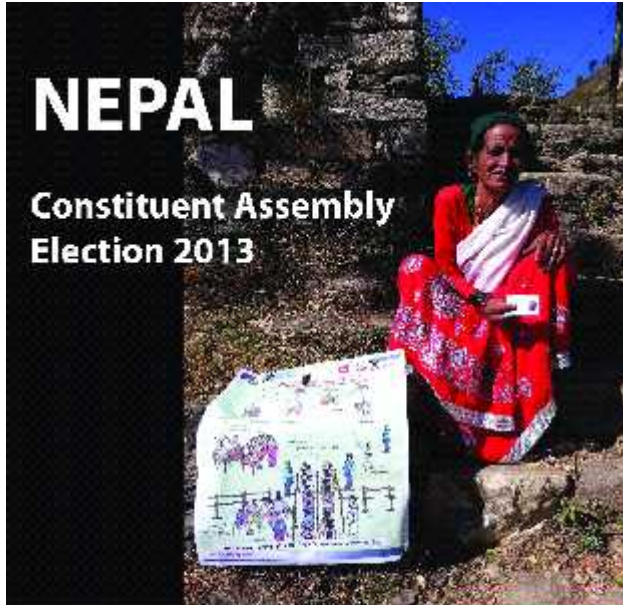


NEPAL

Constituent Assembly Election 2013



Report of the Election Observation Mission
Asian Network for Free Elections (ANFREL)



Nepal 2013 Constituent Assembly Elections

Asian Network for Free Elections (ANFREL Foundation)

FINAL REPORT



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Ñ1 Acknowledgements

The successful outcome of the second Constituent Assembly (CA) Elections in Nepal is due primarily to the commitment of the people of Nepal to a democratic political transition. Therefore, at the very outset ANFREL would like to congratulate the people of Nepal for showing their faith in the electoral process and overcoming numerous different challenges. In the same breath, our appreciation extends to the Election Commission of Nepal (ECN) for ensuring that the elections were held on time and the rights of voters to exercise their franchise were not disrupted or violated.

The efforts of all the stakeholders in supporting the democratic process amidst the political deadlock surrounding the constitution drafting processes is indeed

commendable.

Nepal's CA Elections in 2013 gave rise to the second observation mission for ANFREL in Nepal. For the 2013 elections, ANFREL provided 54 international observers from different countries in Asia (and a handful from elsewhere), who were supported by a dedicated, talented local staff. A special thanks goes to The Asia Foundation for the support and partnership provided to ANFREL and its support for the methodologies and principles followed by ANFREL in undertaking an election observation mission. We also recognize and thank DFID (Department for International Development) - United Kingdom for their generosity in financing the program.

From the mission, ANFREL has produced a preliminary/interim report which was published and released to the media at a press conference held in Kathmandu on 21 November 2013. This Final Report is a more comprehensive document which details the overall findings from the independent assessments and observations made during the entire mission. The content of this report represents the views and findings of ANFREL, which is an independent organization. As a result, the report's content does not reflect the view of DFID nor any of its local representatives.

Lastly, I would personally like to thank the ANFREL Core Team, which put in tremendous effort to implement the mission and, in the process, overcame several challenges from the Assessment Mission through the post election period.

ANFREL sincerely wishes to see the growth of peace and democracy in the beautiful land of Nepal and hopes that this election can be a foundation for that growth.

Ichal Supriadi
Executive Director

Common Abbreviations

AAO	Area Administration Office
ANFREL	Asian Network for Free Elections
ANNFSU	All Nepal National Free Students Union
APF	Armed Police Force
APM	All Party Mechanism
ATMM	Akhil Tarai Mukti Morcha
BAN	Broadcasting Association of Nepal
BMF	Broader Madhesi Front
BRSC	Badi Rights Struggle Committee
CA	Constituent Assembly
CAOF	Constituent Assembly Observation Joint Forum
CBO	Community Based Organization
CBS	Central Bureau of Statistics
CCD	Centre for Constitutional Dialogue
CDO	Chief District Officer
CIAA	Commission for the Investigation of Abuse of Authority
CMDP	Citizens' Movement for Democracy and Peace
CPA	Comprehensive Peace Agreement
CPN -M	Communist Party of Nepal-Maoist (<i>led by Mohan Baidya</i>)
CPN (ML)	Communist Party of Nepal (Marxist-Leninist)
CPN (UML)	Communist Party of Nepal (Unified Marxist-Leninist)
DCSM	Dalit Civil Society Movement
DDC	District Development Committee
DEAN	Democracy Election Alliance Nepal
DEO	District Election Officer / District Election Office
DMF	Democratic Madhesi Front
DNF	Dalit NGO Federation
DSP	Deputy Superintendent of Police
ECN	Election Commission of Nepal
EEMT	United Nations-Electoral Expert Monitoring Team
EVM	Electronic Voting Machine
FDRA	Federal Democratic Republican Alliance
FLSC	Federal Limbuwan State Council
FNCCI	Federation of Nepalese Chamber of Commerce and Industry
FNJ	Federation of Nepalese Journalists
FPTP	First- Past- the- Post
FSP	Federal Sadbhawana Party
FSP-N	Federal Socialist Party-Nepal
FWAF	Far Western Awareness Forum
HSS	Hindu Swayamsevak Sangh
IBOs	Identity Based Organizations
IDPs	Internally Displaced Persons
IED	Improvised Explosive Device
IFES	International Foundation for Electoral System
IMAN	Intellectual Muslim Association of Nepal
IMSDT	Integrated Mobile Service Delivery Team
INSEC	Informal Sector Service Centre
IPWA	Inter-Party Women's Alliance
JGTMM	Janabadi Ganatantrik Tarai Mukti Morcha
JMS	Janatantrik Mukti Samaj
JTMM (G)	Janatantrik Tarai Mukti Morcha (Goit)

JTMM (JS)	Janatantrik Tarai Mukti Morcha (Jwala Singh)
JTSC	Joint Tharuhat Struggle Committee
KJWP	Kirat Janawadi Workers Party
KRM	Khambuwan Rastriya Morcha
LDO	Local Development Officer
LMS	Loktantrik Madhesi Sangathan (<i>UML front</i>)
Loktantrik	People's Democracy
LPC	Local Peace Committee
LTO	Long Term Observer
MJF - D	Madhesi Janaadhikar Forum-Democratic
MJF - N	Madhesi Janaadhikar Forum-Nepal
MJF - R	Madhesi Janaadhikar Forum-Republican
MMT	Madhesi Mukti Tigers
MNLF	Madhesi National Liberation Front (<i>UCPN(M)</i>)
MoPR	Ministry of Peace and Reconstruction
MRMM	Madhesi Rashtriya Mukti Morcha
MSF	Madhesi Student's Front
NA	Nepal Army
NBA	Nepal Bar Association
NC	Nepali Congress
NDA	Nepal Defense Army
NDJP	Nepal Dalit Janajati Party
NDI	National Democratic Institute
NEFIN	Nepal Federation of Indigenous Nationalities
NEMAF	Nepal Madhes Foundation
NEOC	National Election Observation Committee
NFDIN	National Foundation for Development of Indigenous Nationalities
NJP	Nepal Janatantrik Party
NMSP	National Madhes Socialist Party
NNDP	Nepali National Development Party
OBC	Other Backward Castes
ODR	Out of District Registration
OCHA	Office for the Coordination of Humanitarian Affairs
OHCHR	Office of the High Commissioner for Human Rights
PLA	People's Liberation Army (Maoist)
PVB	People's Volunteer Bureau
RDA	Royal Defense Army
RDF	Republican Dalit Forum
RIM	Revolutionary Internationalist Movement
RDN	Rastriya Dalit Network
RJM	Rashtriya Janamorcha
RJP	Rastriya Janashakti Party
RPP	Rastriya Prajatantra Party
RPP(N)	Rastriya Prajatantra Party (Nepal)
RSN	Ranaveer Sena Nepal
RSP	Rastriya Swabhiman Party
RSPP	Rastriya Shakti Prajatantra Party
RSS	Rastriya Samachar Samiti
SAARC	South Asian Association for Regional Cooperation
SAC	State Affairs Committee
SAFTA	South Asia Free Trade Agreement
SGDM	Samyukta Ganatantrik Dalit Morcha
SJMM	Samyukta Jatiya Mukti Morcha

SJTMM	Samyukta Janatantrik Tarai Mukti Morcha
SLRP	Samyukta Limbuwan Rajya Parishad
SMC	School Management Committee
SP	Sadbhawana Party
SP	Superintendent of Police
SPA	Seven-Party-Alliance
TA	Tarai Army
TAF	The Asia Foundation
Tarun Dal	<i>Youth wing of NC</i>
TASC	Tharuhat Autonomous State Council
TB	Tarai Baagi
TC	Tarai Cobra
TCC	The Carter Center
TJM	Tarai Janatantrik Morcha
TMDP	Tarai Madhes Democratic Party
TMDP-N	Tarai Madhes Democratic Party – Nepal
TNLF	Tharu National Liberation Front
TRC	Truth- and Reconciliation Commission
TRMM	Tamang Rastriya Mukti Morcha
TRMM	Tamu Rastriya Mukti Morcha
TTPN	Tharuhat Tarai Party Nepal
TWA	Tharu Welfare Assembly
UCPN (M)	Unified Communist Party of Nepal (Maoist)
UFW	Undivided Far West
ULF	United Left Front
UMDF	United Madhesi Democratic Front
UNMIN	United Nations Mission in Nepal
VDC	Village Development Committee
VHM	Vishwa Hindu Mahasangh
VHP	Vishwa Hindu Parishad
YCL	Young Communist League (Youth wing of UCPN (M))
YFN	Youth Federation Nepal (Youth wing of CPN-UML)

Ñ1 Executive Summary

ANFREL deployed 10 long-term, 40 short-term international election observers from 22 countries throughout the five development regions and a few of its core staff to observe the elections. This report is a summary of the observations of ANFREL's observers from October 25 to December 5, as well as observations by ANFREL's core team based in Kathmandu and a two member local support team that continued to report about post election developments until February 2014. The election observation mission was led by Mr. Damaso Magbual, Chairperson of the ANFREL Foundation. It focuses on election management by the Election Commission of Nepal, including voter registration and voter education, the campaigns of the parties and candidates, the impact of violence on the electoral process and the attitudes of the voters.

The elections in Nepal were held in a challenging environment, with violence and protests from poll-opposing parties threatening to disrupt the polls. However, the challenges notwithstanding, polls were held on time and a record number of voters averaging 78.34% nation-wide turned out to cast their ballots. In many ways, the outcome reflected the faith of the people in the constitutional process and the will to strengthen the political process in Nepal.

The conduct and management of the electoral process by the Election Commission of Nepal (ECN) was commendable, especially considering that logistical delays and distribution of voting materials was always going to be a challenge. Moreover, violent incidents resulting from bomb blasts and a series of *bandas* sponsored by poll-opposing parties posed obvious obstacles in ensuring that voters could cast their ballots without fear or coercion.

Throughout the entire process, the ECN was seen by political parties and the public as an independent organization which acted in an impartial manner and had the technical competence and the expertise to conduct the electoral process in a free and credible manner.

The ANFREL Foundation's EOM is convinced that the huge turnout of voters at the second CA elections was a clear indication of the desire amongst the people to advance the electoral process in Nepal by making it more inclusive, transparent, violence-free and credible. The optimism expressed here is primarily because of the conduct of the entire process, especially the polling process by the polling staff and the security provided under the Nepal police led security plan.

There were concerns raised about the lack of uniformity and with the counting procedures, especially where observers were not allowed or where entries to poll watchers were regulated. Questions were also raised about the transparency of the

process of transportation of ballot boxes after the close of polling and storage of the ballots at the counting centres. However, most of the concerns raised (primarily by a few of the contesting political parties) were dismissed by the ECN owing to lack of any concrete evidence.

The polling day was by and large peaceful except for stray incidents in some Maoist hotbeds like Jumla in the mid-Western region where elections were postponed. The polling process started on time and was generally completed by the stipulated time. The steady turnout of voters throughout the day assured that there would not be long queues after the closing time. However, polling station staff clearly lacked proper training in managing the early rush of voters, which led to some initial chaos. There were reports of improper sealing of ballot boxes and recording of voters' names as well as incorrect inking of the voters' fingers. However, these aberrations were not significant enough to have any negative impacts on the conduct of the election process. In almost all the polling stations, the polling procedures followed provided efficient and proper safeguards. Moreover, political party agents were allowed to observe the entire polling process without any obstruction whatsoever.

In general, the management of the elections and the handling of the security situation were largely commended by most of the observer groups and the international community. There is little doubt that the intention of the election commission was to deliver clean and credible elections, which was fully demonstrated by the seriousness of the commission in addressing complaints and grievances on time. Though the complaints resolution mechanisms adopted by the ECN had several loopholes, attempts to resolve complaints locally were indeed admirable. Considering that most of the cases, apart from a countable few, were minor and did not pose a serious threat to the integrity of the process, the approach of the ECN to resolving complaints and disputes locally using 'mediation' as a tool was very useful in ensuring that the elections went on uninterrupted. That said, however, the efforts at complaints resolution could have been improved.

The ECN did a reasonably good job of registering approximately 12,147,865 voters, although an estimation prepared before the polls by the International Foundation for Electoral Systems (IFES) shows that there were 16.3 million citizens who could potentially have been registered to vote by the July deadline. The reason that some 4 million citizens were not registered is largely due to migration and proof of citizenship problems, which the ECN acknowledged.

The campaign period was marked by incidents of violence leading to the killing of a candidate and a truck driver resulting from a petrol bomb attack by poll-opposing parties not long before the polling day. As many as three dozen people were seriously injured in the violence ahead of the polls. The nation-wide transportation strike also

cast a shadow on the ability to hold free and fair elections, with the splinter groups' tactics becoming more aggressive in the days just before the election.

Poll-opposing parties, a 33 party alliance led by the Communist Party of Nepal (CPN)-Maoist, that boycotted the elections tried to set up road blocks and made several attempts to detonate Improvised Explosive Devices (IEDs) and other explosives in the offices of some political parties. Most of these attempts were foiled by timely intervention of the Nepal police and the Nepal army's bomb disposal squads. Supporters and youth cadres of poll boycott parties also hurled Molotov cocktails onto public vehicles and in other public places which were mostly attempts to create a fear amongst voters. However, the role of the Nepal police was commendable in that it succeeded in thwarting most of the attempts of the poll-opposing parties to disrupt the elections.

For the future, there is a need for stronger enforcement of the campaign finance rules, especially rules requiring that the political parties disclose their sources of funding. Indeed, most of the complaints from contesting political parties during the campaign period involved allegations of violating campaign spending limits. The mechanisms adopted to enforce the law were not adequate. The ECN could have used the powers vested in it by the Code of Conduct to take punitive actions against persons who violated campaign finance rules. .

