

# **Pre-election and Referendum Situation: TIB's Observations**

## **Executive Summary**

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## Pre-election and Referendum Situation: TIB's Observations

### Context of the 13th National Parliamentary Election and Referendum

- Following the collapse of the authoritarian regime in August 2024, students and ordinary citizens aspired to build a “New Bangladesh” founded on non-discrimination, good governance, integrity, equal rights, and social inclusion. They envisioned a renewed political and social order in which state authority would derive from the people’s mandate and be exercised through transparent, accountable, and responsive governance.
- As part of the state reform process, eleven thematic and sector-based reform commissions were formed in two phases to formulate specific reform proposals.
- The National Consensus Commission (NCC) was formed to discuss the recommendations of the six reform commissions (Electoral System Reform Commission, Police Reform Commission, Judiciary Reform Commission, Anti-Corruption Reform Commission, Public Administration Reform Commission, and Constitution Reform Commission) formed in the first phase with political parties and actors of anti-discrimination movement and other alliances to help secure a national consensus on them, and to formulate a national position on important reform proposals.
- The July National Charter was finalized by incorporating 84 reform proposals (including some dissenting opinions), and was signed by the major political parties with commitments to implement them.
- The decision to hold a Referendum was taken to obtain the approval of the people to implement the 48 reform proposals on constitutional reform that were included in the July National Charter. The Implementation Order of the July National Charter (Constitutional Reform), 2025, and “Referendum Ordinance, 2025” were issued to hold the referendum accordingly.
- According to the Referendum Ordinance 2025 and the Representation of the People’s Order 1972, the referendum on the July National Charter and the thirteenth National Parliament elections were to be held simultaneously on 12 February 2026.
- On this backdrop, some preliminary observations are being published based on TIB’s ongoing research at both the national and local levels to track the pre-election and referendum situations.
- The objective of publishing this preliminary observation is to raise awareness among all relevant stakeholders—including the Election Commission, the government, the administration, law-enforcement agencies, political parties and candidates-activists-supporters, the media, election observer organizations, and voters—and to encourage them to take appropriate measures in their respective capacities.

- It should be noted that Transparency International Bangladesh (TIB) has similarly tracked national election processes in the past to check for irregularities and lapses in integrity.
- This presentation includes preliminary observations based on pre-election time data from TIB's ongoing study titled *Thirteenth National Parliamentary Election Process Tracking*; the full analysis and report will be published after the election.

## **Pre-election Observation: The Role of the Election Commission (EC)**

### **Pre-schedule period**

#### **Election preparedness and stakeholders' confidence in the Election Commission's activities**

- Controversy over updating the voter list
  - Despite updating the voter list three times, political parties have raised allegations and concerns regarding excessive voter migration and the addition of excessive voters in some constituencies
  - The voter list is created using the digital platform linked to National Identity Database. As a result, the shortcomings associated with National Identity database are inherent within the system of developing the voter list. This includes the inclusion of Rohingyas and the failures to exclude them from the final voter list.
- Road and railway blockades and clashes in various parts of the country centering on the demarcation of parliamentary constituencies, attacks on police stations; 1,185 objections and recommendations submitted to the Election Commission expressing dissatisfaction.
- Concerns over the lack of transparency in the political party registration process; although several new political parties have received registration, allegations have emerged in the media regarding the failure to properly verify the information at grassroots level, compliance with registration conditions and eligibility, and dissatisfaction among political parties about the Commission's neutrality, particularly in matters related to the allocation of electoral symbols.
- Considering the law-and-order situation, 59 percent of polling centers declared "risky" by the EC.
  - As part of security measures and management of risky centers, funds allocated through the 'Slip Fund' for the purchase and installation of CCTV cameras, lights, and various equipment- withdrawal of money in some schools under informal instructions of Upazila Nirbahi Officers (UNO) and deposited to them;
  - A small portion of the withdrawn money was given to the school authorities for purchasing the equipment, concern over misappropriation of the remaining allocated money.

