 vision of becoming a developed country. However, Bangladesh's democratic journey continues to face several

challenges. Despite some areas of progress, the current political environment presents significant obstacles to electoral integrity, including uncompromising and zero-sum politics, highly charged rhetoric, political violence, a widespread climate of uncertainty and fear, contracting civic space and freedom of expression, and a trust deficit among citizens, political leaders, and other stakeholders. Women, youth, and other marginalized groups also face significant barriers to participation. These challenges pose a threat to democratic principles that could undermine the country's positive trajectory towards sustainable development. Bangladesh is at a crossroads and the upcoming elections provide a litmus test of the country's commitment to a democratic, participatory, and competitive political process.

The delegation offers the following recommendations for the consideration of the Election Commission, government, political parties, and other electoral stakeholders. These recommendations constitute a roadmap that, if undertaken in the remaining pre-election period and beyond, can help achieve progress toward credible, inclusive, participatory, and nonviolent elections that can advance Bangladesh's democracy. This roadmap includes five key recommendations that are outlined in greater detail at the end of this statement:

- Moderate rhetoric and engage in open and substantive dialogue on key election issues.
- Protect freedom of expression and ensure an open civic space where dissent is respected.
- Commit to nonviolence and hold perpetrators of political violence accountable.
- Create conditions to allow all parties to engage in meaningful political competition, including bolstering independent election management.
- Promote a culture of inclusive and active electoral participation among citizens.

The delegation recognizes that it is the people of Bangladesh who will ultimately determine the credibility and legitimacy of their elections and their country's democratic development. The delegation therefore offers this pre-election statement in the spirit of supporting and strengthening democratic institutions in Bangladesh.

ELECTORAL CONTEXT OF THE 12TH PARLIAMENTARY ELECTIONS

The government of Bangladesh has achieved notable successes in economic growth, infrastructure development, poverty reduction and environmental stewardship. However, political paralysis and declining trust in democratic processes cast a shadow on this progress and threatens to undermine the economic and development trajectory. During the 2014 and 2018 parliamentary elections, boycotts, violence, strikes, and electoral irregularities undermined the legitimacy of the outcomes among many Bangladeshis. As a result, turnout for national and local elections is now routinely low. In the current election campaign, political violence is persistent, and opposition political figures and government critics face increasing pressure. The country's main opposition party is currently planning to boycott parliamentary elections unless the prime minister resigns and installs

a nonpartisan election administration, which the government has rejected. The resulting deadlock is depriving Bangladeshis of political choice and undermining faith in the political process. In an environment of widespread mistrust, lack of political dialogue could lead to increased tensions and significantly escalate violence.

MAIN OBSERVATIONS

Election Administration

Bangladesh's constitution and legal framework provide a clear mandate for an independent election commission. In recent years, Parliament has passed a series of laws to strengthen the role and independence of the EC, and the Commission has taken steps to expand its role in conducting credible, nonviolent elections and streamlining processes such as easing the candidate nomination process. In practice, however, the EC depends on government ministries to staff and provide security for the voting and counting process in the roughly 40,000 polling centers throughout the country. While legally the ministry can direct poll workers and security officials, the delegation heard that, in practice, the EC does not have the capacity to independently identify problems on election day or enforce its directives to poll workers and security personnel. This creates an opening for undue political influence on voting and counting, decreases public trust in the overall process and blurs the lines of responsibility between the EC and the government regarding the effective and impartial conduct of the election.

In the current highly polarized environment, the neutrality and independence of the EC and election day polling officials are fundamental to ensuring that all contestants, as well as voters, have confidence in the process and the results. The Bangladesh government has made strides in improving the independence of the election process. In 2021, the government conducted a consultative process to select election commissioners that included public dialogues with democratic stakeholders for recommendations. The EC's decision to forego use of electronic voting machines alleviated pervasive concerns among critics about the machines' susceptibility to manipulation. Additionally, in recent local elections, opposition and independent candidates have won, indicating a degree of electoral fairness. The Awami League government has consistently said it intends to hold a free and fair election and has called for international election observers. Still, civil society groups and opposition leaders with whom the delegation met expressed concern about the EC's neutrality. Several opposition parties, including the Bangladesh Nationalist Party (BNP), declined to nominate potential commissioners due to a perceived bias in the selection process and therefore have no representation in the administration of the elections. The EC's decision to provide registration to relatively unknown new political parties while denying registration to more established parties raises concerns about its impartiality. Interlocutors also noted the concern that the political affiliation of some EC commissioners undermined its willingness to fairly apply election laws.