There were mixed reports from observers on the level of voter education and voter awareness that preceded Election Day. While some areas had relatively high levels of voter awareness as the result of the distribution of pamphlets, CDs, radio jingles and public service announcements in different languages, other areas had to rely on the use of community radios by Village Development Committees (VDCs) and NGOs to reach voters.

Despite the best efforts of the Election Commission, civil society, and the media, however, there remained significant confusion about the nature of the election, the most common problem being conflating the CA election with a Parliamentary election. The mixed electoral system also did not appear to be well understood. Confusion was common even in areas where voter education volunteers had already visited.

There is a definite need to educate voters about the mixed electoral system and the procedures for choosing CA members in both the Proportional Representation (PR) and the First Past the Post (FPTP) systems. The right bestowed on the political parties to fill the seats won in the PR closed list, after the elections according to their choice without following a pre-determined order, needs to be re-visited in order to increase transparency and inclusiveness, that is providing equal opportunity to all genders,

minorities and the marginalized groups in the representation of candidates.

The electoral law provides for equal participation by all citizens in public affairs, and the government is meant to take positive measures to end discrimination or lack of opportunity in practice. There were indications in some regions of enhanced participation by women, but the overall picture was not very encouraging. Women's involvement in the FPTP and the PR systems was disproportionately small, with only 10 (4%) out of a total of 240 candidates that contested the FPTP elections in the list of winners. The PR system had a healthier representation with about 48 percent, that is, 162 of the 335 PR seats, being allocated to women. The number of women that were involved as election officials at various levels was also low in comparison to the number of male election officials.

Overall, most of the political parties that contested the elections have accepted the results and whatever disputes were flagged by the UCPN-Maoist have been withdrawn. Today, a political consensus is gradually emerging, which is certainly crucial for the process of democratisation in Nepal.

Ñ1 Recommendations

Ñ1 Voter Registration

In addition to its year-round voter registration activities, the election commission should ensure that people who work outside their home districts can register when they return home to visit. The Commission should also work to develop a solution to the problem of Nepali people being unable to register and thus being disenfranchised because they are unable to provide necessary documentation of citizenship. In addition, the Commission needs to refine its procedures to enable people who have registered but whose names fail to appear on voter rolls to appeal those omissions on a timely basis, well before Election Day. Posting all voter rolls on a regular basis in the neighborhoods of affected voters would help ameliorate this problem.

Ñ1 Code of Conduct Compliance

The Commission should consider how to be more proactive in policing campaigns, rather than merely reacting to complaints that are filed with it. There should be a more systematic and rigorous process of dealing with complaints so that the Code of Conduct is more strictly enforced. In particular, the provisions of the Code of Conduct on political party financing should be strictly enforced, without exception, and parties must be required to disclose the sources of their funds.

Ñ1 **Political Representation in Electoral Systems**

Rules determining political representation in both the Proportional Representation (PR) and the First Past the Post (FPTP) systems must be strictly followed. Especially in the PR closed list system, each party should be required well in advance of election day to announce a pre-determined order for its candidates so that voters can determine the individuals for whom they are actually voting.

Ñ1 **Equal Political Participation**

Serious consideration should be given to amending the rules to allow for greater political participation by all segments of society, especially women, the marginalised and underrepresented ethnic groups. This should also be tied to promoting equal suffrage and increasing the opportunity for people to take part in the electoral process.

Ñ1 **Polling and Counting Procedures**

Poll workers should receive additional training to ensure that all polling procedures are correctly implemented at each location. Preparation of a detailed polling station manual for poll workers could help such efforts. Further to this recommendation, a proper method of reconciliation of the total number of ballot papers received and the total numbers used, unused and spoiled as well as marking off voter's names in the voter's list would increase the credibility of the entire process. In the future, the counting process could be better designed for more transparency and access for political party agents and observers. The management of the counting process could be strengthened to ensure that procedures are consistently followed in all counting centers.

Ñ1 **Voter Education**

Considering the unique geographical challenges the country poses, the Commission could consider additional methods for reaching rural voters, especially those who live in relatively remote locations. Involvement of civil society groups and the media could play a key role in enhancing the awareness amongst voters about the different aspects of the electoral process in Nepal.

Ñ1 **Security**

While ANFREL appreciates the need to insure that voters are able to cast ballots free of concerns for violence, it should be a long term goal of the Commission to reduce the presence of the armed police inside the polling station, as well as police and army outside the polls, as security conditions improve in the country.

Ñ1 **Media Regulations**

A regulatory body like a media commission could be formed to ensure that the media is subject to a process of scrutiny and is made to stick to ethics and a Code of Conduct. In general, however, the media in Nepal has provided a somewhat balanced coverage of the elections, barring a few very local print media.

Ñ1 **Access for Person with Disabilities (PWD)**

While appreciating the ECN's effort to provide a few polling stations for PwDs, ANFREL encourages the ECN and the government of Nepal to increase the number of polling stations accessible to PwDs and adequate campaign regarding PwDs access and participation on elections in the coming future.

Ñ1 **Electoral Complaints Dispute Resolution**

Given the increase in the number of complaints about election law violations, there appears to be a need for the creation of a separate institution to receive, investigate, and adjudicate complaints, perhaps in the form of an Electoral Court, equipping it with much greater investigative resources than are currently at the disposal of the ECN.

Ñ1 **Electoral Background**

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Ñ1 **Electoral Administration**

The Election Commission of Nepal (ECN) was established by law in 1951 and since then it has continued to serve as the only Constitutional body responsible for holding elections and referenda in Nepal. The ECN is made up of five Commissioners, including the Chief Election Commissioner who is appointed by the Prime Minister for a six-year period upon recommendation of the Constitutional Council.

The Interim Constitution of Nepal, 2063, Articles 128 to 130, provides the legal basis for the Election Commission to function as an independent body and invests it with certain powers in conducting periodic elections. The Interim Constitution and the Election Commission Act of 2007 provide the ECN with wide ranging powers to develop and promulgate regulations, rules, and directives, and to prepare the list of voters, conduct registration of candidates and political parties and supervise polling centers.

Some of its other duties include maintenance of a list of polling centers, maintaining a record of positions for which elections are to be held, carrying out preliminary duties regarding the appointment of election officers, fixing dates for establishment of office for election officers, preparing lists of district employees to undertake elections or election-related jobs. The Election Commission Secretariat maintains a list of VDCs, municipalities and wards around the country and work on proposed amendments of electoral laws/rules,, preliminarily resolves election related problems, presents recommendations to the commission for action, undertakes initial proceedings for selection and decision on the election symbols, forms policy on design, estimation and printing of the ballot paper and presents the proposal to the commission for approval, sets standards for the quality of ballot papers and its delivery to all electoral constituencies, makes arrangements for media campaigns, and arranges for media to disseminate information on polling and its results.

Besides this, the ECN is also authorized to adjudicate electoral complaints and resolve disputes arising in electoral contests and to impose strict penalties and sanctions on violators.

Duties, Responsibilities and Rights of the District Election Offices

District election offices have been established in all the 75 districts in Nepal to work under the umbrella of the Election Commission. Each District Election Office is based in a headquarters located within its district. The Election Commission established these offices with a view to simplifying its operations and maintaining transparency. Each of these offices is headed by a level three gazetted election officer and other employees to assist him/her. The District Election Offices are fully answerable to the Election Commission. Preparing and sending the voters' list from one's respective district, following directives of the Election Commission, and conducting routine daily administrative activities are the main functions of the District Election Offices.

The services preformed by the District Election Offices that are directly concerned with the general public are as follows:

- **Voter Registration:** In order to register to vote, a citizen must present a certificate of citizenship, proof of landownership or a certificate of residence. The signature of the voter has to be verified by the district registration officer. The job has to be completed in mid May- June annually.
- **Publication of Voter Registration List:** Each assistant district registration officer has to complete this task by the 15th of April every year and present it to the concerned Chief District Election Officer.
- **Amended list publication:** This should be completed by mid June every year

by the assistant district registration officer and presented to his/her Chief District Election Officer.

- **File petition for inclusion of missing names on the registered voters list:** Assistant registration officer must file the petition between June 15 and June 30th every year, along with certificates of identity. The documents have to be verified and published by mid August.
- **Remove names from registered voters list:** An assistant registration officer must complete a form mentioning the reason for removal of a name from the registered voters lists between May and a date in June and be verified by the District Election Officer.

Ñ1 Voter Registration

Pursuant to the Voter Registration Rules of 2013, a nationwide voter registration campaign was initially conducted by the Election Commission of Nepal (ECN) from March to July 15, 2013 but was briefly reopened between the 17th to 23rd of August 2013 until the first week of September. During this campaign, the ECN also conducted the following activities:

- Update of Voter Registration List
- Joint Citizenship Certificate Distribution and Voter Registration Program. The ECN devised a plan to allow interested persons to register if they had the required documents and if not they could first procure a citizenship certificate at their designated voter registration centers. The Ministry of Home Affairs joined this initiative along with the ECN.
- Additional Program related to Voter Roll Data Collection and Update. Additional information is collected to update the previous Voters' Roll. This is done to ensure that names of voters who may have migrated to other areas are deleted from the list.

Upon reaching the July cut-off date for registration as reflected in the ECN election calendar, there were appeals made by both the public and political parties to extend the registration period. Thus, a Special Registration Program took place later in August.

A total of 12,147,865 voters were registered, with about 5,980,881 (49.02%) male voters, 6,166,829 (50.77%) female voters and 155 voters belonging to the third gender.

In order to register, a citizen must have been at least 18 years old by July 15 and had to show proof of his/her being a Nepali citizen through a citizenship certificate. This requirement proved difficult for some citizens. The ECN allowed only the citizenship certificate as the basis for voter registration. However on Election Day, the ECN allowed voters to present other public

documents as long as their names are on the voters' list. Upon the appointment of all the ECN Commissioners by the end of March, a mobile voter registration and citizenship certificate distribution was started. As planned, about 305 'Integrated Mobile Service Delivery Program' teams were to be deployed across the country visiting all VDCs and municipality wards following a two-phased program.

At the outset, the feasibility of the registration process was doubted by the general population; however, there was a significant improvement of the voters roll compared to rolls prepared in previous years. During the conduct of 'Voter List Collection' and 'Update Program,' there was a low turnout. Nonetheless, there was a higher turnout during the 'Joint Citizenship Certificate Distribution' and 'Voter Registration Program.' In consideration of this, an additional program took place before the cut-off date and a special registration also took place later in August as a timely response to the appeal of late registrants. According to the International Foundation for Electoral Systems (IFES) estimation, a total of 16.3 million potential voters, being of legal age, were eligible to register by the cut-off date in July. Thus, about 4.1 million potential voters were left out despite the special registration program of the ECN. In a pre-election survey, migration and proof of citizenship were identified as the primary reasons that more people did not register to vote. In the Central region, about 5-7% of potential voters did not register, while in Phoolbari VDC, Far-Eastern region, about 40% of the potentially eligible population was left unregistered. In the Mid-Western region, the District Election Officer (DEO) of Rolpa VDC admitted that as many as 10-12% of potentially eligible voters remained unregistered. A great percentage of them were either overseas or had migrated to urban regions/districts during the registration period. To help with proof of citizenship, a total of 603,094 citizenship certificates (365,410 for women and 237,684 for men) were issued by the Ministry of Home Affairs during a joint program with ECN. Many married women experienced difficulties in obtaining citizenship certificates for being unable to secure endorsements either from their husband or father. The law of the land makes it mandatory for women's claim to citizenship to be approved either by the father or the husband.

To promote transparency and reliability, voter registration lists should be subject to public review. Although the ECN clearly stated its intention to end the registration 120 days before the election and follow it up with the distribution of voter IDs along with the public posting of the voter registration list, it failed to do in accordance with its own election calendar. Thus, voters had only a limited period to file their claims and objections concerning the accuracy of the voters' list and even IDs, which at times had incorrect

information such as misspellings of names and wrong entered addresses of towns, wards and villages. The ECN should, however, be commended for resolving questions about voter identity by publishing a voter registration list with photographs of all registered voters.

As it turned out, very few concerned citizens admitted to having checked the accuracy of the voters list and subsequently making objections regarding ambiguity in their names and/or ward assignments. Moreover, due to insufficiency of time, the ECN opted to release voter IDs in every district two days before the polling day. As observed, about 85 to 95 percent of these IDs were claimed and distributed. In our interviews during the distribution of voter IDs, majority of the voters were pleased with the efficiency and orderly manner of distribution despite being distributed so close to Election Day. There were very few recorded difficulties regarding the requirement for showing voter ID in order to receive ballots, since registered voters were allowed to produce other government IDs validating their identity.

Ñ1 **Candidate Registration**

The Constituent Assembly (CA) is composed of 601 members, of which 575 are elected and 26 are appointed after the election by the Council of Ministers. The Interim Constitution of Nepal creates a Mixed Electoral System for the 575 elected seats: 240 members are elected through the First-Past-The-Post (FPTP) system while the remaining 335 are elected through a Proportional Representation (PR) system.

Legal Basis of Candidacy:

The electoral framework concerning candidate registration in Nepal has as its foundation the interim constitution of 2007. Several separate laws are also relevant:

1. The Election of the Members of the Constituent Assembly Ordinance, 2013
2. [CA Election Act, 2007](#)
3. [Regulation to the Election to Members of Constituent Assembly, 2007](#)
4. [Election Commission Act, 2007](#)
5. [Political Party Registration Rules, 2007](#)
6. [Election \(Offence and Punishment\) Act, 2007](#)

Candidacy for FPTP Seats: According to the ECN, 6,343 people filed candidacy papers for the 240 seats up for grabs in the FPTP category. After scrutiny, a total of 6,128 candidates competed for the FPTP seats. No objections were made against candidates for the FPTP seats. The ECN disqualified 21 FPTP candidates on grounds which included lack of Nepalese

citizenship, being under 25 years of age and lacking official party nomination. The ECN disqualified those candidates who could not conform to the requirements of the electoral law.

Number of Candidates for FPTP Seats by Gender

Male	Female	Third Gender	Total Candidate
5,460	667	1	6128

Among the list of candidates, there were only 610 women from 130 parties. The list also included one third gender candidate.

In total, there were 1,219 independent candidates. The remainder belonged to political parties contesting the elections.

Candidacy for PR Seats: The final number of candidates for the PR seats came in at 10,709. Initially 11,011 candidates representing 122 parties submitted their candidacy papers for the election. The Election Commission rejected 302 candidates after scrutiny. Among the nominations submitted for the PR seats, nine objections were made to candidates. Three of them were disqualified by the ECN, one on the grounds of a murder conviction, and the other two for continuing to hold public office. The ECN, on its own initiative, disqualified an additional 294 candidates. Most of the PR candidates whose candidacies were annulled were women candidates. According to media reports the EC has annulled candidacies of 148 PR candidates who did not meet the minimum age requirement of 25 years to be a CA member. Similarly, 76 PR candidates lost their candidacies because their names were not in the new electoral rolls and 48 were disqualified as their names figured in the closed list of two different political parties.

