



# ELECTION OBSERVATION REPORT OF SECOND CONSTITUENCY ELECTION OF NEPAL 2013



**PREPARED BY:**

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**SUBMITTED TO:**

Election Commission,  
Kantipath, Kathmandu,  
Nepal



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**1. Executive Summary:**

Nepal Rural Development and Environment Protection Council, Kathmandu, Nepal, (an Ngo ), has implemented the election observation and has prepared and submitted the preliminary summary report to election commission and this is the final report prepared by this organization's election observation committee observations 87 delegations mobilized by this organization.

This organization's observers participated in numerous briefings and

Meetings with election administrators and NGOs in the days immediately preceding the elections. On Election Day, the delegation's 86 observer teams focused their work in 13 electoral districts of the ( Himal, Pahad, and Terai including regions ).

Our observers were present during various stages of the voting process at 130 stations that were open on Election Day. They



encountered more than 1,500 election workers and Thousands of voters. They were present for the Opening of polling stations in each of their assigned electoral districts, worked throughout the Election Day and attended the closing of the polling stations and some of them also portions of the ballot counting processes.

Election day was competently managed and no psychologically peaceful due to strike of Nepal Maoist Party (Vaidhya). There were numerous flaws in the process that cannot be overlooked, including widespread violence and intimidation in the pre-election. This report is based on reports from 86 volunteers from of this organization across Nepal.

Numerous incidents and irregularities were observed on election day, ranging from improperly administered polling centers. Security in most areas on Election Day was satisfactory many presser cooker bombs were found out near polling centers. The deployment of police, Army, and temporary police played a major and generally positive role. Participating political parties agreed, prior to the election, on a Code of Conduct that was only partially observed: despite all-party committees established to implement the Code there were many violations. The Election Commission failed to use its powers to enforce the Code; this tolerance for illegality has marked the last few years and contributed to an atmosphere of impunity that encouraged law-breaking by Political parties and other actors. But the weakness of the election laws and the reluctance of the government and security forces to enforce laws that were seen



as politically sensitive, made it harder for the EC to live up to its mandate. Further, there was a serious threat of strike of splinter from Nepal Communist Party (United Marxist and Leninist.)

## 2. Background and Introduction

### Observation Preparation:

At first, a election observation committee including four members of the organization was formed. The members are Indra Prasad Dahal, Uttam Bahadur Magar, Shova Kumari Poudel, and Krishna Bahadur Sapkota (KC). The whole national observation responsibilities were given to Mr. Indra Prasad Dahal. Then, the committee prepared the observation in this way.

- Selection of two persons for Trainer's Training organized by Election Commission.
- Selection of observers as per observation directives of election commission.
- Providing one day training to the observers.
- Development of questionnaires.
- Sending them on site.
- Arrangement of communication administration.

### Objectives

- To study and observe whether the second Constituency Election of Nepal is fair, free, credible, and impartial or not.



- To inform the stakeholders whether this election process is under the of standard of national international laws, rules, and procedures.
- To collect the facts based on observations and submit to election commission in form of report.

## **Significance**

The facts interpreted in this report are based on observations and not partial. All presented information and data are true based on the report received from our observers. So, we think this report will be standing as the resources for all national, international stakeholders, and all related parties for knowledge, new policy making, and guidelines.

## **Geographical and Electoral Area**

<b><u>Region</u></b>	<b><u>Himal</u></b>	<b><u>Tarai</u></b>	<b><u>Hill</u></b>	<b><u>Total</u></b>
Eastern Region:	1 districts	1 districts	-	2 districts
Central Region:	1 District	1 districts	5 districts	7 districts
western:	1 districts	-	3 districts	4 districts
Total	3 districts	2 districts	8 districts	13 districts

We have Observed in 35 constituencies of 105 polling stations.

## **Structure of Observing Organization and Administration**

The following executive body which hold the responsibilities of the organization.

