



**Fifth Interim Statement on the Election Commission of Nepal’s
“Voter Register with Photograph” Program
*Feb. 28, 2013***

I. Introduction

The Election Commission of Nepal (ECN) is conducting a nationwide voter registration process to create a new computerized voter register. In addition to its broader efforts to observe the peace and constitutional processes at the local level, The Carter Center was invited and accredited by the ECN to observe the voter registration process. The Carter Center’s observers have gathered information about the process from 58 of Nepal’s 75 districts since March 2010.¹ The Center’s observation objectives are to support the electoral process, promote confidence in the ECN and the voter registration process, and contribute to the overall strengthening of the democratic process in Nepal.

This statement builds on the Center’s four previous interim voter registration statements – the most recent of which was published on July 26, 2012 – and is intended to provide an impartial assessment of recent phases of the process, including highlighting positive aspects, identifying potential weaknesses, and offering recommendations for steps that could be taken to strengthen the process.² In particular, it focuses on the ECN’s recently initiated “Mobile Voter Registration Program Based on Targeted Marginalized Communities,” which The Carter Center observed in 11 districts throughout Nepal between November and December 2012.

The report also discusses three main national-level challenges facing the voter registration process to date: voter turnout, citizenship certificates, and voter registration management, outlined in depth in the Center’s third interim statement.³

¹ To “create a more inclusive and accurate voter list” was the key recommendation of The Carter Center’s final observation mission in the Constituent Assembly Elections in 2008. “Observing the 2008 Nepal Constituent Assembly Election,” November 2008, The Carter Center. Available at: www.cartercenter.org/resources/pdfs/news/peace_publications/election_reports/FinalReportNepal2008.pdf.

² All Carter Center interim statements on earlier phases of the voter registration process are available at: www.cartercenter.org/news/publications/peace/democracy_publications/nepal-peace-reports.html

³ An overview of the various phases of the voter registration process since its inception in 2010 is provided in Annex 1, and description of The Carter Center’s methodology in Annex 2.

II. Overview and Context

A. Voter Registration

Since July 2012, the voter registration process has seen relatively limited activity. The ECN's continuous voter registration program remains ongoing at district election offices (DEOs) in all 75 districts and is also being conducted at most district administration offices (DAOs), and at some area administration offices, in cooperation with the Home Ministry.⁴ The presence of registration officials at district administration offices is particularly important, as citizens come to these offices in order to obtain citizenship certificates, which are the main identity document required for voter registration.

In October 2012, the ECN initiated an outreach program to marginalized groups whose members are less likely to have registered to vote.⁵ This program, conducted in coordination with the Ministry of Home Affairs, involves the deployment of integrated mobile teams to locations outside district headquarters in each district to issue citizenship certificates and to register voters. The deployment of integrated mobile teams, which include officials from both district election offices and district administration offices, enabled eligible citizens to register to vote without making an often time-consuming and costly trip to the district headquarters. Not all districts had initiated the program prior to Dec. 15, 2012 (the date of the latest ECN voter registration statistics), partly due to winter weather conditions in some districts. However, initial reports indicate that the program has been successful in increasing registration figures where implemented (see voter registration figures section below). Given that previous estimates have indicated that more than two million persons of voting age lack citizenship certificates, the efforts by the Ministry of Home Affairs to facilitate access to these documents through mobile distribution is a positive initiative which corresponds to previous Carter Center recommendations.⁶

B. Politics

The ECN's ongoing voter registration activities are taking place in the context of the continuing political crisis in Nepal. Following the dissolution of the Constituent Assembly in May 2012, the government announced that elections for a new legislative body would be held on Nov. 22, 2012. However, this date was postponed to spring 2013 in light of continued disagreements between political parties in government and the opposition.⁷ While political parties appear in principle to be in agreement on holding elections in the near future – as indicated by an agreement on Feb. 16 to hold an election under an interim election government headed by the Nepal chief justice – they have not yet reached consensus on a number of key issues. These include the structure of the next Constituent Assembly, the electoral system to be used, needed changes to election legislation, or the formation of a

⁴ District Election Officers in Baitadi, Humla, Jumla, Mugu, Rolpa, Rupandehi, and Surkhet told observer teams that registration had been discontinued at district administration offices for at least part of the reporting period, mostly in the month from November 15 to December 15. In Darchula, no separate team is needed at the District Administration Offices as the two offices are in close proximity.