Number of Candidates for PR Seats by Gender

Male	Female	Total Candidates
5,418	5,291	10709

In all, 122 political parties put up candidates for the PR seats. A complete list of the total number of candidates who were fielded by the ten major political parties of Nepal is set forth in the table below.

Total No. of Nepal CA Election 2013 Candidates for PR

S. No	Name of Party	Number of Candidates
1	UCPN (Maoist)	332
2	Nepali Congress	334
3	CPN-UML	333
4	RPP	330
5	CPN-ML	332
6	Tarai Madhesh Loktantrik Party	100
7	Sadbhawana	100
8	RPP	318
9	Madhesi Janadhikar Forum Nepal (Democratic)	217
10	Madhesi Janadhikar Forum Nepal	100

Restrictions on filing of objections: There were no requirements that made it difficult to register as a candidate to contest either FPTP or PR seats. The requirements for qualification of candidates were strictly applied, and disqualifications were in accordance with the law.

Dalit Candidacy Disproportionate: The opportunities for Dalits to contest the election either for FPTP seats or the PR seats were very limited. For example, even the Nepali Congress, which emerged as the single largest party, did not field a single Dalit candidate for the FPTP. There was also a significant reduction in the number of Dalit candidates that contested the PR seats from all major political parties as compared to the previous CA election. In the 2008 CA election, there were about 50 Dalit leaders who contested the elections and became CA members. The Interim Constitution stipulates ‘the proportional inclusion of Dalits in all organs of the state structure’. But Dalit inclusion has not been based on the population ratio. In the first CA (2008-2012), Dalits had an unprecedented number of seats compared to past parliaments. However, their eight per cent share was still considerably lower than their population percentage (about 13 per cent)

Elections Open to Members of 'Third Gender': Trans-genders and inter-sex Nepali citizens were able to register as “third gender” for the first time in the country's history. They could campaign openly for legislative seats. 62 third-gender candidates, representing many of Nepal's 130 registered political

parties, had success in the election and are now part of the country's 601-seat CA.

Poor Representation of Indigenous Communities: Out of the 59 scheduled indigenous groups in the country, only 20 groups are represented in the new CA. Therefore, the indigenous community is clearly under-represented in the CA. One of the many suggested ways to overcome this situation is to provide indigenous representation in the CA using the 26 seats under the discretion of the Ministerial Council. The Nepal Federation of Indigenous Nationalities (NEFIN) has demanded such a remedy. Chairperson of NEFIN Nagendra Kumar Kumal accused political parties of doing 'trade' in the name of the proportional representation. There are a total of 183 CA members representing the indigenous community in the new CA against 218 in the previous CA.

¶1 (c) Political Campaigns

During the early part of the campaign period, most political parties adhered to the Code of Conduct issued by the ECN. The election campaign rules emphasised cordiality between political parties, non-violent conduct and a non-coercive approach to voters, courteous pamphlets and posters, and moderate financial spending, among others. The ECN also coordinated closely with the Ministry of Home Affairs, particularly the Chief Administrative Officers in all districts, as well as the Security Forces, in the enforcement and strict implementation of the Code of Conduct.

As noted by our observers, there was a general feeling of a pleasant election campaign environment during the last week of October until the first week of November. Incidents of violent clashes and intimidation were recorded as the polling day drew closer. In the Western region, there were reported incidents of political clashes, particularly in the remote areas where political party cadres indulged in stone pelting and blocking roads to prevent opposing parties from campaigning freely. Incidents of vehicle torching, fistfights and physical brawls were also recorded, especially in the uphill remote areas. Apart from these, threats of banda, specifically the 10-day strike posed by the splinter group CPN (M), affected the campaign activities, more so, [the enthusiasm of the voting population for the election. Cases of alleged attempts by CPN (M) cadres to detonate bombs, eventually defused by the Nepal Army, were reported from the Eastern, Central and Western regions.

Political parties adopted various methods in the dissemination of information about their respective party manifestos and candidates. Since political parties

relied on party member contributions candidates used their personal resources for financing their campaign expenditure. Thus, the methodology adopted for information dissemination largely depended on what best suited their budgets. Nonetheless, major political parties usually conducted media promotions, street corner meetings, organized processions or rallies and door-to-door campaigns. Even though the entire country has significant media coverage, the door-to-door campaign was seen as the most effective tool for campaigning. This view was endorsed by party managers and was also a feature reported by observers who were in the field. Mass meetings and street rallies using motorbikes were also a common campaign feature in the five regions. LTOs in the Western region, however, noticed a relatively small party using women to lead street walk campaigns in Kaski district. In the Eastern region, uses of numerous private vehicles during the campaign were observed. In the Central region, politically motivated “black propaganda” campaigns were noticeably employed by some political parties, particularly during their rallies in Bhaktapur, Nowakot, Chitwan and Dhading. The door-to-door campaigns, especially in the rural outskirts, saw voter education as a key component of the campaign. Apart from recruiting party agents in large numbers in every VDC, political parties also chose to educate voters about the process of casting their votes, bringing with them sample ballots with their party symbols marked to use as an example.

In the Tarai region, particularly in Nawalparasi and Rupandehi, traffic congestion was caused by long queues of motorbikes, which were used in final street processions a day before the cooling period. Although there were chances of two or more political parties meeting at one point in the street, there were no reports of any major clashes between supporters of opposing political parties. The ECN had given the mandate to the Chief District Administrative Officers to provide security escorts for each party during its campaign.

Few violations of the poster size and color regulations were recorded in the Western, mid-Western and Eastern regions. However, use of vehicles with Indian number plates and without passes from the Nepal authorities was a major concern in the Tarai region. There were also reports of use of public schools and affixing posters to public offices and monuments. Motorbike riders from different political parties could be seen queuing at various petrol/gas stations during election campaigning. Though there was no direct evidence of political parties financing these motorbikes, there were indications to suggest possible financial support from campaign funds. In Mustang, feasting and alcohol distribution seemed a common practice during this period. According to local residents, the CPN-UML distributed mutton (goat meat is

usually referred to as mutton in the region) in the uphill villages. Considering all these alleged violations or attempts to manipulate voters, rules on campaign finance appeared to be somewhat lenient. It may be noted that during the election campaign, there were many allegations of violations of the Code of Conduct, however, they were few formal complaints filed and therefore the ECN did not have much to respond to except true and resolve issues through mediation, which it did whenever the opportunity was provided.

Ñ1 Polling Procedures

- The interim Constitution of 2007 established the framework for the process of writing a permanent Constitution. It provided for the election of a unicameral legislature which also doubled as a Constituent Assembly (CA) with responsibility to draft the permanent Constitution. To complete the 2013 election in a credible manner, the Directive on Election of Members of Constituent Assembly, 2070 (2013) was enacted. This piece of legislation is the key reference that describes the ideal procedure for conducting the CA election in Nepal. The ECN was the responsible body to organize the CA election, which was held on November 19, 2013 while the country was governed by an interim government made up of retired bureaucrats and judges. The CA election took place in all 75 districts in 14 zones and five development regions of Nepal. There were 10,013 polling stations and 18,457 polling centers, and 323 temporary polling centers to allow government staffers and security persons to vote in the PR system only. The Election Commission fixed seven in the morning as the opening time for voting and five in the evening as the closing time. As many as 12,147,865 persons were registered in the electoral roll.
- The ECN appointed a ‘Returning Officer’ as the principal official for conducting the polling at each polling center.. To manage the polling day, the Returning Officer was tasked with managing a team of election officials to administer voting at the polling station. The Returning Officer was also tasked to ensure appointment of polling officers and volunteers for polling stations. The election was held in two kinds of polling stations, namely i) the polling station for permanent voters and ii) the polling station for temporary voters, which were special polling stations established for security personnel, prison inmates and officials, government officials or people living in old age-homes. In the polling stations and polling centers across the country no one was allowed to carry weapons except security personnel. Likewise, alcohol had been fully banned around the periphery of booths for 48 hours. No one, except security personnel, could enter the designated areas with explosives or chemical devices, spear, khukuri, gun or pistol.

- **Polling Station Officials:** Article 56 of the Directive on Election of Members of Constituent Assembly, 2070 (2013) states that for conducting elections at polling stations with 500 to 900 voters, a polling station team would include 11 members. Besides the Returning Officer, the two other main election officials at the polling station were one Polling Officer and one Assistant Polling Officer who were tasked with monitoring and supervising the ballot box and other activities and assisting the Returning Officer in special circumstances. Their activities were under the supervision of the Returning Officer. As for the Assistant Personnel, there was one person to verify entry on voters roll, one person providing FPTP ballots and another person providing PR ballots. In addition, there were two Office Assistant Personnel and five Volunteers. The workflow at the polling station was as follows:

 - one volunteer was charged with updating the statistics of the number of female and male voters by ticking off against their gender in the form provided, one volunteer (female) applying indelible ink on voters' nail, two volunteers (one female and one male) managing the voters' queue and assisting with voting, and one volunteer working as office assistant at the polling station. In each polling station with 300 to 500 voters the voting team included 10 individuals, while, for polling stations with less than 300 voters, the number of personnel on the voting team was reduced to eight.
- **Polling Station Staff Make-up:** Pursuant to the Election Commission Act, 2063 (2007), those working at each election polling station were required to be employees of a Nepal Government institution or any organization owned or controlled by it, or receiving grants from the Nepal Government or of a local agency or a teacher from a community school. The law also requires that half of the polling staff be women. However, ANFREL observers found that the 50 percent requirement was not met in a number in polling stations. In addition, the law indicated that it was preferable that polling officials not be related to a candidate.
- **Polling Station Set-up:** Article 62 of the Directive on Election of Members of Constituent Assembly, 2070 (2013) required the Polling Officer to set up a polling station at the deputed place in the format provided in Schedule (a). Security personnel assigned to the polling station had to be consulted in setting up the polling station and were to assist Polling Officers in setting up the polling station. Article 62 (2) also describes the features required for each polling station, including appropriate signage. It requires separate queues of female and male voters, separated by rope or bamboo. Further, it instructs that seating for the Polling Officer be arranged so that the officials, the place for depositing the ballots, the stamp and the stamp pad were all clearly visible. Each officer and volunteer had to wear an identity card. According to the same law the officials

were to be seated in the following order:

- Official to verify the name,
- The volunteer to fill in the statistical form,
- The volunteer to apply indelible ink, and
- The officer to provide the ballots.

Regarding the security personnel, the law says that the security personnel were to be placed between the queue of voters and the officers verifying names. If security personnel numbers were not sufficient, then volunteers could be used. (ANFREL observers found that there were local volunteers in many places who were serving as security on the polling day.) The law also requires secrecy in casting the vote, with a voting compartment to be placed as near as possible to the place where the stamp pad and the stamp are placed. The ballot box was not to be placed too high, so that short voters could deposit their ballots into the ballot box.

- **Appointment of Polling Agents:** Article 71 of the Directive on Election of Members of Constituent Assembly, 2070 (2013) contains provisions for appointing polling Agents and Party Agents. A political party or candidate is allowed to appoint one polling agent for each polling station and must provide notice of such appointment to the relevant Polling Officer prior to the start of voting. Article 71 (4) authorizes the Polling Officer to issue a permit in the format provided in Form No. 41 for granting entry to the polling station.
- **Presence of Observers on Polling Day:** ECN granted permission to 57 institutions, including 54 national and three international groups, to observe voting on Election Day. A total of 335 observers from international institutions--European Union (EU), The Carter Center and Asia Network for Free Elections (ANFREL)--were deployed to different constituencies across the country. Altogether 22,524 observers received identity cards from ECN. The extensive presence of party agents and domestic observers on Election Day provided transparency and aimed to help build the confidence of parties, candidates, and voters in the integrity of the process.

(e) **Counting and Results**



The counting took place at the counting center designated for each constituency. All the ballot boxes from the polling station were collected and stored at the counting center. ANFREL observers noticed that the collection of ballot boxes in some remote areas took some time. But in most of the places the counting started a day after the Election Day around noon. First, the FPTP ballots were counted and declared. That was followed by the counting

of PR ballots.

The designated counting centers were neutral places- mainly various government facilities. The ECN-appointed counting officers had similar qualifications to those of the polling officers and assistant polling officers. Once the counting started, it continued non-stop until it was completed. Only authorized persons were allowed to enter counting centers. In the CA Election 2013 there was confusion in some counting places about the entry of foreign observers. The law is somewhat vague on this point, though Election Commission Act 2007 article 8 provides that the Election Commission may give permission, based on the experience and reliability to any native or foreign person or organization to observe any polling related activity or vote counting or any other act and actions pertaining to elections. This makes the entry of foreign observers in the counting center a discretionary matter. However, after early brief confusion, most of the counting centers allowed foreign observers to enter and observe the counting as it took place in front of party nominated and ECN approved agents, observers and media personnel.

High Voter Turnout: The counting showed that the voter turnout was high all over the country. There were a total of 9,463,862 votes cast, which is about 77% of total registered voters. In the 2013 CA elections, there were a total of 12,147,865 registered voters in the FPTP system. A total of 9,516,724 (78.3%) valid votes were cast in the FPTP races. However, 471,826 (4.96%) votes were determined to be invalid. In the PR system, a total of 12,249,062 voters were registered, of which 9,778,703, (79.82%) valid votes were cast and 312,841 (3.20%) invalid votes were cast. The following table shows the number of seats won by each party, the total number of votes a party received as well as the percentage of votes received by the party.

Party wise Total PR Seats and Votes in the 2013 CA Election

S.No	Name of Parties	Seats Won	Votes in %	Votes
•	Nepali Congress	196	25.55%	2,418,370
•	Communist Party of Nepal (Unified Marxist-Leninist)	175	23.66%	2,239,609
•	Unified Communist Party of Nepal (Maoist)	80	15.21%	1,439,726
•	Rastriya Prajatantra Party Nepal	24	6.66%	630,697

•	Rastriya Prajatantra Party	13	2.75%	260,234
•	Madhesi Jan Adhikar Forum, Nepal	10	2.26%	214,319
•	Tarai Madhes Loktantrik Party	11	1.91%	181,140
•	Sadbhavana Party	6	1.41%	133,271

There are slight difference in the vote percentages received by each party between the FPTP and the PR balloting.

