

**First Interim Statement on the
Election Commission of Nepal's "Voter Registration with Photograph" Program
19 April 2011**

I. Introduction

The Election Commission of Nepal (ECN) is conducting a nationwide voter registration process to create a new computerized voter register. Following an invitation from the ECN and as part of broader efforts to observe the peace and constitutional processes at the local level, Carter Center observers were deployed to 13 districts in February and March 2011 to gather information about the voter registration process. The Center's observation objectives are to support the electoral process, to promote confidence in the ECN

or her habitual residence,⁴ a land or house ownership certificate, an electricity or water bill indicating the individual's new address, or

III. Observation Methodology

In February 2011, a two-person Carter Center team visited Nepal to review the legal framework governing elections and conduct meetings with ECN representatives and international organizations providing technical assistance. Six teams of Carter Center long-term observers (LTOs) were deployed in late February and March to collect information about the voter registration process from 13 of 43 districts where registration took place during the “bridging” phase. Specifically, observers collected information from nine Tarai districts (Banke, Bara, Dang, Dhanusa, Kanchanpur, Kapilvastu, Morang, Parsa, and Rupandehi) and four Hill districts (Doti, Ilam, Kathmandu, and Kavrepalanchok). Carter Center LTO teams⁷ gathered information about voter awareness and participation, voter registration management, and political party participation, and also conducted direct observation at 25 voter registration places.

LTOs gathered both qualitative and quantitative information about the voter registration process through interviews and direct observation. In addition to data collected from ECN officials regarding enumeration and registration turnout figures, observers conducted interviews with at least 10 citizens chosen at random in each location to determine: how many were aware of the voter registration process; how many understood the process; how they learned about the process; how many received visits from enumerators; how many were able to produce the required documentation; how many understood what they needed to do next to register; how many intended to register; and how many were deemed ineligible for whatever reason. As it was not possible to deploy observers to a representative sample of voter registration locations, it is not possible to extrapolate the quantitative data obtained by LTOs for the purposes of generalization across the country. However, the quantitative data LTOs were able to obtain offers illustrative insights into the level of voter participation to date and the challenges faced by the ECN in registering voters.

The Carter Center conducted its observation activities in accordance with Nepali law, the ECN Code of Conduct for Election Observation, and international election observation standards laid out in the Declaration of Principles for International Election Observation. The Center performed its assessment of the voter registration process with reference to the Nepali legal and regulatory framework governing the voter registration process, specifically the Interim Constitution of Nepal (2007), Voters’ Roll Act (2006) and Voters’ Roll Rules (2007), and ECN policies and procedures. The Center also considered international standards governing democratic elections, specifically those which Nepal has signed or ratified, including: the UN Universal Declaration of Human Rights (Article 21); International Covenant on Civil and Political Rights (Article 2); UN Human Rights Commission General Comment 25; UN Declaration on the Right and Responsibility of Individuals, Groups and Organs to Promote and Protect Universally Recognized Human Rights & Freedoms; and UN covenants which prohibit discrimination against individuals based on race, nationality, ethnicity, sex, age, and education, such as the Convention on the Elimination of All Forms of Discrimination Against Women, International Convention on the Elimination of All Forms of Racial Discrimination, Convention Concerning Indigenous & Tribal Peoples’ Rights; and Convention on the Rights of Persons with Disabilities, and Guiding Principles on Internal Displacement among others.

IV. Detailed Findings

1. LEGAL FRAMEWORK

The voter registration process in Nepal is governed by the Voters’ Roll Act (2006) and the Voters’ Roll Rules (2007), enacted in accordance with the Interim Constitution of Nepal (2007). The laws that govern the present voter registration process were drafted to suit the Constituent Assembly Elections held in 2008 and while they contain broad criteria for determining voter eligibility, they do not contain explicit

⁷ Carter Center LTO teams are composed of two international LTOs, one Nepali national LTO, and one interpreter.

Nepalese population. Nonetheless, the 75 percent and 60 percent registration estimates, based on the 2008 CA voters' list, require stronger justification from the ECN to demonstrate that these are accurate and realistic targets.

In response to this challenge, the ECN created a form (called a "Lagat" form) to track the number of citizens per household aged 16 and above, whether they are eligible to be added to the voters' list, the number without citizenship certificates and the number who are in other districts or abroad. If properly used by enumerators, this form should provide a more accurate overview of how many persons have been unable to register as a result of being out-of-country, without a citizenship certificate or without migration documents. It is positive that the ECN is making this effort to accurately identify the number of persons who have not been registered. However, timing remains a critical issue. The Lagat data will only be available once the current registration cycle is over, and thus is likely to come too late to shape the ongoing nationwide registration process, including providing a clear rationale for registration targets to the Nepali public, political parties, civil society, and the international community supporting the process. An accurate population and migration assessment, prior to consolidation of Lagat data, is therefore desirable.