- Flaws were observed in the observer registration process. Some observers found to exist in name only and are affiliated with political parties, or who were previously seeking nomination from political parties.
  - Political parties express concern that among 55,454 observers from 81 organizations, 64 percent of observers were recruited from only 17 organizations; their neutrality has been questioned.
  - Doubts regarding the experience and capability of observers in election observation; more than 10 thousand observers were recruited from a non-profit organization that has no actual local presence; the concerned institution's observer card was suspended after publication of a media report about its irregularities. The controversial decision of the Election Commission to bear the expenses of foreign observers was criticized as a continuation of practices from the authoritarian regime; this represented a conflict of interest between the EC and the election observers.
- Due to the mismanagement by the Election Commission, the personal information of 14 thousand journalists who applied for registration through the Commission's website was leaked for some time. Such lapse poses a security threat to the safety and protection of journalists.
- Political parties doubt the credibility of postal voting (approximately 1 percent of total voters), one of the key influencing factors to determine election results in some constituencies.
  - Receiving a ballot using another person's mobile number
  - Allegations of casting a vote before the scheduled time
  - Videos spreading on social media showing a large number of ballots being delivered at the same address in several countries; political parties filing complaints in the EC Despite explanations from the EC, suspicion of postal vote manipulation remains.

## **Post-schedule period**

### **Creating level playing field for elections**

- The Awami League cannot participate in the election due to the suspension of its party registration; declaration by the Awami League to prevent the election, and subsequent violence.
- Lack of effective measures to control the law-and-order situation in high-risk districts and constituencies, particularly those which witnessed increased violence during previous national elections and the Interim Government's tenure.
- Deterioration of the law-and-order situation before the announcement of the election schedule; ongoing political killings, mob violence, and mugging incidents.

- Controversial remarks by the EC describing the murder of a potential candidate as an "isolated incident" and claiming it would not affect the election.

### **Verification and Scrutiny of Affidavit Information**

- Despite extensive media coverage and TIB's published analysis on the income and expenditure, dual citizenship, assets, overseas income and assets, loans, and liabilities declared in candidates' affidavits, questions remain as to whether the accuracy and adequacy of this information were properly verified, whether the sources of income and assets were lawfully acquired, whether such verification would be conducted at all, and whether stern action would be taken in cases of discrepancies.
- Despite providing false information or withholding data regarding foreign assets and dual citizenship in their affidavits, several candidates were declared eligible to participate in the elections.
- At least 45 candidates under debt, who were initially classified as Bank loan defaulters, are able to compete in the in the elections by taking advantage of legal and institutional loopholes. The extension of the deadline by the EC to accommodate candidates under debt is questionable, as are its controversial statements.
- Nominations were cancelled during initial scrutiny and following appeals by competing candidates. However, the failure to publicly disclose the specific reasons for these cancellations by the EC has raised questions regarding the transparency of the process.
- Cancellation of the highest number of nominations of independent candidates and allegations by the nomination-seeking candidates against the EC about influencing the election and its outcome.
- The largest number of nomination appeals submitted by independent candidates also resulted in the highest number of rejections.
- Lack of proactive measures by the EC to increase the representation of female candidates in the national election.

### **Level playing field for all parties and candidates**

- Attack on a candidate in the Returning Officer's room by another candidate and their supporters; attempt to forcefully remove the candidate out of the room, and the lack of action by the EC.
- Allegations about cancellation of nomination of independent candidates on the pretext of inconsistency in citizen's signatures or failure to find signatures of one percent of supporters during verification despite the existence of the signature.

- Deficiency and reluctance in the Election Commission's enforcement of laws to prevent electoral irregularities.
  - No action taken against top leaders of influential political parties holding public gatherings after 12 am.
  - In some cases, taking strict measures against independent candidates in response to complaints, show-cause, summoning to the EC, and handing financial fines.
- Besieging of the Election Commission by Bangladesh Nationalist Party (BNP) affiliate organizations as part of a protest regarding the position of the BNP's symbol on the ballot paper, and allegations of the Commission's bias toward a specific political party.