Difference of Votes Received in FPTP and PR System

Party	FPTP			PR		
	Vote	%	Seats	Vote	%	Seats
Nepali Congress	2,694,983	29.80	105	2,418,370	25.55	91
Communist Party of Nepal (Unified Marxist–Leninist)	2,492,090	27.55	91	2,239,609	23.66	84
Unified Communist Party of Nepal (Maoist)	1,609,145	17.79	26	1,439,726	15.21	54
Rastriya Prajatantra Party Nepal	252,579	2.79	0	630,697	6.66	24
Madhesi Jana Adhikar Forum, Nepal (Loktantrik)	283,468	3.13	4	274,987	2.91	10
Rastriya Prajatantra Party	238,313	2.63	3	260,234	2.75	10
Madhesi Jana Adhikar Forum, Nepal	206,110	2.28	2	214,319	2.26	8
Tarai-Madhesh Loktantrik Party	171,889	1.90	4	181,140	1.91	7

Women Representation: A total of 162 women were elected to the CA under the PR election system. However, only 10 women were elected in FPTP races. Thus, the total number of women lawmakers in the new CA (before allowing for the 26 appointed CA members) is only 172, in contrast to the 403 men elected to the CA. Men won 230 of the FPTP races, and 203 were elected in the PR balloting. Even if all 26 appointed seats were to go to women, only 32.9 percent of the members of the 601-member assembly would be female.

Invalid Votes: According to the ECN, a total of 9,516,734 FPTP votes were cast, out of which 471,826 votes were declared to be invalid. Similarly, 9,776,703 PR

votes were cast, out of which 312,841 votes were held to be invalid. There were 12,147,865 regular voters, a figure which increased to 12,249,062 when temporary voters (government officials and security personnel voting in the PR system only) are considered. Compared to the last election, the number of invalid votes decreased, but only marginally. In 2008, the invalid vote percentages were 5.15% and 3.66% in the FPTP and PR balloting, respectively. In 2013, the invalid vote percentages were 4.96% and 3.20% in the FPTP and PR balloting, respectively. Therefore, the invalid vote percentages fell only by 0.19 per cent in FPTP voting and 0.46 per cent in the PR contest.

**Comparison of invalid votes, CA elections of 2013 and 2008 - source ANFREL
FPTP PERCENTAGES WERE 3.66 (2008) AND 3.20 (2013)**

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Ñ1 **Electoral Dispute Resolution**

Consistent with applicable law, the ECN adopted procedures for resolving possible issues resulting from conflicts among political parties and candidates from the beginning of the campaign through the counting of votes. Under Section 29 of the Code of Conduct, the ECN can direct any person or party found to have violated the Code of Conduct to immediately stop such violation, and if the concerned political party, candidate, person, organization, official or body fails to stop such act immediately, the ECN can impose a fine up to one hundred thousand rupees. If the ECN is convinced that the election cannot be held in a free, fair and impartial manner because of the violation, it can cancel the candidacy of the guilty candidate. The ECN may also disqualify for a period of six years candidates exceeding the allowed election expenses.

The law also indicates that if complaints are filed regarding violations of the Code of Conduct, the Returning Officer or Polling Officer, as the case may be, should immediately notify the ECN about the matter. Each complaint is supposed to state, among other things, the circumstances, necessity and grounds for granting the relief requested. Upon receipt of a report, the ECN has authority to depute a Monitoring Team to make inquiry about the matter. The Monitoring Team then submits a report with recommendations to the ECN, particularly setting forth whether re-polling is necessary. The Returning Officer may then be directed by the ECN either to continue with the polling or counting, as the case may be, or to schedule a re-polling.

With regards to impersonation of a voter, upon proper and timely objection, the Polling Officer may require the complaining party to deposit a sum of money and the said Polling Officer shall conduct a summary investigation. If the objection is upheld, the deposit shall be returned and the impersonating party shall be dealt

with according to law. If the complaint is found to be lacking in merit, the deposit shall be forfeited.

In response to the possibility of electoral disputes, the ECN made elaborate security plans with the Nepal Police and Nepal Army. It has also closely coordinated with the Ministry of Home Affairs, particularly with the Chief District Officers (CDO), giving them the lead role on security plans to insure a free and safe election process. The plan called for reports on Code of Conduct violations to be directly sent to the CDOs, either verbally or through a written complaint. In case of the latter, should there be supporting and credible evidence provided, the matter was to be sent to the Returning Officer for further investigation. For oral complaints, the CDO was to immediately request the presence and explanation of the alleged misconduct from the accused person or political party and, if the complaint had merit, demand an immediate halt to the illegal activity, failure to comply being a trigger for the security forces to enforce the order to cease and desist. Violation of political campaign poster size limits proved to be a common complaint in most of the five regions.

Ñ1 **Electoral Violence and Security**

Initially, there were concerns that the CA election of 2013 might be particularly violent, largely due to the boycott by 33 political parties. The Baidya-led faction consisting of the CPN-Maoist party and allied parties demanded a postponement of the elections because it demanded a consensus based government and claimed that the interim Election Government was illegal because it was headed by Supreme Court Chief Justice Khil Raj Regmi and, therefore, a violation of separation of powers. They demanded replacement of the government and the formation of a new government of national unity supported by all the political parties. Since that did not happen, those parties boycotted the election. As a result, there were various incident of election related violence mainly during the pre-election period.

General Perceptions about Security:

Initially, the perception about poll related security was pessimistic. In general, people in urban areas seemed less concerned about security and more concerned about whether the politicians would do what they promised, while the CPN Maoist's violent activities was a greater concern in certain sensitive areas, as well as in hill and mountain districts. The Guardian reported on November 4, 2013 that 'while most anti-election activities took place in rural areas, the attacks spread to the capital in late October, when candidates' cars were torched. With just 19 days before the election, experts say tensions over the very idea of holding polls may be enough to incite violence'. ANFREL reported that the impact of violence, not surprisingly, was most pronounced in more rural areas less accessible to

government employees, security officials and election observers. There, voters felt particularly insecure in places such as Doti, Rukum, parts of Rolpa, Dang, Myagdyi, Solokhumbu and Salyan districts. The work of local election observation groups was impacted in some areas, since observers perceived or actually received threats from armed groups. However, on Election Day, the people showed their resilience and support for democracy with a record turnout at the polls.

The security preparation was extra-ordinary. The Guardian reported that the government deployed nearly two-thirds of the army to provide security during the polls – the first time the army participated in electoral security since fighting ended. Notwithstanding the threat of violence, ANFREL observers noted a positive development two days before the election as voters showed great enthusiasm in collecting their voter identification cards. This proved to be an indicator of the voters' disposition toward the election, as most voter ID distribution centers recorded over 80 per cent turnout to collect the cards.

Incidents Related to Poll Violence:

There is hardly any consolidated data about the number of poll related incidences of violence, but the Republica in an article on November 15, 2013 that it put the number at 425. According to Election Commissioner Dolakh Bahadur Gurung, who also heads the security committee at the ECN, there were 74 incidents of strike and 24 incidents of obstruction. Similarly, there were 29 incidents related to protest rallies, 28 incidents related to vandalism, 10 incidents of hurling bombs and 162 suspicious objects were found at various places. In addition, there were 43 incidents of clashes between cadres of rival political parties and 35 people were injured in poll related violence while three people were abducted but were released later.

Pre-Election Electoral Violence:

Pre-poll violence was dramatically less than in 2008. Scattered violence was significantly reduced throughout the country, whilst the prominence of armed groups in the Terai was dramatically reduced. Explosions in various parts of the country resulted in several casualties. The 33-party alliance boycotting the polls, led by the Communist Party of Nepal-Maoists (Baidya), vowed to disrupt the elections but generally failed in its efforts to stop voting.

Imposing Strikes or *Bandas*:

The 33 political parties including the CPN-Maoist Baidya faction conducted a nationwide strike or *Banda* of transportation starting on November 11, 2013, which was 8 days before the voting. As part of their efforts to enforce a suspension of transportation, several public vehicles were attacked; a truck driver was killed

and at least two dozen other people were wounded. The New York Times in its November 19, 2013 issue reported that the strike was meant to block voters from returning to their home villages to cast ballots, and there were reports that some voters had been dissuaded from going home by the disruptions. NEOF reported that despite the transport strike and threats of violence by poll-opposing forces, many waited days to board buses in order to vote in home districts. The ten day Bandh starting 11 November was largely defied by those in the capital. Outside of Kathmandu, commercial and commuter vehicles received protection from security agencies. Though incidents occurred, Nepal's road network remained active.

Killing and Physical Attacks:

The killing of CPN (UML) candidate Mohammed Alam in Bara was one of the worst incidents, along with the explosions mentioned above which led to the death of one driver. At least nine murders directly related to the elections were reported in 2008, whereas in 2013 there were only these two deaths. In addition, there were other reports of physical attacks and manhandling of election observers, voters and candidates was reported.

Detention of Innocent Civilian and Civil Society Personnel:

Hard-line Maoists detained a prominent Nepali journalist in the Thawang district, but the Maoists insisted that the detention did not amount to an abduction. "He was here to make the election process a success, but we have been discussing things with him for the last two days," said Santosh Budha, a Dashist central committee member, referring to the journalist. "It is not an abduction."

Petrol Bomb and IED:

ANFREL in its preliminary report noted that there were several injuries due to petrol bombs during the pre-election period. ANFREL recorded a petrol bomb attack near the Dudhaura River on the Pathlaiya- Nijgadh road in the Bara district on 15 November, the hurling of petrol bombs on passenger busses at Teentapkem, Basamadi VDC-2 in Makwanpur district on 12 November, at Satungal in Kathmandu on 16 November, at Damare, Surkhet on 15 November and a petrol bomb attack on a microbus in Samakhushi, Kathmandu on 12 November which left several people injured. There were also reports of placement of improvised explosive devices (IEDs) in different parts of the country. The Nepal Army (NA) disposed of most of the devices before they could explode.

Threats and Intimidation:

ANFREL also reported in its preliminary report that in several districts visited by ANFREL, violence or threats were being used to try to influence voter choices. Overt violence, such as flagrant intimidation by party cadres, particularly by the CPN-Maoist and the Young Communist League (YCL), was used to restrict the activities of political parties and prevent freedom of association and speech by

voters. As intimidation is often less visible than overt violence, it proved inherently difficult to secure evidence that could lead to successful prosecution, resulting in relative impunity for the offenders.

Electoral Violence on Election Day:

On Election Day, the overall security situation in much of the country was conducive to the holding of a free and fair election, but there continued to be certain districts which presented severe challenges to the election process, particularly in the eastern, western and central Terai (e.g., Saptari, Myagdyi, Baglung, Palpa, Bara, Parsa, Dhanusha, Mahottari, and Sirah districts). The election commissioner Mr. Uprety said that Maoists had managed to stop balloting in one district and had looted ballot papers in another. Troops from a special squad of the Nepalese Army were sent to both places, and he said the balloting there would be rerun.

In its preliminary report, NEOC reported several electoral violence incidents on Election Day. It reported that explosive devices and other suspected materials were found in locations remote from polling stations and populated areas as a method of intimidation in Rupandehi. In Bhotebahal, central Kathmandu, three children were injured – one seriously – as a result of an explosive device. Voters in Gorkha district were prevented by poll opposing parties from traveling to polling stations. Ballot papers were looted from a polling station situated at Dandakot Higher Secondary School in Dailekh, mid-west Nepal, resulting in the suspension of voting for about three hours. Election authorities replaced the looted ballots under strict security to ensure voting resumed after 12:30 pm. Security forces resorted to firing blank rounds into the air in order to disperse hostile party cadres. Though all these actions were attempts to stop people going to vote, they were not successful. The massive voter turnout was a clear defiance of those seeking to use violence to deter people from voting.

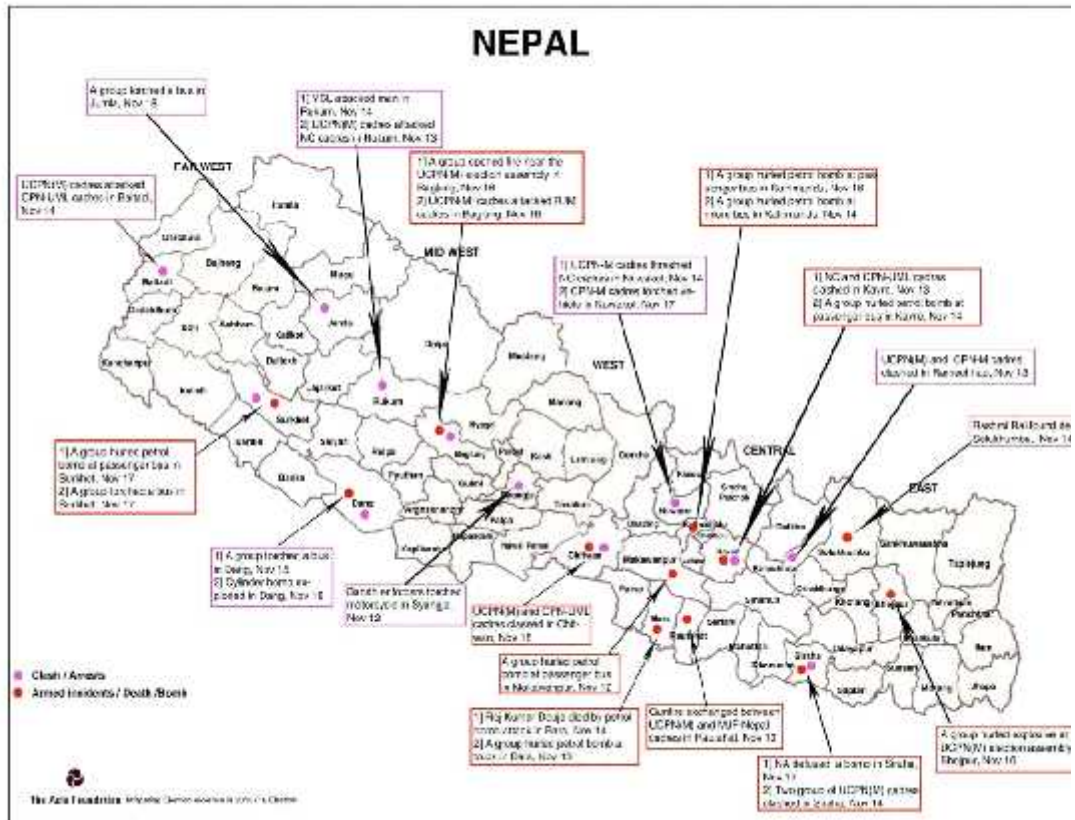
Satisfactory Security Measures:

The Nepali police geared up for the November 19 elections considering that the ECN's announcement that there would be no postponement. The role of the Nepali police was crucial, as they were in the center of security management with about 155,000 security personnel on duty. Of this number, an estimated 50,000 personnel were from the Nepali police, 20,000 from the Armed Police Force and about 45,000 from the Nepali army. An additional 40,000 personnel (mostly ex-servicemen) were hired as temporary police to make up the remainder of the security forces. A security/vulnerability map, which categorized areas as "Most Vulnerable," "Less Vulnerable" and "Normal", was prepared by the police and released to election officials before the elections.