While it is clear that the number of voters to be registered will vary from the 2008 CA list and that a number of factors including internal migration, overseas migration, duplicate registrations, and the stricter validation of citizenship requirements will alter registration targets, the accurate estimation of the number of voters to be registered is critical to the effective planning and budgeting of any registration process. A clear decision on which population estimates are being used, why, and transparency on how the targets are derived are

Registration Data v. 2008 CA List and 75% of CA List

Number Registered 2008 CA Voters' List	Projected Registration in Municipalities Phase (75%)	Total Registered and Aggregated by March 23, 2011	% of 2008 CA List	% Projected Reg. Municipalities Phase
2,299,757	1,724,818	1,261,557	54.86%	73.14%

According to 2011 CBS projections, Nepal's population is roughly even in terms of gender distribution (male 50.1 percent; female 49.9 percent); the gender distribution among the population between ages 20 and 44 is only slightly discrepant (male 49.0 percent; female 51.0 percent).¹² However, a breakdown of the total registration figures through March 23, 2011 shows that more women (52.1 percent) have registered in the municipalities phase than have men (47.9 percent).

Registration Data Breakdown by Age and Gender

Age Group Male Female Third Gender

FLSC)¹³ also obstructed voter registration in four municipalities – Damak and Mechinagar (Jhapa), Dhankuta, and Dharan (Sunsari) – claiming that the country should adopt a federal system prior to conducting election-related activities and that responsibility for election administration should be managed by the federal states.

The nature of obstructions carried out by political parties varied between municipalities, but the obstructions often reportedly involved intimidation of election officials and even violence in some cases. For example:

In Bhairawa municipality of Rupandehi district, there were obstructions from several Madhesi parties, including the Madhesi Janadikar Forum-

Voter Registration Data in Some Municipalities (*Obstruction Locations)

Municipality	District	Date of Carter Center Visit	Targeted Reg. Mun. Phase (75% of 2008 CA List)	Actual Reg. Mun. Phase	Percent of Target
Biratnagar*	Morang	25 February 2011	84,000	35,485	42.24%
Birgunj	Parsa	5 March, 2011	55,448	47,731	86.08%
Dhulikel, Banepa and Panauti	Kavrepalanchok	22 February, 2011	34,374	32,839	95.53%
Dipayal-Silgadhi	Doti	2 March, 2011	10,810		

The Carter Center also commends the ECN for amending its policy regarding proof of migration in March 2011 to allow individuals to obtain a letter from the municipality or VDC office of their current residence as an acceptable form of proof of migration. However, it remains unclear how this will be implemented at the local level and whether there may be significant variation in the documents requested by VDC offices in different locations in order to acquire such a letter. Additionally, a large percentage of the eligible population has migrated, and will continue to migrate, internally for temporary work, study, and other reasons. It will be important for the ECN to ensure that barriers to registration for this segment of the population (including temporary and seasonal workers, students, landless people and individuals living in areas where the presence of the state may be limited, such as areas where there are no VDC-level

(4), miking (use of loud speaker announcements in roving vehicles) (3), newspaper (1) or by other means (3).¹⁸

In all locations visited, observers reported seeing voter education posters, most often located at the voter registration place. Although posters were supposed to be hung in sets of three, observers often found just one or two posters hung in a given location.¹⁹ Although in a few places ECN staff reported carrying out additional voter education activities, observers could not confirm any of the reported activities had actually taken place.²⁰ Few observers reported hearing or seeing advertisements on radio, television or in

necessary documents to present to enumerators. As a result, enumerators often spent considerable time waiting for individuals to find documentation. Additionally, in the Far Western Region enumerators reported that a lack of official ECN identification was a challenge for them as they had to convince citizens who they were and why they had come.

The most common challenge faced by enumerators was that many individuals were not at home during

understanding of ECN policies and procedures, and mostly capable of managing minor problems as they arose at registration places.

The vast majority of registration places were not clearly marked and were not easily recognizable as registration places. Distance to the registration place was noted as a problem for a small number of citizens, primarily elderly or disabled individuals; registration place accessibility for handicapped individuals was rarely noted as a problem. In some locations, voter registration centers were poorly organized; however, this did not appear to affect significantly the process. In most registration places, observers noted that it took around five minutes for one applicant to complete the registration process; however, registration took longer than 10 minutes per person in a few places. In one place in Kapilvastu, the average registration time was 20 minutes per person due to poor organization of enumeration forms.

Most places observed opened between 10:00 a.m. and 11:00 a.m. In a few places, registrants were found to be waiting outside the registration places until registration staff completed set up. Almost all registration places observed closed before 18:00 or, more often, around 17:00. While individuals in line prior to the time of closing were allowed to register in all locations, observers heard reports of citizens

variation in the registration turnout data collected: in approximately one-third of VDCs (66 of 180), registration turnout was 50 percent or less of the 2008 list; in roughly another third (63 of 180), registration turnout was between 51 and 60 percent; and, in the final third, registration was over 60 percent.