### **Control of campaigns and propagandas**

- Conducting election campaigns by political parties and candidates in violation of the electoral code of conduct; deficiency in the Election Commission's actions to deter such violations.
- Uncontrolled spending by political parties and candidates on social media campaigns
  - Between 22 September 2025 and 28 January 2026, the leading parties of the top two electoral alliances spent the highest amounts on Facebook campaigns, while a single candidate spent over BDT 2.5 million.
- The use of digital platforms to create instability, confuse voters, and influence the election through disinformation via AI-generated videos, photo cards, and various other mediums.
- Abusive, hateful, religiously prejudiced, and patriarchal harassment targeting female candidates and their supporters on social media during election campaigns. No effective measures to prevent or stop these, despite some efforts by the EC and relevant authorities.

### **Pre-schedule period**

#### **Election campaigns**

- Commencement of election campaigning by political parties and candidates even before the officially permitted time;
- Displaying posters and campaign materials on walls, poles, vehicles, and various other locations by all potential candidates in violation of Sections 3 and 4 of the Graffiti Writing and Poster Sticking Control Act, 2012.
- Spending huge amounts of money by potential candidates of parties before the permitted campaign period-
  - Overall, 33.8 percent of candidates exceeded their spending limit for the election campaign; on average, candidates spent BDT 11,961,310 each between 04 December 2025 and 01 February 2026.

- Although the EC issued instructions to potential candidates to remove election campaign materials from the field, 81.3 percent of them ignored the directive. As a result of issuing the removal orders, an executive magistrate received threatening phone calls from a campaigning candidate.
- Attempts to influence the administration, leaders' public statements threatening officials to work in favour of the party

### **Post-schedule period**

#### **Pledge by the political parties to reduce inequality, ensure fair nominations, and adhere to internal democratic processes**

- Allegations of granting nomination without a proper assessment of candidates' qualifications or popularity at the grassroots level. Active and dedicated party members have faced denial of nominations, which led to protests, internal conflicts, and violence—a clear reflection of power politics.
- Nominating only 4.05% women candidates by the political parties despite the pledge in the July Charter to nominate 5% women candidates
  - None of the 30 political parties participating in the election, including the Bangladesh Jamaat-e-Islami, nominated any women candidates. On the other hand, the BNP nominated only 2.8%, the Jatiya Party 3.1%, and the NCP 6.3% of women candidates. In contrast, among independent candidates, the nomination rate for women is 7.87%, which refutes the argument that qualified women candidates are unwilling to come forward. Within the parties, qualified women were also reportedly denied nominations due to coalition interests and power dynamics. Some smaller parties had comparatively higher rates of women's nominations.
  - Women candidates have faced major obstacles during campaigning, including offensive and gender-biased remarks, damage to their campaign materials, and harassment on social media.
- Only 3.91% of the total party nominees, which included candidates from both political parties and independents, were from religious and ethnic minority communities. This group consisted of 12 independent candidates and 10 women candidates.
  - Notably, 29 political parties did not nominate any candidates from religious or ethnic minority communities.
  - Among those, the Communist Party of Bangladesh (CPB) nominated 17 out of 63 candidates from minority communities, followed by the BNP, which nominated 6 out of 289; Bangladesh Jamaat-e-Islami, nominated 1 out of 228; and the NCP nominated 1 out of 32 candidates from these communities.