The involvement of the Nepali army was welcomed by most, except that there were questions about how the regular army soldiers and the newly enrolled ex-Maoist combatants would behave or react to actions initiated by Maoist cadres from the UCPN and the CPN-Maoist. The final integration of the former Peoples' Liberation Army (PLA) into the regular army was just completed on August 27, with the absorption of 70 officers and 1352 others. Overall, the Nepali army played a crucial role, as it was tasked with providing security to all vital installations, besides overall security of the electoral booths and polling stations. Confidence in the Nepali army was evident, cutting across political parties, civil society groups, media and even ordinary citizens.

Electoral Violence and Security



Ñ1 Political Parties

Legal Basis for Political Parties:

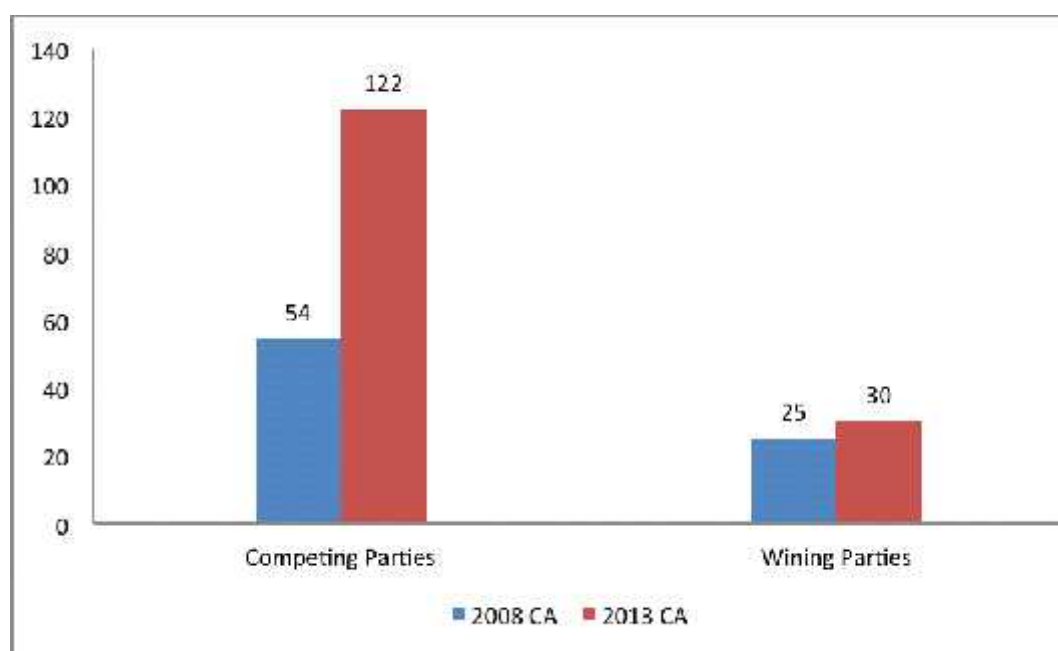
The Constitution of Nepal provides for a multi-party system. The Election Commission Act 2007, Article 2 (g) provides the definition of a political party: ‘political party means a political party registered for the purpose of election pursuant to Article 142 of the Constitution’. Part 18, Article 141 and 142 of the Constitution of Nepal provides the legal basis of political party. Article 142 (1) provides that ‘every political party wishing to secure recognition from the Election Commission for the purposes of elections shall be required to register with the Election Commission’. Beside the constitution, political party registration is governed by the provisions of several other regulations. Chapter 3, Article 19-25 of the Election Commission Act 2007 includes detailed procedures for political party registration. These provisions apply along with the provisions of ‘the Political Party Registration (for the purpose of election) Rule 2007’.

Political Parties in the 2013 CA Election:

More than 135 political parties registered at Nepal's Election Commission for the 2013 CA Election. Most of the registered parties are regional and ethnicity based.

The EC conducted the registration process for political parties from May 1 through May 30. Out of the 135 political parties, 76 are new ones that did not take part in the 2008 CA Election. On the other hand, the CPN-Maoist party, which is a breakaway faction of UCPN (Maoist), has not registered its party at the EC, saying that election is not possible under the current circumstances. After scrutiny by the EC, the number of competing political parties in CA Election 2013 stood at 122. Thirty political parties that secured at least 21,000 PR votes each were allocated seats in the new CA. In the 2008 CA election, 84 parties applied to register but only 74 parties were formally registered. Out of the 74 registered, 54 parties took part in the 2008 election and candidates from 25 parties were elected to the CA. Thus the number of political parties in the CA is higher than 2008.

Comparison of Competing and Winning Parties in 2008 and 2013 CA Elections



However, under the FPTP systems, 10 parties won seats in the CA and 2 won as independent candidates. Under the PR systems, 30 parties won seats, ten of which won only one seat apiece. All the parties winning FPTP seats also won PR seats so the total of parties in the CA is 30, plus the two independent members. The lowest share of the PR vote to win a seat was 0.22 %, the same as in 2008.

Main Political Parties in the 2013 CA elections:

A few political parties have emerged as major parties in the 2013 CA Election. A list of these parties is given below.

List of Major Political Parties in 2013 CA Election

S. No	Name of Political Party	Name of the Leader
•	Nepali Congress	Sushil KOIRALA
•	Communist Party of Nepal (Unified Marxist-Leninist) (CPN-UML)	Jhala Nath KHANAL
•	Unified Communist Party of Nepal (Maoist) [UCPN (M)]	Pushpa Kamal DAHAL (Prachanda)
•	Rastriya Prajatantra Party (RPP)	Pashupati SJB RANA
•	Tarai Madhesh Loktantrik Party	Mahanta THAKUR
•	Sadbhawana Party	Rajendra MAHATO
•	Madhesi Janadhikar Forum Nepal (MJF)	Upendra YADAV

Description of Major Political Parties:

Nepal has five different types of major political parties. Based on the characteristic and agendas of the political parties the classification can be as follows:

- National Liberal Parties
- National Hardline Communist Parties
- Regional Parties
- Rightist and Royalist Parties
- Ethnic Based Parties

Ñ1 National Liberal Parties

- *Nepali Congress (NC)*: Founded in 1947, NC led the 1950 Democratic Movement, which successfully ended the Rana dynasty and allowed commoners to take part in politics. It led another democratic movement in 1990 in partnership with leftist forces to end the Monarchy and reinstate Parliamentary Democracy. A primary challenge to the party is long-standing factionalism between the Koirala family and former PM Bahadur Deuba. It was at one time a ‘Radical Democratic’ force, but now NC is a much more conservative ‘Social-Democratic’ party.
- *Communist Party of Nepal (Unified Marxist-Leninist) (CPN-UML)*: Founded in 1991 through the merger of the Communist Party of Nepal (Marxist) with the Communist Party of Nepal (Marxist–Leninist), the CPN-UML is a product of the Jana Andolan (People's Movement) uprising where Communists, together with the Nepali Congress, played a major role in the establishment of Constitutional Democracy in Nepal. It is relatively ‘moderate’ in ideology and is viewed as a liberal force in Nepalese politics.

Ñ1 **National Hardline Communist Parties**

- *Unified Communist Party of Nepal (Maoist)-(UCPN-M)*: Founded in 1994 following a split in the Communist Party of Nepal (Unity Centre), it is led by Pushpa Kamal Dahal (Prachanda). The party contains three factions, those led by Prachanda, Dr Baburam Bhattarai and Vice Chairman Narayankaji Shrestha. The party follows a Marxism–Leninism–Maoism Path. Although it is still a ‘Radical Communist’ party, it is in the process of being transformed into a somewhat democratic force.

There are other five hardline communist parties, which won 1-5 seats in 2008 and 2013 CA election. These Communist parties are:

- Communist Party of Nepal (United) (CPN-U),
- Nepal Workers and Peasants Party (NWPP),
- Communist Party of Nepal (Marxist-Leninist) (CPN-ML),
- Jana Morcha Nepal (NPF), and
- Communist Party of Nepal Independent (CPN I)

Ñ1 **Regional Parties (Madhesh parties)**

- *Madhesi Janadhikar Forum-Democratic (MJF-D)*: This party is led by Bijaya Kumar Gachhadar. It is a splinter party, which broke off from MJF-Nepal and won 25 seats in the 2008 CA Elections (when still part of MJF-Nepal).
- *Madhesi Janadhikar Forum-Republic (MJF-R)*: This party is led by Rai Kishor Yadav. It is also a splinter party, which broke away from MJF-Nepal and won 12 seats in the 2008 CA Elections (when still part of MJF-Nepal).
- *Madhesi Peoples Rights Forum Nepal (Madhesi Janadhikar Forum Nepal) (MJF Nepal)*: This party is led by Upendra Yadav. Founded in 2006, the MJF Nepal has suffered multiple splits. It was initially not a political party as such but a political advocacy movement demanding ethnic self-determination with the formation of a Madhesh autonomous region, an election system based on proportional representation, and the setting up of a federal republic in Nepal. It won 12 seats in the 2008 CA Elections (when the MJF-D and MJF-R were still a part of the party).
- *Tarai Madhesh Democratic Party (Tarai madhes Loktantrik Party) (TMPD)*: This party is led by Mahant Thakur. The party largely represents elite Madhesis and which won 12 seats in the 2008 CA Elections.
- *Sadbhawana Party (SP)*: This party is led by Rajendra Mahato. Originally the Nepal Sadbhawana Party, it was founded in 1995 but suffered a split in 2003. It won 5 seats in the 2008 CA Elections.
- *Nepal Sadbhawana Party (Anandi Devi) (NSP-A)*: This party is led by Sarita Giri. It was founded in 2003 after splitting from the original Nepal Sadbhawana Party and won 2 seats in the 2008 CA Elections.

Ñ1 **Rightist and Royalist Parties**

- *Rastriya Prajantantra Party (RPP)*: This Royalist party is led by Pashupati Sumsher Rana. It was founded in 1990 but suffered splits in 1997 [RPP (N)] and 2005 (Rastriya Janashakti Party- RJP, which won 3 seats in the 2008 CA Elections). Finally it reunited with RJP in 2010. It is a Centre-Right, Liberal-Conservative party, formed by the political elite of the erstwhile Panchayat system. It is formally pro-Monarchy party and won 8 seats in the 2008 CA Elections.
- *Rastriya Prajantantra Party (Nepal) (RPP-N)*: This party was created after a split from RPP in 1997 and is led by Khamal Thapa. RPP (N) is a conservative party ideologically and favors Hinduism and reinstatement of the Monarchy.
- *Nepali Janata Dal (NJD)*: This party is based on Hindu Nationalism. Having shared values with other similar parties, the NJD has extended its support base in Nepal.

Ñ1 **Ethnicity based Political Parties**

These are relatively smaller parties. The ethnicity based political parties have specific agendas for the promotion of specific ethnic or class or group interests. Some major ethnicity based parties are-

- Federal Democratic National Forum (FDNF),
- Rastriya Janamukti Nepal (RJN),
- Dalit Janajati party (DJP),
- Samjwadi Prajatantrik Janata Party (SPJP) and
- Chure Bhawar Rastriya Ekata Party Nepal (CBEP)

Ñ1 **Women and Youth participant**



In consideration of the International Covenant for Civil and Political Rights (ICCPR) General Comment No. 18: Non-discrimination the Nepal government is bound to ensure the ability of all citizens to participate in public affairs and should take positive measures to end discrimination or lack of opportunity in practice. In effect, the Code of Conduct, provided by ECN, was gender sensitive in requiring campaign activities to respect equality among men and women through prohibition of

speech promoting hatred or violence on the basis of gender. As required by law, the minimum representation quota for women must be at least half of each party's proportional representation and 33% of all candidates, including FPTP, for each party nominating at least 100 list candidates. In total, about 35% of the political candidates were women. Out of the 6,128 FPTP candidates, only 667 were women. In the Far Western region, particularly in the hilly districts, there was only a single woman candidate out of the ten constituencies. In the Western and Central region, women had active roles in leading their parties.

The total number of registered women voters shown earlier in this report reflected women's active participation and enthusiasm for the electoral process. Survey interviews gathered relevant information that the main reason for more women voter registrants was because the majority of the Nepali men were working abroad. However, a majority of the responses in the survey conducted by ANFREL LTOs showed that either a woman's husband or her father determines for whom or which party she should vote. In the campaign rallies attended by the LTOs in the Far-Western region, women were about 40% of the audience and around 60-70% for the youth. In contrast, women constituted only about 20-30% at campaign rallies in the Central Region and less than 10% of the youth attended these rallies. In Gorkha, the women were the frontline campaign supporters of UCPN even when party clashes occurred. In the hilly parts of the Western Region, youth were politically exploited by party leaders to aid in coercing voters. On the basis of incident reports made by observers, youth supporters of political parties were usually responsible for creating party conflicts resulting in fistfights and vehicle torching. This suggests that women and the youth sector were more politically active in rural regions compared to those in urban areas.

In an interview conducted with the District Election Office (DEO) in the Western Region, the DEO staff stated that young women were active volunteers for the timely information dissemination of the ECN's voters' education program. Although there was a minimal number of women serving as Polling Officers, the Home of Ministry Affairs, through the Chief District Office, ensured that men and women were fairly recruited as temporary police. This was in line with the socio-cultural practice in the country to have separate queues for men and women on the polling day.

Youth were active and passionate during the campaign period and on the polling day. As elaborated by the party complainants in Gorkha, youth were used as a tool to blatantly violate the Code of Conduct inside the polling station. Nevertheless, those who were under legal age required were not permitted to vote and were only active during the campaign process.

Ñ1 Marginal Groups and Persons with Disabilities

As guaranteed by the ICCPR, Art 3; Committee on Elimination of Discrimination against Women (CEDAW) Art 7; and ILO Indigenous and Tribal Peoples Convention, 1989, Art. 6.1(b), the ECN adopted a Code of Conduct with inclusiveness towards marginalized groups. In order to secure an inclusive constitution, ethnic groups such as Dalits, Madhesis and other marginalized groups need to be adequately represented in the Constituent Assembly.

Under the FPTP system, a total of 114 candidates who had been elected are from the marginalized communities, except those belonging to the Dalit community, with 37 of them belonging from the Madhesi community while the rest are from various ethnic groups this election, however, only a single Dalit, representative won election, compared to the seven representatives chosen in 2008. Dalits make up nearly 12 percent of the country's population, but they have minimal political participation and representation. Consequently, their political participation should be highly encouraged particularly in the drafting of the new constitution. This means that Dalits should be included and be given equal representation and opportunities by the government. Dalits need more than just political seats, but more so, a democratic space without exclusionary norms, rules and procedures. To ensure inclusive democracy in Nepal, they should be given opportunities to take lead roles both in the legislative and executive branches of the government.