Based on interviews conducted by Carter Center observers, the vast majority of citizens interviewed had either registered or intended to register to vote. Of 98 persons interviewed, the majority (75) had been deemed eligible to register and had already registered to vote; 12 individuals intended to register in the coming days.²⁶ Eight persons interviewed (two in Doti, two in Kanchanpur, two in Kapilvastu, one in Dang, and one in Parsa) were deemed ineligible to

involvement in the voter registration process appeared to be weak and mainly obstructive, rather than constructive. Except for political party obstructions in parts of the Tarai and Eastern Hills, there were very few reports of political party activities related to the voter registration process.²⁸ None of the 98 persons interviewed by observers said that they had heard about the voter registration process via a political party interaction. Observers reported the presence of a handful of party cadres at registration places but in all but one case (Doti), it was unclear whether these individuals were deployed by the party or had come to the registration place at their own initiative.

8. VOTER REGISTRATION TIMELINE

The ECN has experienced some difficulty in conducting voter registration in accordance with its previously established calendar of activities. At this juncture, the ECN has recently launched nationwide voter registration, three months behind schedule, due to factors largely outside its control. The remaining time period to register voters throughout all VDCs across 75 districts appears to be insufficient. The Carter Center understands that necessary equipment, including registration kits, were distributed to the district level in late March and that recruitment and training of ECN staff for nationwide voter registration staff is being conducted on a rolling basis.

The Carter Center is concerned that, in order to complete district-level voter registration efforts by June 2011, projected timeframes for voter registration, enumeration and on-site registration may need to be compressed. This would be inadvisable based on the possibility of ongoing obstructions of the voter registration process in several districts, concerns about the significant number of individuals who do not readily possess required documents to prove voter eligibility, difficulties experienced by enumerators in meeting daily enumeration targets, and the slow process by which data is retrieved from the district level in the absence of networked servers.

V. Recommendations

The Center recognizes the hard work and dedication of all ECN officials it has encountered and congratulates the ECN on its successful registration of approximately two million Nepali citizens. The following recommendations to strengthen the process are offered in the spirit of cooperation and respect, and with the hope they will provide useful discussion points for future action:

The Government of Nepal should:

Increase its efforts to issue citizenship certificates to all eligible Nepali citizens, as called for by the Supreme Court in February 2011. The Supreme Court has mandated that the ECN apply the citizenship certificate requirement and has directed the Government of Nepal to make arrangements to issue certificates to “bona fide” citizens. The Government of Nepal should do its part to ensure fairness in the voter registration process in accordance with the Supreme Court order and international democratic standards that prohibit all forms of discrimination based on sex, race, ethnicity, gender, and other identity categories.

Make all efforts to support the ECN in the ongoing voter registration process. The Government of Nepal should make all efforts to support the ECN with the ongoing voter registration process, including seeking political solutions to the obstructions created by political parties and ensuring the security of ECN staff.

²⁸ Most reports were of internal party meetings; in a couple of cases, parties claimed to be organizing voter mobilization campaigns but observers could not confirm these activities. In two districts – Parsa and Kanchanpur – parties acknowledged that they had not conducted any activities related to voter registration.

Fill vacant posts at the ECN, including appointment of a Chief Election Commissioner. The ECN is currently operating with vacant posts due to a failure by the government to fill senior positions in various constitutional bodies, including the ECN. All vacant posts should be swiftly filled in order to ensure strong institutional functioning.

The ECN should:

Consider extending the existing timeline for voter registration. Given considerable delays in the launch of the nationwide phase of the voter registration process, timelines for voter education, enumeration and voter registration may need to be significantly compressed in order for the ECN to complete district-level registration efforts by June 2011 as planned. Despite the ongoing continuous registration at the district headquarters level, it would be advisable for the ECN to consider extending VDC-level voter registration for three months to make up time lost in the nationwide phase. This would ensure that all eligible individuals are afforded a reasonable and sufficient opportunity to register and, if necessary, obtain any required documents to be able to register in their localities.

Conduct additional research to establish voter registration turnout targets in line with population data for use during the nationwide registration phase. Increased collaboration with the CBS in order to assess the targets for voter registration turnout that have been established by the ECN is recommended. Targets should be reviewed using available data regarding population and emigration. The ECN should analyze CBS population projections and NLFS emigration estimates, establish voter registration targets with consideration to such data, and qualify the magnitude of barriers that may exist to registration, such as individuals not possessing citizenship certificates. Such research would allow the ECN to more effectively allocate its time and resources to developing voter outreach strategies to inform people about the process. The ECN's Lagat form can be an important tool if properly used by enumerators, but the data will come too late to shape the ongoing nationwide registration process and to provide an acceptable rationale for registration targets to electoral stakeholders. An accurate population and migration assessment, prior to consolidation of Lagat data, is therefore desirable.

Continue to engage in dialogue with political parties obstructing the voter registration process. Madhesi and Limbuwan party obstructions in the Tarai and Eastern Hills during both the municipalities and bridging phases have affected voter registration in many districts. The ECN should continue to hold high-level and district-level dialogues with parties obstructing the process to seek an accommodation that would enable voter registration to proceed and ensure that eligible individuals obtain their franchise.

Consider re-opening voter registration in areas affected by political party obstructions wherever possible. In some areas, obstructions had prevented registration places from opening in entire wards of