## **Electoral Alliances, Conflicts, and Political Divisions**

- Formation of a seven-party alliance under the leadership of the BNP and an eleven-party alliance under the leadership of Bangladesh Jamaat-e-Islami.
  - Some candidates left their respective parties to join the BNP to contest the elections using its symbol.
  - Leaders and activists who were denied party nominations engaged in blockades and vandalism and declared themselves as independent candidates. Those rebellious candidates were subsequently expelled from their parties; clashes occurred with expelled candidates during the campaigns.
  - Despite forming alliances, influential rebellious candidates continued their campaigns without withdrawing their nominations, sparking disputes among alliance partners.
  - Some senior NCP leaders exit from party when NCP joins Jamaat-e-Islami-led election alliance.
  - Islami Andolan Bangladesh exited the Jamaat-e-Islami-led election alliance after failing to reach a seat-sharing agreement with Jamaat; decides to contest the elections independently

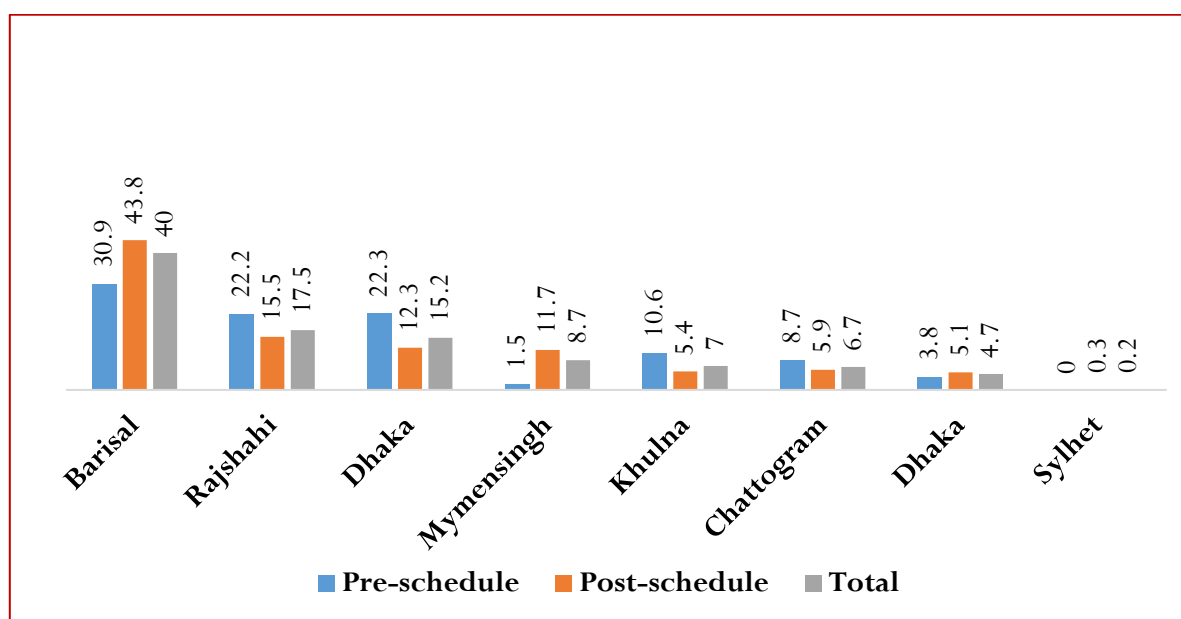
## **Use of money, religion, and muscle power**

- Money is being used freely in elections. Candidates exceeded the limits before the campaign period even ended.
- Accusations of paying cash to influential political parties to influence voters
- Emergence of incidents about workers from an influential political party collecting lists of presiding and assistant presiding officers from various polling centers, both in Dhaka and outside. They attempted to exert influence by offering cash and other benefits, as well as through undue pressure on the officials to work for the party
- The use of religion in election campaigns by political parties; social media posts derogatory towards women, creates controversy; allegations of social media hacking
- Personal and offensive counter-statements by candidates from major political parties and political alliances regarding latent and secret politics and extortion in political campaigns; bitter and heated election situation
- Arrest of political activists for having an illegal seal to be used on election day. Accusation of trying to manipulate the election by the opposition party and alliance
- At the field level, in some constituencies, political leaders and activists found harassing TIB's data collectors of this research in various ways; threatening them with the promise of "looking into it after the elections"; risks of expelling them from the constituencies.