1. Chairman: Mr. Prakash Kumar Thapa.



2. Vice Chairman: Shova Kumari Poudel.
3. Treasurer: Indra Prasad Dahal.
4. Secretary: Uttam Bahadura Magar.
5. Member: Sarita Rana.
6. Member: Narayani Thapaliya.
7. Member: Sangita Dahal.

In addition, there are three part time paid employees; Bhawani Thapaliya, Krishna Sakota, and Goma Oli. Further, there are 20 volunteers.

Regarding the election observation, based on interest and experiences, a election observation committee was formed consisting of the following:

- a. Coordinator, Shova Kumari Poudel.
- b. National Coordinator, Indra Prasad Dahal.
- c. Coordinator (TOT), Uttam Bahadur Magar.
- d. Sub-Coordinator, Krishna Bahadur Sapkota (KC).

### **3.Methodology.**

This organization has observed the election activities during the election only which means  $\frac{3}{4}$  days prior to election days to getting the counting results. For that, separate set of questionnaires for voting process and counting process were



given, then basically based on the answers from those questions, this report has been prepared.

## **Data Collection Method:**

- Observation Method.
- Interview Method.
- Content Analysis Method.
- Media Review Method.

## **Nature of Data**

There are more qualitative primary data from interview, observation, and content analysis though there are quantitative primary data to some extent. In addition, we have collected the most secondary data from media review in qualitative and quantitative form both.

## **Method of data analysis and interpretation.**

- Codification, interpretation, and transcribing for qualitative data analysis.
- Processing, presenting and interpreting for quantitative data analysis.
- Orderly interpretation of point of view of people, observers, and report preparatory for qualitative data interpretation





whereas graph, diagrams, and tables for quantitative data interpretation.

#### **4. Data, Facts and Interpretation**

##### **A. Pre Election Day**

- **Pre-Election Environment**

Based upon the our observers' numerous briefings and Meetings, in the days leading up to

The election, the picture that emerged was that the elections process was proceeding in a fair and orderly manner.

- **Media**

Nepal has been the focus of State and international media. The rules and regulation as issued by election commission focus on role and responsibility of media. In order to enter into polling centres on Election Day, media Representatives both Nepali and foreigners were asked to contact the Media Centre of the Election Commission or to the District Election Offices for the Nepali journalists, who cannot travel to Katmandu, and sign the Code of Conduct for Media Representatives on Election Day. A copy will be kept in the archives of the Election omission and another will be given to the media representative.

The copy of the signed Code of Conduct for Media Representatives on Election Day together with the Nepalese Press Card was to allow media representatives to enter into polling and counting centers. The

Media representative must show the accreditation to the polling officers and ask permission to stay in the polling station, and



respect legitimate instructions in case e.g. the station is too crowded with in its limited resources and expertise, has been active in pursuing complaints received with reference to violations of media rules.

### **Violence**

Incidences of political violence due to strike of Maoist Baidhya Samauha's strike remained high. It was not ensured an atmosphere that is conducive for people to cast their vote without fear till the polling day.

- Status of child rights abuse: Based on the information received, in 3 polling stations of Nuwakot, one in Chitawan, and two in Kathmandu, we found that there were used of children in election. Almost all locations and centers were the schools premises, the children were out of their study.

### **B. Election Day**

#### **a. Electoral Processes**

The key observations are:

##### **General Restrictions:**

1. Ban on Public transport to be used except especially permitted sticker vehicles or diplomatic cars.
2. Prohibition of liquor at all public places on Election
3. Election campaigning stopped 72 hours before elections

#### **b. Polling Station:**



1. Setting up of polling station was Presiding Officers responsibility which included collection, transport and submission of ballot boxes, voting screens and election material to & from District Election Offices.
2. Some of the Polling stations were cramped and needed more space
3. De-segregated data collection was done by election staff on the spot and was available to observers

**c. Political Agents:**

1. In Katmandu most of the political agents were male even for female Candidates. The reason for the same was, one, that all polling stations were mixed and, two, non availability of literate and/or trained females
2. Political Agents mostly had no trainings
3. Political Agents were cooperative among themselves and with polling station staff.