⁵ An important step for Nepal based on its membership in the South Asian Association for Regional Cooperation (SAARC) was its Charter of Democracy commitment to “Promote equality of opportunity, equality of access and equality of treatment at the national level,” for its citizens.

⁶ Please see The Carter Center's Fourth Interim Statement on the Election Commission of Nepal's “Voter Register with Photograph” Program, July 26, 2012.

⁷ The ECN has previously informed the government and the political parties that it needs at least 120 days notice in order to conduct elections.

government that would administer the country in the run-up to the elections. An agreement on these issues from all parties that were represented in the previous Constituent Assembly would appear to be a prerequisite for an election date to be announced. To this end, former U.S. President Jimmy Carter wrote an opinion piece in early January 2013 where he called on political parties to reach an agreement that would pave the way for new elections and move the peace process forward.⁸

The political stalemate has also affected the composition of the ECN itself. Over the past year, all ECN commissioners have reached the end of their term in office, with the tenure of the last two commissioners having expired on January 10, 2013. With the dissolution of the Constituent Assembly and Parliament, the Constitutional Council – the body that recommends appointment of all constitutional commissioners and members to the president – was left defunct and cannot, therefore, appoint replacement members to the ECN. This means that day-to-day ECN activities are currently being carried out by its secretariat. However, the incumbent secretariat lacks both the oversight provided by independent commissioners or the authority to take decisions on new programs, as retiring commissioners delegated no such responsibility to them.⁹ A prolonged absence of commissioners could affect overall confidence in the independence of the election administration. Thus, while the lack of commissioners appears to be manageable in the short- to medium-term, the ECN may be unable to respond adequately to changing circumstances in the long-term.

The results of the 2011 nationwide census were released in November 2012. While the published data is limited in some respects, the overall figures released to date appear to increase the number of potential registrants beyond the target established by the ECN in 2011 of 14.7 million potentially eligible registrants resident in Nepal. The census found that in June 2011 there were some 16.6 million people aged 16 years and older in Nepal.¹⁰ The census figures are further discussed in the voter registration figures section below.

⁸ ‘Nepal’s peace process needs elections,’ The Kathmandu Post, January 8, 2013. Also see http://www.cartercenter.org/news/editorials_speeches/jc-nepal-peace-process-needs-elections.html

⁹ The eight-member task force following the all-party agreement in February has suggested that all retired commissioners should be reinstated to conduct the elections although at the time of writing no constitutional provision had been made to appoint new commissioners.

¹⁰ “National Population and Housing Census 2011, National Report”, Government of Nepal, National Planning Commission Secretariat, Central Bureau of Statistics, November 2012. Available at: <http://cbs.gov.np/wp-content/uploads/2012/11/National%20Report.pdf>.

III. Observation of the ECN's Targeted Mobile Voter Registration Program

A. ECN Standard

The ECN decided to conduct a “Mobile Voter Registration Program Based on Targeted Marginalized Communities” after consultations with representatives from a variety of groups including the National Dalit Commission, the National Foundation for Development of Indigenous Nationalities, and the Badi Community Upliftment Development Committee. On the basis of this dialogue, the ECN concluded that many marginalized communities had low rates of voter registration due to limited awareness about voter registration and lack of citizenship certificates. The ECN also held discussions with the Ministry of Home Affairs about the possibility of conducting a joint citizenship certificate distribution and voter registration drive.

On Oct. 17, 2012, the ECN adopted an “Election Commission Standard Related to Mobile Voter Registration Program Based on Targeted Marginalized Communities” in order to provide guidance to district election offices. According to the standard, the objective was to conduct mobile voter registration targeting areas with significant populations of Dalits and other marginalized communities, although it did state that any eligible person could be registered.