## Compliance with the code of conduct in election campaigning

- All candidates have violated one or more provisions of the electoral code of conduct.
  - Using campaign materials without the required identification details of the printing press.
  - Conducting processions with vehicles, torch marches, and showdowns.
  - Tearing down and damaging posters, banners, or festoons belonging to competitor candidates.
  - Submitting nomination paper accompanying more than five people is the violation of election code of conduct. However, most of the candidates submitted nomination papers with more than five people violating the code of conduct.
- Clashes among political parties in various high-risk locations/hotspots during the election campaign. Most incidents occurred in the Barishal, Rajshahi, and Dhaka divisions. In one constituency, clashes between two parties resulted in one fatality.

**Figure 1. Incidence of clashes by division (percentage)**



**Note:** Data collection is ongoing (4 December 2025 to 1 February 2026). The estimated figures will change based on remaining election days and subsequent data collection.

## Role of the Law Enforcement Agencies

- Worsening law and order situation despite conducting joint force operations – sustained incidents of theft, robbery, and mob violence.
- Murder of a potential candidate within 24 hours of the election schedule announcement. Continued attacks, shootings, and killings of political activists and opponents across the country. This situation raised questions about the effectiveness of law enforcement agencies and their role in maintaining law and order.

## Role of the Media

- Providing greater coverage of the activities of a political party and party leader in the state-run television and playing a visible supporting role in the election campaign.
- The coverage of the election campaign in other media outlets shows the preponderance of campaign images and news about a dominant political party.
- Limited media attention and coverage about women candidates and their activities.

## Role of Government Media

Between 1 October 2025 and 31 January 2026, BTV's 8 PM news devoted a total of 446 minutes 19 seconds to election-related coverage concerning political parties and candidates. The estimated monetary value of this time amounts to Tk. 4 crore 1 lakh 68 thousand 500. In disseminating information related to election campaigning, one particular party received a predominant share of the coverage.

**Table 1. News coverage of the political parties**

Political Parties	Pre-schedule announcement (1 October to 11 December 2025)	Timeline Post-schedule announcement to before the approved period (12 December 2025 to 21 January 2026)	During the approved period (22 January to 31 January 2026)	Total time spent	Estimated* total monetary value (Taka)	Total time spent (percentage)
<b>Party-A</b>	144 minutes 19 seconds	98 minutes 40 seconds	57 minutes 9 seconds	300 minutes 8 seconds	2,70,12,000	67.25
<b>Party-B</b>	27 minutes 2 seconds	19 minutes 32 seconds	39 minutes 15 seconds	85 minutes 49 seconds	77,23,500	19.22
<b>Party-C</b>	38 minutes 52 seconds	9 minutes 8 seconds	12 minutes 12 seconds	60 minutes 12 seconds	54,18,000	13.49
<b>Party-D</b>	0 minutes	0 minutes	0 minutes	0 minutes	0	0
<b>Independent</b>	0 minutes	0 minutes	10 seconds	10 seconds	15,000	0.04
<b>Total</b>	<b>210 minutes 13 seconds</b>	<b>127 minutes 20 seconds</b>	<b>108 minutes 46 seconds</b>	<b>446 minutes 19 seconds</b>	<b>4,01,68,500</b>	<b>100.00</b>

**Note:** Data collection is ongoing, and the estimated figures will be changed based on remaining election days and subsequent data.

Between October 1, 2025, and January 31, 2026, BTV's 8 PM news programme dedicated a total of 492 minutes and 9 seconds to covering the interim government, the Election Commission, referendum campaigning, and related issues. The estimated monetary value of this airtime is Tk. 4 crore, 42 lakh, 93 thousand, and 500. A comparatively small portion of this time was allocated to referendum campaigning.