The ECN did promote Persons with Disability (PWD) – friendly atmosphere in the entire election process. The ECN is allowed to make special arrangements for voting by the blind, disabled, elderly persons, pregnant women and other voters suffering from physical infirmities. The rules allow PWDs to be assisted by a member of his/her family or by a person whom he/she trusts with his/her vote, provided the PWD requests permission from the Polling Officer. However, no person was allowed to assist an elderly or PWD more than twice.

In the Western Region, PWDs were given a separate counter during the claiming of their voter IDs at Baglung district. One of the Polling Officers there even showed observers how PWDs would be assisted on Election Day. The observers also noticed how PWDs and Senior Citizens were prioritized during the voting.

Ñ1 Mission Findings

Ñ1 Pre-Election

Long Term Observers were deployed to various regions of the country during the start of the campaign period. As noted above, the preliminary portion of the campaign period was generally peaceful and in accordance with the rules and regulations set by the ECN. In the Central Region, there was a campaign-friendly environment with satisfactory security measures in place. Unfortunately, there were concerns that voter education was insufficient and that about 6-7 percent of total eligible voters were not registered. In the Eastern Region, there was comparatively little tension between political parties, though CDOs in Morang and Udayapur districts were bothered by the placing of black flags outside candidates' houses and mass meetings as a sign of protest or boycott against their political objectives. In Rupandehi, Western Region, socio-civic organizations showed great concern with the possible abuse of children's rights during the election process. They believed that minors would be exploited during the campaign period and some might even be recruited to vote illegally in place of legitimately registered voters on the polling day. In the Far-West and Mid-West Regions, residents seemed confident on the capability of the Security Forces to handle election-related violence during this initial stage of the campaign period.

In the succeeding weeks, election-related disputes increased in most of the five regions. Particularly, in Chitwan and Dhading of Central Region, tension between parties resulted in some violence. Use of child recruits for campaigning also increased throughout the Kathmandu valley, specifically in Dhading, Nowakot and Chitwan districts. Moreover, the effect of the *bandh* was largely felt throughout the Central Region and posed an alarming concern among the authorities. In the Eastern Region, 107 workers in Limbuwan were arrested to prevent a stick march. Stone pelting and vehicle torching were common in the Eastern and Western Regions especially in the rural outskirts of Gorkha, Kapilvastu, Rupandehi, Dhankuta, Terathum and Jhaba districts. Bombing incidents were likewise reported in scattered locations throughout the country. Most of them, however, were false reports while others involved devices, which were successfully diffused in time by the local bomb squad units. Threats and intimidation of possible bomb blasts and explosions were reported from Taplejung, Surkhet, Dang, Salyan, Banke, Bhardhiya, Nepalgunj and Rupandehi, among others.

Equally evident was the clear distinction between rural and urban centers, uphill and Tarai areas. The strong presence of Maoist parties, combined with poor conditions and accessibility in remote areas, created an environment which limited both campaigning and expression of political opinions. Thus,

security personnel in the remote areas of Rukum and Rolpa of Mid-western Region, for example, expressed a concern about being unable to timely respond to violent clashes in remote uphill areas. Violations of the Code of Conduct were common in uphill rural areas compared to the urban hubs of the district. The most common violations were centered on poster size and color, use of vehicles more than allowed by law, improper placement of posters and excessive political donations or indirect vote buying through feasts. Another result of the limited accessibility to remote locations was the rather feeble voter education campaign in the uphill districts, which were further hampered by reported incidents of looting of the voter education materials allegedly carried out by the anti-poll groups.

While it was generally true that the 2013 campaign environment was more peaceful than in 2008, respondents in the Far-Western Region were of the opinion that this election was more dangerous compared to the previous election. In Tarai areas of the Western Region, a number of people expressed their fear and distress at the influx of felons from near the Indian border who, they believed, were hired by political parties to cause trouble against political opponents. Similarly, vehicles bearing Indian (Uttar Pradesh, State of India) number plates were used for street campaigns in the majority of the Tarai areas of the five regions.

As mandated by ECN rules, political campaigns ended two days before the polling day. During this two-day cooling period, political parties were prohibited from active campaigning. On the day before the start of the cooling period, parties held street rallies, usually using motorcycles and vehicles to move around cities and towns, street walks and door-to-door campaigning. Reports from domestic observers from the uphill rural outskirts spoke of feasting and supplying of alcohol during the end of the campaign period.

Ñ1 Election Day

Over 78% of registered voters turned out to vote for the second CA election on November 19, 2013. Altogether, 50 ANFREL observers drawn from various countries, mostly Asians, observed the election in all five development regions. The high voter turnout was particularly significant in light of the pre-election violence and threats to disrupt the polls by boycotting parties. Despite confusion and doubts about the distribution of voter ID cards, this effort went off rather smoothly with almost 90 per cent of voters turning up at the polling station to receive their ID cards. It was commendable that the ECN was able to distribute so many voter ID cards just two days before the Election Day and also able to distribute election materials to all polling stations on time.

A number of issues pertaining to the Code of Conduct and implementation of the election procedures were noticed by ANFREL's observers but none of these were significant enough to have any negative impact on the overall outcome of the electoral process. In fact, most of the errors in the conduct of elections were seen as more out of lack of training than done with any bad intent.

Examples of some of these which could be cited include placement of voting booths which could compromise the secrecy of marking ballots, candidates glad-handing at the polling centers, and poor application of indelible ink on the thumbs. However, there were some eye-catching problems in the poll closing process, especially insofar as recording the number of unused ballots was concerned. Unused ballots were not destroyed, as is the general practice, and not counted before being inserted in envelopes/bags in a number of polling stations. The foregoing findings of the Election Day processes are based on the observation of ANFREL's 50 observers. A summary of the findings are given below:

Election Environment:

The election environment was largely favorable for the election. Most voters did not encounter any roadblocks on the way to their polling stations. In the Western Region, one roadblock was reported in Malma VDC, constituency 1 on the morning of the Election Day, which was immediately removed after the matter was brought to the notice of the authorities. People walked to the polling stations. Use of unauthorized vehicles was not reported. However, several observers noted use of horse and bullock carts by some candidates. Similar cases were noticed in Sahid Smiditi Campus (Shanthichok) polling station in Chitwan district, where some horse and bullock carts were used to carry voters to the polling station.

However, several election-related incidents of violence were reported on the night before the Election Day. There were reports of many scattered bomb blasts and threats in different parts of the country, though these incidents did not disrupt the polls on Election Day. However, the presence of a large number of people, especially party cadres and workers, did spark concerns of a possible outbreak of violence. There were also reports of political party camps that were set up near polling stations, some of which were within the restricted area. Such cases were reported from the Western, Eastern and the Central Regions.

Security Management:

The overall security arrangement on Election Day was commendable considering that the build-up was marked by violence and bandas/bandhs threatening to disrupt the election process. However, on Election Day

deployment and management of security was very efficient and almost all polling stations were adequately guarded by police and temporary police, and the Nepal army was on standby to assist the police force if needed. Other agencies in security management, such as intelligence officers and district administrations, played a key role in providing adequate security for voters and polling officials during the conduct of the elections.

Effective coordination was organized by the District Security Coordination Committee (DSCC), which was headed by the Chief District Officer (CDO) with district heads of all those agencies as its member. Based on the perception of threats in different places, security was accordingly managed using a three-pronged approach.

The Nepalese Police dealt with the security situation at the polling stations as the primary agency handling all security matters. Bestowed with magisterial powers, election officials could order the security personnel to arrest any miscreants found to disrupt the elections in any way. Around 440,000 staff members were deputed in the polling booths across the country. The security situation was reasonably managed by the election administration on Election Day. The role of the temporary police was notable on Election Day. Even though they were recruited just one week before the election, their presence made a significant difference in providing security at the polling stations. The Nepalese Army conducted patrols and remained outside the areas designated only for police at the polling stations.

Satisfactory preparation but delay in opening:

All polling stations observed had election materials on hand before the actual polling time. Polling stations were generally prepared and booths were placed before 7.00 am on Election Day. Election officials were present along with security personnel. However, there were 10-30 minute delays in almost all polling stations in starting the voting process even though voters started to queue much before 7.00 am. Voters and party agents did not seem to think that this was a major problem. The preparatory work, such as documentation, organizing forms and ballot papers, displaying the empty ballot box and sealing it in front of party agents and observers took some time. For example, in Golkot Higher Secondary School under the Hatiya VDC, the polling process started at 7.20 am.

Secrecy compromised:

The issue of secrecy in vote casting was something of a problem in many polling stations observed by ANFREL. In many cases, the place for marking the

ballot or the booth was not placed to ensure the secrecy of vote. ANFREL reported from Hatiya VDC in the Western Region that the secrecy of booths was not sufficiently maintained. In most of the cases, a police officer was located between the booths for FPTP and PR voting and was able to see how the voter cast his/her vote. ANFREL observed in Far-Western Region and that at Sodasha Higher Secondary School, Mangalsen all three polling centers had shortcomings about secrecy of polling booths. The booths of all the three centers did not provide complete privacy and secrecy from others because acts in the ballot booths could be seen from behind. The booths were located in open space. ANFREL observed in CDR in Himalaya secondary school (Constituency 4), BalKumari Higher Secondary School (Constituency 3) and Baku Lahar Secondary School (Constituency 4) of Chitwan district that the secrecy of vote was not maintained. In many polling stations the back of the polling booths was mostly open and not protected by any wall or cover. That allowed security personnel, polling officials or even other people present behind to see the marking on the ballot. The breach of secrecy was commonly found across polling stations of the country.

Party Agents Influencing Voters:

On Election Day, the party agents were particularly active. Their involvement adversely affected the sanctity of the polling environment. The situation was common across the country. More than two party agents from the same party were in many polling centers. They were assisting voters and in many cases taking them to the polling booth. Party agents were seen to be assisting elderly and disable voters even inside polling stations in BalKumari Higher Secondary School (Constituency 3) in Chitwan district, with very little objection from polling officials. In Himalaya secondary School- NC party agents and in Baku Lahar Secondary School- UMLN party agents were seen helping voters in casting their votes.

Unauthorized Individuals Inside Polling Station:

Though generally the access to the polling stations was guarded with sufficient security forces, reports of unauthorized individuals inside the polling station were very common. It is very clearly stated in Article 91 (1) of the Directive on Election of Members of Constituent Assembly, 2013 who can enter lawfully inside the polling station. The Polling Officer is authorized to permit the following to enter the polling station:

- Voters

- Representatives from political parties or candidates or one representative of him/her,
- Observers permitted by the Commission,
- Persons permitted by the Commission or Returning Officer or Polling Officer.

In addition, the Polling Officer is to arrange the entry of voters without letting a crowd, assembly or problems arise in the polling station. However, in practice the situation was different in many polling stations. ANFREL observed in the Western Region that towards the end of the day when the number of voters coming to the polls slackened, some cadres were allowed to enter the area because they planned to informally observe the closing of the polls. In Amar Secondary School, many party cadres were inside the polling station during the closing of the polls, but they were not all required by the Polling Officers to witness the sealing of the ballot boxes.

Closing of polling took place at 5 pm, which is designated by law. However, in most of the polling stations actual polling ended before 5 pm. There were few voters after 4.30 pm. In the Western Region, the majority of the polling stations closed the gates about 4:30 pm because the party agents requested and agreed together that no more voters would come to vote. They believed almost all the voters in the area had voted except those who were either working or studying abroad. However, the Polling Officers were willing to entertain any voter who arrived to vote before 5 pm. The polling officials waited till 5 pm and then sealed the ballot boxes and put the ballot papers in the paper bag after reconciliation.

Women participation in voting was notable in every region of the country. Women voted in great numbers. Though there are no gender-specific numbers about the voters who cast votes, the mere presence of large numbers of women at the polling stations was evidence that women participated in large numbers. However, in other regions like in the Far-Western part of the country there were clear indications that women's participation was higher than that of men. For example in Japla Devi VDC, in polling center A, the total number is voters registered was 563, out of which 400 turned out to cast their votes. 258 were women while 142 were male. In polling center B, the total number is voters registered was 592, out of which 441 turned out to cast their votes. 311 were women and 130 were male. In Marku VDC, out of 721 voters, 476 were female while 245 were males.

On many occasions the polling officials were helping the voters in putting ballots in the ballot boxes. Since there were a large number of candidates and

the ballot had to accommodate them all, the size of the ballot was big and, to accommodate the ballots, polling officials had to push down the ballot papers in the ballot boxes by using scale/stick. This may inadvertently have spoiled some ballots and thus made ballots invalid. In the future, this could be prevented by either having a spare box on hand or using a bigger box.

Ñ1 **Post Election**

Most of the period immediately after the Election Day was peaceful and calm, which allowed the ECN to declare the results and complete the electoral process. However, the post election environment was somewhat marred by the UCPN-M's unsubstantiated charges of fraud and ballot tampering during the transportation of ballots from polling stations to counting centers. The UCPN-M launched a boycott of the counting process after raising these allegations and then held separate briefings with all observer groups (including domestic observers) which it hoped would support its claims of misconduct, but it was not able to gain any support from the observer groups. Then, in protest against what it claimed a systematic and a subtle deception by other parties, the UCPN-M decided to boycott the Constituent Assembly. However, after a series of discussions between party leaders and internal reviews together with a concerted effort by the international community to bring the Maoists into the Constitution adoption process, the party agreed to adopt a more reasonable position. The compromise was conditional in that the UCPN-M demanded that the two-thirds majority needed to adopt the Constitution must be replaced with a consensus. The party has also involved other smaller parties, especially from the Madhes region, to demand the ECN to set up an independent committee to investigate the allegations of election fraud.