Procedurally, the EC has sufficient funds to conduct the elections and its preparations are well underway. It has almost completed the process to update the voter list and has begun the massive effort to recruit and train more than 600,000 poll workers to staff roughly 40,000 polling centers. The recruitment process will require significant efforts to ensure gender balance and robust youth participation, and to properly train polling officials to ensure their political neutrality and effective work. Political parties and civil society groups with whom the delegation met did not express significant concerns about electoral preparations or the credibility of the voters list, but noted anecdotal reports of citizens not being able to vote in past elections because they were not included on the list. The delegation remains concerned electoral stakeholders are giving insufficient attention to critical aspects of election preparations, including voter registration, the quality of the voter list, and the training of polling officials.

Campaign Finance

Transparency of campaign income and expenditures reduces opportunities for conflicts of interest and evens the playing field among candidates. However, effective campaign finance oversight requires a strong legal mandate, sufficient resources, and a binding enforcing mechanism. Interlocutors noted that the EC currently dedicates few resources to the verification of campaign finance reports and has no enforcement power to address any irregularities.

Election Data

The EC provides polling center-level results in analyzable format on its website for previous elections, including 2018 parliamentary elections, which is a welcome sign of transparency. For the upcoming elections, the delegation encourages the EC to release results in a similarly analyzable format, further disaggregated by polling booth, as a continued demonstration of election data transparency.

Electoral Complaints and Dispute Resolution

Given the high degree of polarization and competition in Bangladesh's elections, an effective, impartial electoral dispute resolution process is critical. The High Court Division, which is the lower division of the Supreme Court, handles electoral disputes. Political parties will expect the court to impartially resolve any electoral disputes that may arise and to resist political pressure amid widespread skepticism about the independence and impartiality of the judicial system.

Political Parties and Candidates

Candidate Nomination

The parliament's 350 seats consist of 300 first-past-the-post, single-member constituencies, with 50 seats reserved for women. The 50 reserved seats are not directly elected; they are allotted to parties based on their proportional representation in parliament. Political parties are now

identifying candidates for single-mandate constituencies, but have not all confirmed whether they will contest the elections. The nomination process within parties often lacks transparency and true competition, with interlocutors noting that candidate nominations typically go to aspirants who have existing wealth, political connections, or familial ties. Because women, youth, and other marginalized groups often lack these privileges, this creates significant barriers for their advancement in politics. More broadly, insular nomination processes have hampered the emergence of promising and diverse new candidates from the grassroots level.

Campaign Environment

Three months before the expected election day, the political discourse is dominated not by policy issues or parties' political platforms, but by the deadlock between the government and opposition parties considering boycotting the process. The political opposition has been given some space to vigorously campaign against the ruling party. The "one point demand" of the BNP calling for the resignation of the prime minister has been promoted on the internet, in television and print media, and at rallies. The BNP and other parties have held large protests around the country, often with legal permits from the government. However, the government's opponents also face impediments that tilt the playing field against them, including arbitrary denial of permits or partisan obstructions, such as transportation strikes, that hinder participation. Echoing reports in Bangladeshi and international media, interlocutors said the government is pursuing what they estimate to be millions of politically motivated and time-consuming court cases against opposition activists and members to impede their election-related activities. This targeted prosecution is compounded by the widespread view among civil society members, journalists, analysts, and opposition members that spoke to the delegation that the judiciary has been co-opted and that the party registration process is opaque.

Electoral Violence and Security Provision

Election violence has historically been a common problem in Bangladesh. Although the country saw fewer deaths during the 2018 elections than in 2014, street violence remains persistent during the current election cycle. In the absence of substantive dialogue between the parties, violence could become more prevalent. Interlocutors noted that violence is both between and within parties, as politicians and their supporters spar with internal rivals for party nominations or external competitors from opposing parties. Political parties often deploy their youth and student wings to perpetrate political and election violence. Interviewees also highlighted the online and offline cycle of violence against women in elections, and the expectation that it will continue to be a barrier for safe and meaningful participation of women in the upcoming parliamentary elections.

The EC has the legal mandate to ensure the security of the electoral process. However, in practice the Commission has little leverage to enforce its directives, and police and other local security authorities have significant autonomy to act independently. Interlocutors reported that security

services often fail to intervene to protect opposition figures and have, at times, engaged in excessive force to break up opposition rallies. While ruling party officials acknowledged that excessive force needs to be curtailed, they noted that some opposition rallies do not have proper permitting and are designed to disrupt the daily life of Dhaka residents.

Stakeholders also expressed concern regarding a recent change to the EC's power to cancel elections. Previously, under the Representation of the People Order, the Commission had the statutory authority to cancel elections in any given constituency, if it felt that the elections could not be conducted fairly, as occurred in the October 2022 Gaibandha-5 by-election. However, in an amendment to the law passed in July 2023, this authority was revised to only allow for the cancellation of elections in specific polling centers. Members of opposition parties expressed concern that the new authorities could be used to cancel voting in opposition strongholds as a way to manipulate election results in a constituency.