**Table. 2 News coverage of the Interim Government, Election Commission, Referendum Campaigning**

<b>Stakeholder/Topic</b>	<b>Pre-schedule announcement (1 October to 11 December 2025)</b>	<b>Post-schedule announcement to before the approved period (12 December 2025 to 21 January 2026)</b>	<b>During the approved period (22 January to 31 January 2026)</b>	<b>Total time spent</b>	<b>Estimated* total monetary value (Taka)</b>	<b>Total time spent (percentage)</b>
<b>Interim Government</b>	118 minutes 54 seconds	85 minutes 27 seconds	13 minutes 32 seconds	217 minutes 53 seconds	1,96,09,500	44.30
<b>Election Commission</b>	109 minutes 41 seconds	69 minutes 35 seconds	21 minutes 20 seconds	200 minutes 36 seconds	1,80,54,000	40.78
<b>Referendum Campaigning</b>	0 minutes	28 minutes 29 seconds	8 minutes 43 seconds	37 minutes 12 seconds	33,48,000	7.56
<b>Others</b>	25 minutes 37 seconds	8 minutes 29 seconds	2 minutes 22 seconds	36 minutes 28 seconds	32,82,000	7.36
<b>Total</b>	<b>254 minutes 12 seconds</b>	<b>192 minutes 0 seconds</b>	<b>45 minutes 57 seconds</b>	492 minutes 9 seconds	<b>4,42,93,500</b>	<b>100.00</b>

**Note:** Data collection is ongoing, and the estimated figures will be changed based on remaining election days and subsequent data collection.

### **Role of Public Sector Employees and Other Stakeholders**

- Participation of University Vice-Chancellors and teachers in political party campaigns.
- Participation of Government employees in political party campaigns, including singing songs and ghazals.
- Special financial allocations by the Ministry of Local Government for certain constituencies before the elections. These allocations were intended for the development of religious and social institutions. Many believe that there was bias in favour of the party associated with the Adviser who resigned from this ministry before the elections.

### **Overall Observations**

- At the beginning of the election campaign, signs of relatively healthy competition were observed. Over time, political parties and candidates have returned to, and continued, an entrenched pattern of violent electoral practices. Consequently, conflicts between parties and alliances, intra-party disputes, unhealthy competition for power, and violence have intensified.
- Along with election-related violence, anti-election activities declared by the fallen authoritarian government present a significant risk to stability.
- As in previous national elections, political parties and candidates have used money, religious influence, and coercive power. However, in this election, the use of money and religious influence has increased visibly.

- The Election Commission and other stakeholders are increasingly failing to create a level playing field and organize peaceful elections, creating free, fair, transparent, and equal competition for all. In particular, the effective exercise of the powers conferred on the EC to prevent political conflicts and violations of the election code of conduct, irregularities, and unhealthy competition is not visible.
- Despite numerous violations of the code of conduct and irregularities by parties and candidates during the election—both online and offline—the EC seems to be neglecting or overlooking these issues, mainly due to its own weaknesses. This situation makes it very difficult to create a fair environment for all parties and candidates and to hold a fair and impartial election for all voters.
- Government officials involved in organizing the elections, particularly some members of administrative and law enforcement agencies, demonstrated apparent failures and irregularities and failed to take action to ensure a fair, healthy, and influence-free election environment.
- Political parties and candidates have shown little cooperation with the Election Commission to implement the electoral code of conduct. In many instances, their actions go against the basic principles of fair competition, which are essential for ensuring a level playing field for all competitors.

#### **Referendum Campaign: TIB's Observations**

- Due to the opposite positions taken by influential political parties, the government's tentativeness in making decisions regarding the referendum, and the enactment of an ordinance aimed at satisfying both sides, ambiguity, confusion, and controversy were created from the outset regarding the subject and question of the referendum.
- Even if the decisions to hold the national election and the referendum on the same day, and to introduce obligations related to an upper chamber of parliament, were considered means of achieving such satisfaction, these steps further complicated the matter.
- On such an important issue—particularly in the processes of promulgating the ordinance, holding the referendum, and the government's decision to campaign in favour of a “Yes” vote—it remains unclear whether any constructive consultation or coordination took place between the government and the Election Commission.
- The Election Commission's directive regarding government officials campaigning in favour of the referendum, issued 18 days after the government began its campaign activities, created further controversy by raising the question of how well-considered, lawful, and constructive the directive actually was.