Annexes

1

List of Contesting Political Parties

S. No	Name of Political Parties	Address
1.	Akhanda Nepal Party	Baghbazaar, Kathmandu
2.	Akhanda Sudurpaschim Party Nepal	Kirtipur
3.	Bahujan Samaj Party	Lalitpur
4.	BishwaSatyawadi Party	Janakpur
5.	Chure Bhawar Rastriya Ekta Party	Kathmandu
6.	Chure Bhawar rastriya Party	Maligaun
7.	Churebhawar Loktantrik Party	New Baneshwore, Kathmandu
8.	Communist Party of Nepal (UML)	Balkhu, Kathmandu
9.	Dalit Janajati Party	GaushalaPingalasthan, Kathmandu
10.	Desh Bhakta Samaj	Jamal, Kathmandu
11.	Deshbhakta Paryawaraniya Samajik (Daepasa) Morcha	Dilli Bazaar, Kathmandu
12.	Garib Ekta Samaj Party Nepal	Lalitpur
13.	Hariyali Nepal Party	Kalikasthan, Kathmandu
14.	Hindu Prajatantrik Party, Nepal	Anamnagar, Kathmandu
15.	Jana Jagaran Party	Nepal Lalitpur
16.	Jana Prajatantrik party	BishnuBudhanilkantha, Kathmandu
17.	Jana Unity Co-operative Party Nepal	Pepsicola, Kathmandu
18.	Janamorcha Nepal	Koteshwore, Kathmandu
19.	Janata Dal Loktantrik Party	Kalanki, Kathmandu
20.	Janata Dal Nepal	Baneshwore, Kathmandu
21.	Janata Party Nepal	Jawalakhel, Lalitpur
22.	Janatantrik Terai MadheshMukti Tigers	Janakpur Dham, Dhanusa
23.	Janta Dal United	Jawlakhel, Lalitpur
24.	Khambuwan Rastriya Morcha Nepal	Bhojpur headquarter
25.	KhasSamabesi Rastriya Party	
26.	League Nepal Shanti Ekta Party	Chabahil, Kathmandu
27.	Liberal Democratic Party	Mahalaxmasthan, Lalitpur
28.	Limbuwan Mikti Morcha,	Jhapa
29.	Limbuwan Mukti Morcha Nepal	Itahari,Sunsari
30.	Limbuwan Rajya Parishad	Birtamod, Jhapa
31.	Lok Dal	Thapa Gaun, Kathmandu
32.	Loktantrik Party Nepal	Anamnagar, Kathmandu
33.	LoktantrikJanata Party Nepal	Lahan
34.	Madhesh Janaadhikar Forum (Republic)	New Baneshwore, Kathmandu
35.	Madhesh Terai Forum	Rautahat
36.	MadheshSamata Party Nepal	Kalanki, Kathmandu
37.	Madhesi Janaadhikar Forum	Balkumari, Lalitpur
38.	Madhesi Janaadhikar Forum Madhesh	Birgunj
39.	Madhesi Janaadhikar Forum, Nepal (Democratic)	Sachal, Sanepa, Lalitpur
40.	Mangol National Organisation	Baghdol , Lalitpur
41.	Matribhumi Nepal Dal,	Buddhanagar, Baneshwore
42.	Nawa Nepal Nirman Party	Tripureshwore, Kathmandu

43.	Naya Nepal Rastriya Party	Tinthana, Kathmandu
44.	Nepa: Rastriya Party	Chagal, Tahachal
45.	Nepal Aama Party	New Baneshwore, Kathmandu
46.	Nepal Communist Party	Koteshwore, Kathmandu
47.	Nepal Communist Party (Malema) Samyambadi	Tripureshwore, Kathmandu
48.	Nepal Communist Party (Marxist Leninist)	Ratopul, Kathmandu
49.	Nepal Communist Party (Marxist-Leninist Socialist)	Baneshwor, kathmandu
50.	Nepal Communist Party (Samyukta)	Maitidevi, Kathmandu
51.	Nepal Ganatantrik Ekta Party	Maharajgunj
52.	Nepal Gauravshali Party	Basundhara, Kathmandu
53.	Nepal Janabhawana Party	Pokhara
54.	Nepal janabhawana Party	Baghbazaar, Kathmandu
55.	Nepal Janasamabeshi Ekta Party	Bhainsepati, Lalitpur
56.	Nepal Janata Party	Maitidevi, Kathmandu
57.	Nepal Kisan Yuwa Party	New Baneshwore, Kathmandu
58.	Nepal Labour Party	Paris Dada, Kathmandu
59.	Nepal Loktantrik Samajbadi Dal	New Baneshwore, Kathmandu
60.	Nepal Madhesi Janata Dal	Kalanki, Kathmandu
61.	Nepal Majdoor Kisan Party	Golmadhi, Bhaktapur
62.	Nepal Nagarik Party	New Baneshwore, Kathmandu
63.	Nepal Nyayik Dal	Makwanpur
64.	Nepal Pariwar Dal	PuranoBaneshwore, Kathmandu
65.	Nepal Rastra Sewa Dal	Baghbazaar, Kathmandu
66.	Nepal Rastriya Bikash Party	Kupondole, Lalitpur
67.	Nepal Rastriya Yatayat Bikash Dal	Anamnagar, Kathmandu
68.	Nepal Sadbhawana Party	Bishalnagar, Kathmandu
69.	Nepal Sadbhawana Party (Gajendrabadi)	Anamnagar, Kathmandu
70.	Nepal Sadbhawana Party (United)	Lalitpur, Kusunti
71.	Nepal Samabeshi Party	Tilganga Kathmandu
72.	Nepal Samajbadi Party	Lohiyabadi, Birgunj
73.	Nepal Shanti Chettra Parishad	Anamnagar, Kathmandu
74.	Nepal Shanti Samaj Dal	Sunsari
75.	Nepal Shramjivi Dal	Kirtipur, Kathmandu
76.	Nepali Congress	Sanepa, Lalitpur
77.	Nepali Janata Dal	Anamnagar, Kathmandu
78.	Nepali Janata Party	New Baneshwore, Kathmandu
79.	Om Sena Nepal	Sorakhutte, Kathmandu
80.	Pichada Barga Nishad Dalit Janajati Party	
81.	Rastrabadi Ekta Party	Kalanki, Kathmandu
82.	Rastrabadi Janata Party	Banasthali, Kathmandu
83.	Rastriya Churebhawar Party	Balkumari, Lalitpur
84.	Rastriya Ekta Party	Budhanilkantha, Kathmandu
85.	Rastriya Janabikash Party	Birgunj
86.	Rastriya Janamorcha	Sajhagalli, Baneshwore, Kathmandu

87.	Rastriya Loktantrik Yuwa Party	Butwal
88.	Rastriya Madhesh Bahujan Samajbadi Party	Sankhamul, Lalitpur
89.	Rastriya Madhesh Ekta Party Nepal	Paknajol, Kathmandu
90.	Rastriya Madhesh Samajbadi Party	Gwarko, Lalitpur
91.	Rastriya Mukti Aandolan Nepal	Swayambu, Kathmandu
92.	Rastriya Nagarik party	Anamnagar, Kathmandu
93.	Rastriya Prajatantra Party Nepal	Dhumbarahi, Kathmandu
94.	Rastriya Shivsena Party	ChappalKarkhana, Kathmandu
95.	Rastriya Swabhimani Party Nepal	Kalanki, Kathmandu
96.	RastriyaJanamukti Party	Dhobighat, Lalitpur
97.	RastriyaJanata Dal Nepal	Koteshwore
98.	RastriyaPrajantra Party, Charumati Bihar	Chabahil, Kathmandu
99.	RastriyaYatharthabadi Party Nepal	Swayambhu, Kathmandu
100.	Sadbhawana Party, LakheyChaurMarg	Baneshwore, Kathmandu
101.	Sahakari Party Nepal	Soalteemod, Kathmandu
102.	SamajbadiJanata Party	Milan Marg, Baneshwore, Kathmandu
103.	Samyukta Janamorcha	Koteshwor, Kathmandu
104.	Samyukta Rastrabadi Morcha Nepal	Thapathali, Kathmandu
105.	Sanghiya Bikashbadi Party Nepal	Kirtipur, Kathmandu
106.	SanghiyaLoktantrikRastriyaManch (Tharuhat)	Alok Nagar, New Baneshwore, Kathmandu
107.	SanghiyaSadbhawana Party	GyankunjMarg, Shantinagar, Kathmandu
108.	SanghiyaSamabeshiSamajbadi Party Nepal	Balkumari, Lalitpur
109.	SanghiyaSamajbadi Party Nepal	Sallaghari, Kathmandu
110.	Shanti Party Nepal	Baghbazar, Kathmandu
111.	Shiv Sena Nepal	Shankamul, Kathmandu
112.	Shramik Ekta Party-Nepal	New Baneshwore, Kathmandu
113.	Social Republican Party	Gaushala, Kathmandu
114.	Tamangsaling Rastriya Janaekta Party	Pulchowk, Kathmandu
115.	Terai MadheshLoktantrik Party Nepal	JwagalKupondole, Lalitpur
116.	Terai Pahad, Himal Samaj Party	Dhobighat , Lalitpur
117.	Terai, Madhesh, Pahad, HimalEkta Party	GairiGaun, Kathmandu
118.	Terai-MadheshLoktantrik Party	Bhakti ThapaMarg, Bijuli Bazaar, Kathmandu
119.	Tharuhat Terai Party Nepal	Sanepa, Lalitpur
120.	United Communist Party of Nepal (Maoist)	Parisdanda, Koteshwor, Kathmandu
121.	United green Organisation	Sipadol, Bhaktapur
122.	Yuwa Shakti Nepal Party	Siraha

№1 List of PR and FPTP Results

Nepal CA Election Results 2013 under PR and FPTP

S.N.	Political Parties	PFTP	PR	Total
1	Nepali Congress Party (NCP)	105	91	196
2	Nepal Communist Party (CPN UML)	91	84	175
3	Unified Nepal Communist Party (Maoist)	26	54	80
4	Rastriya Prajatantra Party Nepal	0	24	24
5	Madheshi Jana Adhikar Forum, Nepal (Loktantrik)	4	10	14
6	Rastriya Prajatantra Party	3	10	13
7	Terai – Madhesh Loktantrik Party	4	7	11
8	Madheshi Jana Adhikari Forum, Nepal	2	8	10
9	Sadbhawana Party	1	5	6
10	Sanghiya Samajbadi Party, Nepal	0	5	5
11	Nepal Communist Party (Marxist – Leninist)	0	5	5
12	Nepal Majdur Kisan Party	1	3	4
13	Rastriya Janamorcha	0	3	3
14	Nepal Communist Party (Unified)	0	3	3
15	Terai Madhesh Sadbhawana Party	0	3	3
16	Rastriya Madhesh Samajbadi Party	0	3	3
17	Tharuhat Terai Party	0	2	2
18	Nepal Pariwar Dal	0	2	2
19	Janamukti Party	0	2	2
20	Dalit Janajati Party	0	2	2
21	Madhesh Janaadhikar Forum Ganatantrik	0	1	1
22	Khumbuwan Rastriya Mukti Morcha	0	1	1
23	Janata Dal	0	1	1
24	Sanghiya Sadbhawana	0	1	1
25	Sanghiya Loktantrik Rastriya Manch	0	1	1
26	Jana Jagaran Party	0	1	1
27	Akhanda Nepal	0	1	1
28	Samajbadi Janata	0	1	1
29	Madhesh Samata	0	1	1
30	Nepa Rastriya Party	0	1	1
31	Independents	2	0	2
	Total	240	335	575

№1 ANFREL Observers List

Long Terms Observers (LTOs)

S. No	Name of the LTO	Country
1.	Pongsak Chanon, Mr	Thailand
2.	Chandanie Watawala, Ms	Sri Lanka
3.	Dr. Achan Mugleng, Ms	India
4.	Sam Khunteamy, Mr	Cambodia
5.	Salic Abdul Hamid Sharif, Mr	Philippines
6.	Dr. Altafurahman, Mr.	Bangladesh
7.	Dawood Khan, Mr	Pakistan
8.	Nuri Lestari, Ms	Indonesia
9.	Caroline Hargroves, Ms	Norway
10.	Upekshi Fernando, Ms	Sri Lanka

Short Terms Observers (STOs)

S.No	Name
1.	Damaso Magbual, Mr
2.	Koul Panha, Mr
3.	Rohana Hettiarachchie, Mr
4.	Sakool Zuesongdham, Mr
5.	Pipit Apriani, Ms
6.	Mochammad Afifuddin, Mr.
7.	Corazon Ignacio, Ms.
8.	Raymond C. Ciriaco
9.	Rezaul Karim Hashmi
10.	Gayoon Baek, Ms
11.	Ayaka Ishikawa, Ms.
12.	Chien-Fu Chen, Mr
13.	Hung Yao-Nan, Mr.
14.	Oyuntuya Sumiya, Ms
15.	JIGJIDDORJ CHANTSALDULAM MRS
16.	Mariyam Suha, Ms.
17.	Ragu Ne Myint
18.	Mandeep Singh
19.	Titi Anggraini, Ms
20.	Indika Nirochana Jeewandara
21.	Ms. Marini Binti Muhammad Daud
22.	Li Fan, Mr
23.	George Rothschild, Mr
24.	Trevor Montgomery, Mr.
25.	Michelle D'Cruz, Ms.
26.	Masud Parvez, Mr.
27.	Shahadat Hossain Khatun Helu, Mr.

28.	Lena Hendry, Ms.
29.	SENG AWNG MAI, Mr.
30.	Mustafa Burak Demirci, Mr
31.	Imran Khan Laghari, Mr
32.	Mya Nandar Thin
33.	Chaiwat Ngaongam, Mr
34.	Him Yun, Mr.
35.	Anwar Ahmed
36.	Chatchawan Rakchat
37.	Nilesh Ekka
38.	Aniceto Maia Da Costa
39.	Odete Maria Belo
40.	Ana Paula Fonseca Monteiro De Jesus

ANFREL Core Team

S.No	Name	Designation
•	Ichal Supriad	Executive Director
•	Bidhayak Das	Mission Analys
•	Johny Barliyant	EOM Coordinator
•	Ryan D. Whelan	Observers Coordinato
•	Kanchan Prasad Kharel	Administration/ Research Officer
•	Adv. Pratyush Nath Upre	Liasion & Legal Officer
•	Tarka Raj Dahal	Finance Officer
•	Abhaya Raj Josh	Logistics & Security Officer
•	Santosh Bohara	Logistics and IT Assistan
•	Alina Achary	Interpreter / Finance Assistan
•	Isha Subedi	Media Monitoring / Documentation Assistant
•	Sabin Rimal	Mission Assistant
•	Pawan Bista	IT Officer

Ñ1 Interim Statement

ANFREL Releases Interim Report on 2013 Nepal CA Elections

For Immediate Release

Kathmandu, Nov 21: Today, the Asian Network for Free Elections (ANFREL) is releasing its Interim Report on the Constituent Assembly elections held on 19 November 2013. The report contains observations about the elections based on findings of ANFREL's 50 observers deployed in the five development regions of Nepal and makes recommendations designed to improve the electoral system for future elections.

Commenting on the report, ANFREL Chairman and Head of Mission Damaso G Magbual said, "The Election Commission of Nepal and the thousands of persons who worked at the polls should be congratulated for the professionalism which they demonstrated in meeting the many diverse challenges that had to be met to hold the elections on November 19. From the task of cleaning up the voter rolls and registering more than 12,000,000 people to vote, to actually conducting relatively smooth polling on Election Day, the Election Commission (EC) worked diligently to assure an Election Day experience that would allow the Nepali people to meet their aspirations to determine their future. Now, we are hopeful that the same competence and honesty will carry over as the Commission undertakes the task of counting the ballots."