**d. Other observation.**

- Good participation of the voters though there were the fear of strike.
- Mostly, the large political parties violated the election code of conduct in nearly 80 percent of the polling stations where we observed.
- Some booths of Dailekh, Bajhang, and Siraha were captured. And dozens of booths of Gorkha were captured by Maoist, though election commission was not responding the cases.



- Security personnel were not duly responding to the observers in some polling stations and centers (in 25% of the stations where we observed.)
- We found discrimination in allowing the voters not having identity card thought they had proof of name enlistments for polling.
- Ballot papers were distributed to voters without sign in one polling centers of Kathmandu district.
- The effectiveness of the voters education was not found out even in some district head quarters.
- We found very little abuse of children during the election day.
- In an average, the election was interesting, peaceful, and participatory, though the circumstances were so fearful and many presser cookers bombs were disposed by Security Forces.

### **5. Major Findings and Conclusions**

The historic second CA elections were completed relatively peacefully. But many pre, Election Day and post-election incidents were observed across the country. Many areas need to be improved by the Election Commission, and by key players including the political parties. Codes of conduct, once agreed to, must be abided by and violations must be punished. The best way forward is to enforce electoral law effectively, without discrimination, regardless of the violator.



While political considerations are important in furthering the peace process, they

Should not facilitate the creation of a culture of impunity, that will create further problems for Nepal's fledgling democracy in the months and years to come.

### **6.Suggestions and Recommendations**

- 1 .Undertake electoral reform process especially focusing on
  - Rationalization of the procedural requirements for the conduct of election especially election day.
  - Training of Polling staffs adequately.
  - Liaising with political parties and civil society.
  - Mainstreaming women in higher electoral processes.
2. Institutionalization & standardization of :
  - Volunteer corp. both as polling staff and for security
  - Security arrangements on and around polling locations
  - Election related complaint system and its redresses
  - Establishment of polling stations
3. Enhancement of voter credibility by:
  - Focusing on Voter education especially for women
  - Voter friendly election procedures
  - Civil society and political parties should undertake voter mobilization campaigns
4. Options for voter mobilization should be defined if transport ban is to continue.

### **7.Challenges and Learning for Election Observation and Election Commission for Election Observation Administration.**



- Many parties did not abide by the Code of Conduct, during the pre-election period or on and Election Day.
- In future elections parties that violate the law, the Code of Conduct, or any regulations or rules must be punished without fear or favor, according to the law and not political calculations.
- The role of party polling agents must be reduced.

The End

**Annex:**

1. Action Plan for observation:



- Remember guidelines given while observing on the election day
- Enter the polling center taking acceptance only
- Observations Outside Polling Stations
- Meeting with Polling Staff
- Observations Inside Polling Station
- Observing the Opening of a Polling Station
- Observing Voting Procedures
- Observing Special Polling Procedures
- Observing the Closing of a Polling Station.

2. Lists of observers, and list of observed Polling Locations

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3. Check lists/Questionnaires.

- What were the election circumstances just prior to the period of election day?
- was any proof found out of violating the code of conduct?
- Are there any proof of abuse of children in the election?
- How was the security position around the polling places ?
- What were the management inside the polling centers ?
- were there special arrangement for adults and differently able persons?
- were there any disturbances from political party's agents?
- Were the security persons respecting to the observers?
- Is the polling location is peaceful and free of any form of fear to the voters ?

4. Summary of Financial Reports.

Receipts:

Loans from members :	Rs.125000
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Internal sources of the organization:-	Rs.262000
Total	Rs. 387000

Payments:-

Selection of Observers:-	10000
Training Expenses:-	110000
Stationeries :-	50000
Refreshment:-	100000
Communication expenses	46000
Printing and reporting	56000
Miscellaneous	15000
Total	Rs. 387000

5 Photos:





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