- The Election Commission’s directive treated elections and the referendum as synonymous, which is questionable, because under Article 2(vii) of the RPO, “election” means an election to a seat of a member held under this Order. In no way can a referendum be considered synonymous with an election, as in a referendum, voters do not cast votes in any seat or vote for or against any member.
- If the Election Commission had taken the opportunity to engage in discussions with the government, as the promulgator of the referendum ordinance, before issuing the directive, the exercise of its independent role would not have been questioned, and unnecessary confusion could have been avoided.
- Ultimately, due to imprudent actions by both the government and the Election Commission, unnecessary controversy arose surrounding the government’s direct role in the referendum.
- In line with the mandate entrusted by the July uprising, it was the government’s responsibility to play the necessary role in ensuring the “Yes” vote casting in the referendum on the July Charter, the principal catalyst for state reform. As such, there is no legal or logical basis for the Election Commission to disagree with such a role of the government.
- However, the government unduly imposed decisions on various stakeholders—including government officials, NGOs, and banks—which raised questions about the government’s conduct. In addition, concerns were flagged regarding transparency and accountability in the financing and expenditure of the referendum process.
- In particular, since government officials are legally under the authority of the Election Commission following the announcement of the schedule, the government interfered unnecessarily in the Election Commission’s jurisdiction by instructing its employees to campaign- despite the guidance being fully reasoned and justified in favour of a “Yes” vote in the referendum, without obtaining the Commission’s consent.
- On the other hand, whether due to this interference or other considerations, the Election Commission responded with unnecessary and controversial measures based on a misinterpretation of the law. By rendering the referendum contentious, both the government and the Election Commission failed to perform their expected roles in organizing a historic referendum properly and effectively.

## Referendum and TIB's Position

- The primary basis of the referendum lies in the majority of the proposals incorporated in the July National Charter, achieved at the cost of unprecedented loss of lives and sacrifice, which are an integral part of TIB's core mandate and long-standing research- and policy advocacy-driven demands and expectations; these include the commitment to establishing good governance, preventing abuse of power and corruption, protecting people's political and civil rights, and ensuring equal rights for all, regardless of political, religion, ethnicity, gender, or other forms of diversity.
- Through a "Yes" vote in the referendum, there is an opportunity to support the following:
  - ✓ As part of constitutional reform, amending Article 20(2) of the constitution in accordance with Article 43 of the July Charter to prohibit the abuse of constitutional and legal powers.
  - ✓ Granting constitutional status to the Anti-Corruption Commission (ACC) in line with Article 42 of the July Charter.
- In addition to the constitutional reform proposals under the referendum, this also entails the implementation of other proposals included in the July Charter, particularly those set out in Articles 70–84 relating to the prevention of corruption.
- Beyond proposals that directly address corruption prevention, there are numerous other constitutional reform proposals aimed at preserving the national identity and values achieved through our great Liberation War and at establishing a state structure conducive to accountable democracy and good governance, particularly:
  - Equality, human dignity, social justice, and religious freedom and harmony as fundamental principles of state governance;
  - The coexistence and dignity of all communities in Bangladesh as a multi-ethnic, multi-group, multi-religious, multilingual, and multicultural country;
  - Expansion, protection, and effective enforcement of the list of fundamental rights;
  - Full independence of the judiciary and all state institutions;
  - If an upper chamber of Parliament is established, ensuring that it is constituted based on proportional representation rather than the number of seats in the lower house;
  - Increasing women's representation in parliamentary elections to 100 seats and gradually ensuring that at least 33 percent of candidates nominated are women;
  - Amending Article 70 of the Constitution to allow Members of Parliament to take positions against their own party in all matters except the finance bill and motions of no confidence;

- Electing opposition party members as chairs of the most important four parliamentary committees (Standing Committees on public accounts, privileges, estimates, government institutions), as well as ministry-related standing committees, on a proportional basis; and
- Electing the Deputy Speaker of Parliament from the opposition party.

**Say “No” to corruption—say “Yes” in the referendum**

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