In its Interim Report, ANFREL focuses on the administration of the election, from registration through voter education to actual polling. ANFREL's observers noted that there were few cases of voters being turned away at the polls because their names had been omitted from the voters list. Based on interviews, ANFREL learned that many people had not registered because they were either away from the country during the voter registration period or lacked the necessary proof of citizenship required to vote. One of ANFREL's recommendations is that voter registration be available continuously, not just held prior to an election, and that the EC consider additional steps for helping people with proof of citizenship. In addition, ANFREL said that voter lists should be published in a place that is accessible and convenient to the voters well before an election and that persons who believe that their names have erroneously been omitted be provided a process for appealing the omission well before an election. As a matter of procedure, voters should be given adequate time to investigate and, if need be, remedy the problem before polling commences.

The report also addresses various issues related to the EC's Code of Conduct and makes suggestions for strengthening the code and its enforcement. ANFREL also believes that more faithful compliance with established procedures would enhance the integrity of the process and give further assurance to the public that the process was insulated from tampering.

Finally, the report examines the role of violence in this year's election season and how voters responded to threats and actual violence at various places around the country.

After ANFREL's observers in the field have submitted their final reports, ANFREL plans to issue a more comprehensive report and set of recommendations.

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ANFREL is a civil society organization dedicated to the promotion of free and fair elections throughout Asia. ANFREL observers have conducted more than 40 election observation missions since its founding in 1997, and in 2012 it sponsored the drafting and adoption of the Bangkok Declaration on Free and Fair Elections

ANFREL Interim Report

The Asian Network for Free Elections deployed 10 long-term and 40 short-term international election observers from 22 countries throughout the five development regions. This report is a summary of initial observations of ANFREL's observers from October 25 to November 20, as well as observations by ANFREL's core team based in Kathmandu. It focuses on election management by the Election Commission of Nepal, including voter registration and voter education, the campaigns of the parties and candidates, the impact of violence on the electoral process and the attitudes of the voters.

Election Administration

The preparation for the second Constituent Assembly elections was reasonably smooth, notwithstanding a number of violent incidents and several reports of intimidation from around the country. The Election Commission of Nepal (ECN) undertook the challenge to meet the November 19 voting date,

even as it faced stiff opposition from anti-poll groups such as the Communist Party of Nepal (Maoist) led by Mohan Baidya and 32 other smaller parties. The ECN's decision to proceed with the election received significant support from the people of Nepal as well from the international community. Such support was no doubt reassuring.

A common feature of the reports from the ANFREL observers was that, in almost all districts that they covered, both voters and political parties considered the ECN a credible organization. Other stakeholders like the media and civil society organizations also expressed their general satisfaction at the way the ECN conducted itself. Indeed, it was a tribute to the ECN's reputation for fairness that none of the elections officials were threatened by anyone, not even the anti-poll parties.

The ECN was generally accepted by almost everyone, but there were concerns expressed about possible bias by some other government officials at different levels. For example, in Nawalparasi, Kapilabastu, Palpa and Syangja, there were concerns with certain actions of CDOs, especially regarding their responses to complaints of election Code of Conduct violations. People in these electoral districts indicated the District Election Officer (DEO) had more credibility in terms of neutrality in decision-making and resolution of complaints than the local CDO's.

Few complaints of Code of Conduct violations have been officially registered with the ECN either at the district level or at the national headquarters. Most complaints have been in the form of allegations made over the phone, and ECN officials have responded by using 'mediation' as 'a useful tool' to address such complaints. The approach of the ECN has been to investigate and then, depending on the seriousness and veracity of the complaints, strike a compromise between the complainant and the accused. So far, the ECN's approach has worked well and a number of complaints have been resolved amicably.

Perhaps the most significant concern raised with respect to the ECN's efforts is related to the issue of voter registration. The ECN was generally praised for its efforts to purge the old rolls of dead and duplicate voters, but, unfortunately, it appears that many people were never able to register to vote, primarily, according to interviews with ANFREL observers, because they could not prove citizenship during the registration campaign or because they were out of the country or in another part of Nepal when the registration campaign was ongoing. The other primary shortcoming, which apparently impacted far fewer persons, involved people who did register during the

registration campaign but whose names did not appear on the final voter lists. At this point, it is unclear how many people were affected but anecdotal evidence suggests that about 5 persons per polling station were not allowed to vote because their names were not on the voter lists despite their having registered to vote. The only plausible explanation that came to the fore, based on interviews with district election officials and political party representatives, is that many voters may not have shown up during the cleaning up process for the list of voters. According to election officials, voters were apparently given several opportunities to check if their names were on the electoral roll.

On Election Day, ANFREL observers noted a number of issues respecting either the Code of Conduct or implementation of election procedures. Most of these were relatively minor. The problems included placement of voting booths which could compromise the secrecy of marking ballots, candidates glad-handing at the polling centers, and poor inking of thumbs during the polling process. There were problems in the poll closing process as well, especially insofar as recording the number of unused ballots was concerned. Unused ballots were not destroyed, as is the general practice, and not counted before being inserted in envelopes/bags in a number of polling stations.

There were concerns raised about the number of temporary polling stations that were set up for government officials on duty on Election Day, especially as most of these polling stations did not have party agents, observers and even security personnel.

The ECN has been assisted in its efforts by others in the government and the security forces. On one of the cooling period days, in Thamel in central Kathmandu, for example, a person was seen removing party flags and posters under the watchful eyes of a policeman apparently intent on remedying at least some blatant violations. In other regions, such as the Western Region, every district election office had assigned an 'observation officer' to monitor whether political parties were violating the Code of Conduct.

However, a few questions about election management remain to be answered. For example, the Election Commission has not explained why it chose to deny international observers the right to observe the printing of ballots. Nor has it explained why 20% more ballots were printed than the number of registered voters or what happened to the ballots that were not delivered to the polls. At this date, it remains to be seen whether unused ballots will be disposed of properly.

Election Campaigns

Campaigning was generally peaceful, though less so as Election Day drew closer. There were at least 4 clashes between people of opposing parties in Rukum, and cars were vandalized in the Mid-Western Region and elsewhere. There were also reports of clashes between political parties in Chitwan and Dhading in the Central Region, Taplejung in the Eastern Region and Myagdi and Baglung in the Western Region, among others. However, clashes between political groups did not seem to have poisoned the election environment for most voters. What may have been more serious in some areas is the use of threats to try to intimidate voters. For example, the Janamorcha Party was apparently threatening voters in Baglung in the Western Region and, in the Siraha and Saptari districts in the Eastern Region, certain parties threatened to evict voters from their land if they failed to support their parties' candidates. Apparently, fear of retaliation prevented people from reporting these threats to the Election Commission.

The nation-wide transportation strike also cast a shadow on the ability to hold free and fair elections, with the splinter groups' tactics becoming more aggressive in the days just before the election. Eight CPN (M) cadres were arrested in Dang for planting IED's and enforcing the bandh. In addition, several IEDs were found and disarmed in, inter alia, Surkhet, Dang, Salyan and Banke, with their supposed aim to disrupt election rallies and plant fear in the hearts of the voters. A number of cases of alleged attempts by CPN (M) cadres to detonate bombs (which were defused by the Nepal Army) were reported from the Eastern, Central and Western Regions.

The impact of the bandh in remote districts is less known, though the UN security chief reported that in Upper Dolpa in the Mid-West people were threatened with death if they voted. The threats led some polling officials to resign their posts. Thus, the level of turnout of any particular location may have turned, at least to some degree, on whether people felt safe to vote, and whether the anti-poll cadres obstructed people on their way to vote. As of election night, there was still some concern about ballot box security during transportation, as roads could easily be blocked and vehicles stopped in remote districts.

Violence and Intimidation

In general, people in urban areas seemed less concerned about security and more concerned about whether the politicians would do what they promised, while the CPN-Maoist's violent activities was a greater concern in certain sensitive areas, as well as in hill and mountain districts. Security personnel were out in force prior to, and on, Election Day in the sensitive areas, but they

expressed concern about their ability to timely respond to incidents in remote areas such as Rukum and Rolpa in the event they were needed there.

On Election Day the overall security situation in much of the country was conducive to the holding of a free and fair election, but there continued to be certain districts which presented severe challenges to the election process, particularly in the eastern, western and central Terai (e.g., Saptari, Myagdyi, Baglung, Palpa, Bara, Parsa, Dhanusha, Mahottari, and Sirah districts). The killing of CPN (UML) candidate Mohammed Alam in Bara and violent physical attacks and manhandling of election observers, voters and candidates highlighted such difficulties.

Additional violent incidents included the death of truck driver Raj Kumar Deuja who died from injuries received in a petrol bomb attack near the Dudhaura River on the Pathlaiya-Nijgadh road in the Bara district on 15 November, the hurling of petrol bombs on passengers busses at Teentapkem, Basamadi VDC-2 in Makwanpur district on 12 November, at Satungal in Kathmandu on 16 November, at Damare, Surkhet on 15 November and a petrol bomb attack on a microbus in Samakhushi, Kathmandu on 12 November which left several people injured. There were also reports of placement of improvised explosive devices (IEDs) in different parts of the country. The Nepal Army (NA) disposed of most of the devices.

In several districts visited by ANFREL, violence or threats were being used to try to influence voter choices. Overt violence, such as flagrant intimidation by party cadres, particularly by the CPN-Maoist and the Young Communist League (YCL), was used to restrict the activities of political parties and prevent freedom of association and speech by voters. As intimidation is often less visible than overt violence, it proved inherently difficult to secure evidence that could lead to successful prosecution, resulting in relative impunity for the offenders.

The impact of violence, not surprisingly, was most pronounced in more rural areas less accessible to government employees, security officials and election observers. There, voters felt particularly insecure: places such as Doti, Rukum, parts of Rolpa, Dang, Myagdyi, Solokhumbu and Salyan districts. The work of local election observation groups was impacted in some areas, since observers perceived or actually received threats from armed groups.

Although the security agencies led by the Nepal police were perceived as efficient in handling the violence, in more insecure and remote districts voters were not entirely confident that the police could provide a safe environment

for campaigning and voting. The level of pre-election violence and intimidation led voters in some areas (e.g., Morang, Jhapa, Ilham, Saptari, Siraha, Dhanusha, Bara, Parsa, Mahottari, Dang, Kapilabastu, Rupendehi, Kanchanpur, Kailali, Surkhet and Jajarkot districts) to expect that Election Day itself would be violent. Voters cited a number of possible scenarios such as attacks on voters by young party workers on the way to the polling station or on the way back, threats to family members, and party cadres keeping a menacing watch on polling stations (to record the presence of voters), that worried them.

However, notwithstanding the threat of violence, observers noted a positive development two days before the election as voters showed great enthusiasm in collecting their voter identification cards. This in many ways became an indicator of the voters' disposition toward the election, as most voter ID distribution centers recorded over 80 per cent turnout to collect the cards.

Voter Education

There were mixed reports from observers on the level of voter education and voter awareness that preceded Election Day. While some areas (such as Pokhara and Gorkha) had relatively high levels of voter awareness as the result of the distribution of pamphlets, CDs, radio jingles and public service announcements in different languages, other areas (like Kapilabastu in the Western Region) achieved voter awareness through the use of community radios by Village Development Committees (VDCs) and NGOs. However, rural areas of Khaski, for example, in the same region did not receive as much voter education.

Despite the best efforts of the Election Commission, civil society, and the media however, there remained significant confusion about the nature of the election, the most common problem being conflating the CA election with a Parliamentary election. The mixed electoral system also did not appear to be well understood. These problems sometimes applied in areas where voter education volunteers had already visited.

Finally, it should be noted that the threat of violence adversely impacted voter education efforts in many areas of the country.

Voter Interest

The enthusiasm amongst urban and rural voters varied. Urban voters in most of the districts under observation appeared more enthusiastic when compared to their rural counterparts. However, in the Far West, there was apparently

less enthusiasm as many voters believed that elections would not bring much change and that the new Constituent Assembly was unlikely to agree on a new constitution. They were considerably less enthusiastic about voting than they were in 2008, and the boycott by the 33-party alliance caused many to become fearful of election-related violence. Moreover, holding the elections during the harvest season when 80% of the people live off the land was also thought a factor which might decrease participation at the ballot box.

Notwithstanding many negative factors, it appears that Nepalese voted in record numbers on November 19. Why voters chose to go out and vote, in spite of receiving threats from anti-poll groups, perhaps reflects the desire of the Nepali citizenry to achieve political stability and draft a Constitution. For example, voters who were interviewed in Dhankuta and Jhapa said they knew that they might come in harm's way, but they were prepared to find their way to the polling stations. A number of voters were candid enough to admit that they did not understand what a Constituent Assembly is but they knew that a Constitution had to be drafted and a government had to take over.

Misuse of resources and funds

ANFREL observers received some initial reports about misuse of government resources for campaigning, and excessive use of vehicles and money. However, the ECN has yet to respond to some of the questions raised about this subject, although a number of cases were investigated and resolved.

Initial Recommendations

Based on the preliminary reports of its observers, ANFREL offers the following initial recommendations for consideration by the Election Commission of Nepal:

- **Voter Registration:** the Election Commission should consider the adoption of year-round voter registration so that people who work outside their home districts can register when they return to visit. In addition, the Commission should work to develop a solution to the problem of Nepali people being unable to register because they have been unable to provide necessary documentation of citizenship. The Commission also needs to refine its procedures to enable people who have registered but whose names failed to appear on voter rolls to appeal those omissions on a timely basis, well before Election Day. Posting all voter rolls on a regular basis in the neighborhoods of affected voters would help ameliorate this problem.

- **Code of Conduct Compliance:** the Commission should consider how to be more proactive in policing campaigns, rather than merely reacting to complaints that are filed with it.
- **Polling Procedures:** poll workers should receive additional training to ensure that all polling procedures are correctly implemented at each location. Preparation of a detailed polling station manual for poll workers could help with such efforts.
- **Voter Education:** the Commission should consider additional methods for reaching rural voters, especially those who live in relatively remote locations.
- **Security:** While ANFREL appreciates the need to insure that voters are able to cast ballots free of concerns for violence, it should be a long term goal of the Commission to reduce the presence of the armed police inside the polling station, as well as police and army outside the polls, as security conditions improve in the country.

Conclusion

While the key election process of counting the votes is only now commencing, ANFREL's initial assessment is that, despite a number of quite diverse challenges, the 2013 Constituent Elections were essentially free and fair and were conducted with great professionalism by the Election Commission of Nepal and the thousands of people who officiated at the polls across the country. We will, of course, be giving a hard look in the days ahead to the detailed Election Day reports prepared by our observers, but we have a high degree of confidence that our final report will reach the same conclusion.