Media and Information Environment

Bangladesh's media space includes vocal criticism of the government, but interlocutors from across stakeholder groups argued that legal threats and the media's business interests often skew a significant portion of news coverage in favor of the government. Critical media coverage often provokes government retaliation, which exacerbates self-censorship. For example, some journalists and media figures who criticize the government have faced targeted legal investigations; some have alleged that intelligence and governmental actors have pressured them to change or refrain from printing stories. The government also canceled the printing license of opposition newspaper Dainik Dinkal, which further diminished the diversity of media voices. International media advocacy groups have noted that the interests of media owners often constrain editorial independence to maintain their political and economic interests.

Civic actors, international watchdogs and other stakeholders noted that digital freedom of speech is highly constrained. The delegation heard that the newly passed Cyber Security Act represents a marginal improvement over the 2018 Digital Security Act and is part of a larger ecosystem of legislation that impedes digital rights. There is pessimism that reforms will result in meaningful improvements, and many stakeholders predicted that the CSA will be used to continue to suppress online dissent.

Inclusion of Marginalized Voices: Women, Youth, and Persons with Disabilities

Women

Women play an active role in Bangladesh's elections as voters, campaign activists, candidates, observers, and poll workers. Bangladesh has had a woman prime minister for most of the last three decades, and an increasing number of women political activists and elected officials are emerging,

particularly at sub-national levels. However, women civic leaders and political figures told the delegation about significant cultural and structural barriers to participating equally. Male politicians often discount the opinions of their female colleagues, doubt their abilities, and shunt them into women's party wings or policy working groups on issues traditionally associated with women. Aspiring women leaders often lack the political networks and funding to compete against men, and women citizens are deterred by Bangladesh's violent political culture.

Furthermore, inside the home, politics is viewed as "dirty" and therefore inappropriate for female participation. At the ballot box, women often face pressure from male family members to vote in a particular way. While Bangladesh's reserved seat system, which guarantees at least 50 women members of parliament, should be lauded, many democratic stakeholders told the delegation that these members are often treated with less respect, have little institutional power, and some are stand-ins for male family members who effectively serve as shadow MPs. Furthermore, the reserved system leaves little incentive for political parties to invest in the professional development of women candidates, which makes them less competitive outside of the reserved seat system.

Youth

Youth represent an important voting block and have a long and vibrant history in Bangladesh politics. They played a leading role in the 1952 Bangla language movement, Bangladesh's liberation war in 1971, the democratic uprising in 1990, and more recent policy-based movements on road safety, job quotas, and sexual assault laws. Political party leaders told the delegation that they seek to mobilize youth with policy-based arguments but did not articulate a strategy to engage them as candidates in the upcoming elections. Youth-led NGOs and civic activists said many young people are frustrated with party politics, disillusioned with elections, and unlikely to vote. The most engaged youth are often involved with formal party student wings, which have increasingly played a destructive role in politics, reportedly suppressing dissent on campus with violence and harassment. Consequently, many young people fear expressing their political opinions because of harassment or legal actions, particularly through Bangladesh digital security laws, which have been used to punish them for criticizing the government online.

Persons With Disabilities

Almost 3 percent of Bangladeshi citizens (4.6 million) are persons with disabilities (PWD), and civic actors noted significant barriers to their participation in elections. For example, polling booth locations and voting processes are often inaccessible to individuals with mobility impairments. International rights groups report that more progress is needed to address challenges facing voters with visual, hearing, and physical impairments including the lack of reasonable accommodations, untrained staff at election centers, and long and disorganized lines.

Religious Minorities

Approximately 90 percent of Bangladesh's population is Sunni Muslim. Religious minorities—predominately Hindus—have in the past faced pre-election pressure and post-election violence for their political alignment. International human rights watchdogs and interlocutors noted with concern declining secularism in Bangladeshi society and the resulting potential for election violence targeting minorities.

Civic Space

Civil Society

Bangladesh has a diverse and active civic space with numerous high-capacity nongovernmental organizations (NGOs) and community-based organizations (CBOs) that work on a range of topics including humanitarian relief, legal support, service distribution, and democracy and human rights. While civic organizations are often able to work without onerous restrictions, some democracy and human rights' groups reported to the delegation that there are bureaucratic hurdles through the NGO Affairs Bureau that they believe are politically motivated. For example, NGOs and CBOs noted invasive financial auditing, delays in project approvals and fund distribution, and activity surveillance. Notably, the human rights NGO Odhikar, which is known for documenting human rights abuses committed by state forces, had its registration revoked and two of its top leaders face criminal charges. While government officials argue that Odhikar deliberately spread false information, the delegation is concerned about silencing human rights defenders as well as the broader chilling effect on civic activism created by the prosecution of Odhikar's leadership. At the international level, international NGOs working on democracy programs also report long delays and non-transparent denials on applications for registration and government monitoring of activities.

