



National Election Observation Committee (NEOC)

Pre-Election Observation Statement for Nepal's 2022 Federal and Provincial Assemblies Elections

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Introduction

National Election Observation Committee (NEOC) trained and deployed 77 nonpartisan long-term observers (LTOs) across Nepal's 77 districts to monitor the pre-election period ahead of the November 20th Federal and Provincial Elections, all of whom were accredited by the Election Commission, Nepal (ECN). LTOs sent regular reports from their respective districts to NEOC's data center in Kathmandu, which focused on evaluating the Election Commission preparations, voter education, campaign activities, and electoral violence and security. LTOs met with key stakeholders including election officials, political party representatives, candidates, security personnel, civil society representatives, and media to understand the electoral conditions in their areas of responsibility.

This statement is based on 300 LTO reports from all 77 districts covering the period from 18 September through 29 October 2022, prior to the start of the official campaign period. For the first time in Nepal, NEOC deployed a rapid reporting system for citizen observation to quickly gather, manage, and analyze LTO findings from across the country. LTOs will continue to monitor the pre-election environment, and NEOC will deploy trained, nonpartisan short-term observers (STOs) on November 20 to monitor the polling day process and send real-time reports to NEOC's data center in Kathmandu throughout the election day. NEOC's observers serve a critical role in the electoral process that includes deterring fraud, exposing and quantifying fraud if it occurs, providing impartial and timely information on the election process to stakeholders, and overseeing the electoral process in the name of their fellow citizens.

Background

Nepal's 20 November 2022 Federal and Provincial Elections are the second since the 2015 constitution came into force and the first national elections where polling will be conducted in one day across the country. 86 parties and 5,636 candidates are running for 275 seats in the federal assembly and 550 seats throughout the country's seven provincial assemblies. Women represent less than 10% of first-past-the-post (FPTP) candidates running in national and provincial races. While youth under 40 represent nearly half of the voting population, they represent just over 30% of candidates running for the federal assembly. Representation of other marginalized groups also falls behind the actual populations of these groups in Nepali society. The lack of representation of traditionally underrepresented people undermines the principle of inclusive and representative governing.

Widespread voter dissatisfaction with traditional political parties and elected officials in power led to a significant increase in independent candidates running for and winning offices during Nepal's May 2022 local elections. These victories combined with mainstream political parties failing to deliver on their promises and a lack of public confidence have led to many independent candidates contesting national and provincial assembly seats on 20 November. The building of party coalitions ahead of the elections has also left voters disillusioned as alliances to include parties with conflicting political ideologies and lack common policy goals. As parties agreed with their alliance partners in which

constituencies they would and would not run candidates before the election, voters may be left with limited choices and the ability to cast ballots for parties, candidates, and policies they support. Voter disenchantment and a lack of unified political agenda among the pre-election coalition members could lead to political instability in the post-election period if ideological divides, an inability to deliver on campaign promises, and a lack of public confidence in elected officials come to a head.

Voters and political analysts have expressed concern about political corruption and unregulated campaign spending in past elections requiring greater regulatory oversight to prevent an uneven playing field for candidates, and increasing public confidence in political and electoral processes. Citizens and political actors are heartened by the reduced incidents of violence during this year's local elections as compared to the politically-motivated violence that marred prior elections, especially perpetrated by-election objectors. Many are cautiously optimistic that the national and provincial assembly polls will continue on the trend of electoral peace and security.

Main Findings

Election Commission Preparations and Voter Education

NEOC LTOs in 34 districts witnessed or heard of the ECN conducting election official training. Observers in 24 districts report that district ECN offices received ballot boxes, ballot papers, voter lists, stamps, and ink by 29 October, while LTOs in 16 districts reported that none of these materials had arrived at the district ECN office by 29 October. Observers reported that the ECN had only distributed voter ID cards in 16 districts by 29 October.

NEOC observers in 33 districts reported that the ECN conducted voter education activities during this period. As Nepal's local elections in May 2022 had a higher than a usual number of invalid ballots, many experts believe this was due to poor understanding of the ballot design and how to cast a ballot on the part of voters, including in areas with high literacy rates, like Kathmandu. As a result, NEOC was interested in evaluating if the ECN focused on educating voters about how to fill out their ballots, which LTOs reported they witnessed or heard of in 27 districts. The inclusion of underrepresented groups in the election process is a priority for NEOC, and so observers monitored if voter information campaigns focused on women, youth, and persons with disabilities (PWDs). Out of nearly 300 LTO reports during this period, there were only 59 reports of voter information campaigns aimed at enhancing women's electoral participation, 57 reports of campaigns aimed at youth electoral participation, and 27 reports of campaigns aimed at the participation of PWDs.

Campaign Activities

Ahead of the official campaign period, NEOC LTOs reported witnessing or hearing about more than 1,300 instances of campaign activities taking place by political parties and independent candidates contesting the upcoming Federal and Provincial Assembly Elections. These campaign activities were concentrated in Province 1 (22.6% of reported campaign activities), Bagmati Province (21.2%), and Lumbini Province (19.2%) with fewer campaign activities taking place in Gandaki Province (12.4%), Madhesh Province (9.8%), Karnali Province (8.1%), and Sudurpaschim Province (6.7%).