Citizen Election Observation

Bangladeshi civil society organizations have a well-established tradition of mobilizing citizens to monitor the country's elections. While these groups have previously played a key role in providing the Bangladeshi public with an independent, impartial, and timely assessment of elections, as well as in flagging early warning signs of electoral violence, the space for citizen observation has contracted. Citizen observer organizations told the delegation that citizen observation is needed in Bangladesh, but they fear political retribution for unbiased election assessments. Many of the organizations accredited as observers by the EC have no credible observation track record. In addition, the EC's Domestic Observer Guidelines contains several undue restrictions on observers' rights. One such restriction bans observers from observing in the same polling booth throughout the day. This restriction on stationary, or fixed, observation is not in line with global norms for observer rights.

ROADMAP TO CREDIBLE, INCLUSIVE, AND NONVIOLENT ELECTIONS

The delegation offers the following recommendations on steps that Bangladeshi stakeholders can take in the remaining pre-election period and beyond to enhance confidence in the overall electoral process. Bangladesh's roadmap for credible, inclusive, and nonviolent elections should include:

Recommendation 1: Moderate rhetoric and engage in open and substantive dialogue on key election issues.

- In public, political parties should moderate their rhetoric and acknowledge the legitimacy of other political actors, including amplifying and strengthening existing codes of conduct.
- The parties should engage in good faith negotiations to find a compromise to the current political stalemate and create real, lasting, and credible change.

Recommendation 2: Protect freedom of expression and ensure an open civic space where dissent is respected.

- Journalists and media outlets should be free to critically cover all political parties, government actors, and issues in Bangladesh and citizens should be free to express themselves, both without fear of retaliation.
- Civil society organizations and community-based organizations, particularly those that work on democracy and human rights issues, should not face threats to curtail or otherwise limit their activities.
- The newly passed Cyber Security Act should not be misused or abused, including to target dissenting speech; the government should continue to seek input from citizens and other stakeholders on its implementation.
- Election regulations should ensure that citizen observers can access all aspects of the election process, in accordance with the global norms enumerated in the Declaration of Global Principles and Monitoring by Citizen Organizations.

Recommendation 3: Commit to nonviolence and hold perpetrators of political violence accountable.

- Political party leaders and activists should not face violence and receive equal protection from state authorities when engaging in legal and nonviolent political activities.
- All parties should publicly commit to nonviolence and condemn violence committed by their own party members or supporters.
- All parties should subscribe to a multiparty code of conduct committing to electoral nonviolence.
- Political parties and other stakeholders should take steps to prevent, identify and address online and offline violence against women in elections.

Recommendation 4: Create conditions to allow all parties to engage in meaningful political competition, including bolstering independent election management.

- Strengthen safeguards for the independence and political neutrality of the EC, and empower it with increased staffing and funding.
- Communicate and be transparent about the way in which relevant authorities will administer the election to build trust and confidence in the process.
- Provide registration to all political parties that demonstrate a credible intent to engage in nonviolence and democratic political activity and facilitate campaign activity through fair and transparent processes.
- Provide a speedy and credible judicial review of all judicial cases pending against political activists, civil society leaders, and media representatives.

Recommendation 5: Promote a culture of inclusive and active electoral participation among citizens.

- All stakeholders should contribute to an election environment of nonviolence, moderation, and consensual politics that is conducive to the participation of all citizens in elections without discrimination.
- All parties should elevate new voices—particularly women, youth, PWDs, and other marginalized groups—in political activities during the election: as candidates, party leaders, and decisionmakers, including providing training and other resources to maximize their chances of success beyond the reserved seats.
- The EC should provide all reasonable accommodations to ensure the full participation of people with disabilities in the election process.

The delegation recognizes that it is the people of Bangladesh who will ultimately determine the credibility and legitimacy of their elections and their country's democratic development. The delegation therefore offers this pre-election statement in the spirit of supporting and strengthening democratic institutions in Bangladesh.

IRI and NDI conducted this mission in accordance with the Declaration of Principles for International Election Observation. NDI and IRI are nonprofit, nonpartisan organizations dedicated to supporting and strengthening democratic institutions worldwide through citizen participation, and openness and accountability in government. More information about IRI's and NDI's work can be found on their websites: www.iri.org and www.ndi.org.