During this period, out of nearly 300 reports observers witnessed or heard of there were only 18 instances of money, food, or other commodities being distributed as an inducement to support any political parties or candidates; 18 instances of civil servants using their influence to support or take part in campaign activities; and 50 instances of political parties or candidates using public vehicles

for campaigning. NEOC observers also reported only 8 instances of the ECN taking actions against political parties or candidates for violations of the Code of Conduct (CoC).

Violence, Discrimination, Intimidation, and Security

As Nepal had felt the significant impact of electoral violence and intimidation in past elections, the Government of Nepal pledged to deploy 300,000 security personnel across the country to ensure a secure and peaceful environment for elections to take place. LTOs reported that during this period, temporary police were hired and trained in 68 districts to provide election-related security. During the reporting period, LTOs reported few, isolated incidents of violence, discrimination, or intimidation. Out of the 55 isolated incidents reported, 24 were responded to by security forces, and of those 24, 58% were fully resolved. These isolated incidents included violence and intimidation against journalists, intra-party physical conflicts, political violence against candidates, and political parties discrediting independent candidates for not being affiliated with a party. Observers also reported witnessing or hearing 29 instances of discrimination against candidates for either being women (seven), an ethnic or religious minority (nine), a PWD (five), or a youth under 40 (eight).

Recommendations

National Election Observation Committee (NEOC) makes the following recommendations to election stakeholders ahead of, during, and after the November 20 polls:

- Political parties and candidates should adhere to the ECN's Code of Conduct, especially as concerns campaigning. Parties and candidates should also respect the 48-hour cooling period before election day on November 20.
- The ECN should continue its dutiful preparations for the elections, including training polling officials, educating voters about the election process (especially underrepresented and marginalized persons), and arranging necessary facilities at polling centers to ensure the full participation of women, senior citizens, and other voters with special needs.
- There should be a statutory monitoring committee for the work related to election management, including violations of the code of conduct, and its implementation should be effective. The ECN should conduct effective oversight of campaign financing to ensure compliance by political contestants, in line with international standards. The ECN should equitably sanction all violators of the Code of Conduct.
- Citizens, political parties, candidates, and all election stakeholders should continue to maintain a peaceful and secure environment for elections to take place in an inclusive, transparent, and accountable manner with all eligible citizens able to exercise their political rights to vote, stand for election, and express their opinions free from violence, intimidation, harassment, or discrimination.
- Freedom of political expression, as guaranteed under the International Covenant on Civil and Political Rights¹ to which Nepal is a party, should be respected by all electoral stakeholders so long as the political expression does not incite violence, hatred, discrimination, or disinformation, including in social media.

¹ <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights>

- All election stakeholders should respect the independence of nonpartisan citizens and international election observers that adhere to the norms laid out in the Declaration of Global Principles for Nonpartisan Election Observation by Citizen Organizations (DoGP)² and the Declaration of Principles for International Election Observation (DoP),³ respectively. This includes noninterference in the training, deployment, and reporting by credible, nonpartisan election monitors.
- All accredited citizens and international observers should adhere to the aforementioned declarations of principles and the ECN's Code of Conduct. Any discrepancies between the Code of Conduct and the declarations of principles should be resolved to meet the international standards outlined in the declarations.
- International election observers and members of the international community should amplify the messages and findings of credible, nonpartisan citizen observers, and report on an infringement of their rights as human rights defenders as underscored by the UN Special Rapporteur on Human Rights.⁴
- In line with international standards for citizen election observation, including the DoGP, the ECN should permit accredited election monitors to observe the election process in the polling stations where they are registered to vote in order to ensure that citizen observers are not disenfranchised from the election process.
- With the increased use of social media and online advertising to spread political messages, greater oversight of these platforms to monitor for disinformation, misinformation, and hate speech is needed by civil society and regulators. Media outlets should amplify the credible findings and recommendations from these oversight and accountability efforts.

About

NEOC is one of the largest and most credible civil society coalitions in Nepal with demonstrated experience and expertise in election observation since 1991. NEOC is also engaged as a democracy watch flagship organization primarily focused on field research & study, rights-based civic/voter education, advocacy & social interaction on legal & administrative reforms, and lobbying for the development of an appropriate representation model (electoral system). Furthermore, NEOC is also entrusted to coordinate other domestic and international observer groups as well as organizations working to enhance electoral education and related programs in the country. Having its National Secretariat in the Kathmandu Valley, NEOC has 7 provincial and 77 district chapters active year around. Besides monitoring and observation during elections, NEOC's chapters are engaged in making different interventions including dialogues and interactions on electoral reforms, political party and campaign financing, good governance, state restructuring, and so on. NEOC has a policy of involving equal participation of women in its every intervention, ranging from election observation to local governance-related activities. NEOC is a founding member of the Asian Network for Free Elections (ANFREL) and serves on the organization's Board of Directors since 2008, and has participated in several international election observation missions in Asia and beyond.

² <https://gndem.org/declaration-of-global-principles/>

³ <https://anfrel.org/wp-content/uploads/2014/12/Declaration-of-Principles-for-International-Elections-Observation.pdf>

⁴ <https://srdefenders.org/information/the-situation-of-election-observers-as-human-rights-defenders%ef%bf%bc/>