Based on its international commitments, Nepal is obliged to take the necessary steps to enable the human rights of its citizens.¹¹ Furthermore, obstacles and discriminatory access to those rights, such as in this case, the right to citizenship and the right to be registered as a voter, are prohibited.¹²

One to two clusters were to be selected per district, or up to four clusters in places where less than 70 percent of the district population were registered. Each cluster had one registration site, but could encompass several Village Development Committees (VDCs). Those clusters and the respective VDCs to be visited were to be identified by the district election offices in coordination with the chief district officer, district development committee and VDC offices, local level chapters of political parties active in the district, community associations or organizations relevant to the targeted communities, offices under Nepal government, and the voter registration program management committee of the district. The district election offices were requested to make use of the Integrated Mobile Service Delivery Program as much as possible.¹³

¹¹ UN, International Covenant on Civil and Political Rights, art. 2(2) "Where not already provided for by existing legislation or other measures, each State Party to the present Covenant undertakes to take the necessary steps, in accordance with its constitutional processes and with the provisions of the present Covenant, to adopt such legislation or other measures as may be necessary to give effect to the rights recognized in the present Covenant."

¹² UN, United Nations Human Rights Committee, General Comment 25 on “The Right to Participate in Public Affairs, Voting Rights and the Right to Equal Access to Public Service”, para. 11 “States must take effective measures to ensure that all persons entitled to vote are able to exercise that right. Where registration of voters is required, it should be facilitated and obstacles to such registration should not be imposed.” Further, UN International Convention on the Elimination of All Forms of Racial Discrimination, art. 5(c) "States Parties undertake to prohibit and to eliminate racial discrimination in all its forms and to guarantee the right of everyone... political rights, in particular the right to participate in elections – to vote and to stand for election – on the basis of universal and equal suffrage, to take part in the Government as well as in the conduct of public affairs at any level and to have equal access to public service."

¹³ The Integrated Mobile Service Delivery Program is an initiative of the Nepal Government to send representatives of different administrative departments together to VDCs far from the district headquarters in

District election officers were tasked to submit a plan and budget for conducting such registration to the ECN for approval and to conduct the program by Nov. 15. Given the relatively late notification and intervening holidays, this deadline was extended until Dec. 15. A total of 40 district election offices submitted plans which were approved by the ECN. Others, especially in the mountain districts, indicated that they would conduct targeted registration when the weather conditions permitted. ECN voter registration data from Dec. 15, 2012, showed that 35 district election offices had submitted registration figures coming from the targeted mobile registration program (see voter registration figures section below).¹⁴

While outreach to marginalized groups was in some cases done at the district level (see below), the ECN itself did not appear to conduct significant outreach to civil society organizations representing marginalized groups. As stated earlier, these organizations include the National Dalit Commission, the National Foundation for Development of Indigenous Nationalities, and the Badi Community Upliftment Development Committee. While these are important interlocutors, a broader consultative meeting or roundtable with civil society organizations with networks at local level could further improve the effectiveness of the ECN's program.

B. Carter Center Observations

The Carter Center's five field teams observed targeted mobile voter registration at 11 sites in as many districts throughout the five development regions of Nepal.¹⁵ They interviewed election officials, civil society organizations, domestic observers, and citizens at registration and display sites to obtain their views of the process. The Center also met with the ECN, the Ministry of Home Affairs, political parties, district election officers, chief district officers, political parties, non-governmental organization representatives, domestic observers, and other stakeholders at the central level during the preparation of this report. Our main findings are as follows:

In general, the technical conduct of targeted mobile registration was assessed as good or fair at the 11 registration sites observed. However, problems which had been noted in previous Carter Center reports – including late opening times, insufficient number of staff, inadequate equipment, and irregular registration procedures – were still present.

Carter Center observers noted several problems, though overall the registration drive was effective. One problem was that citizenship certificates created a bottleneck. The process of issuing citizenship certificates took a much longer time than registration, largely because it is a manual process while voter registration is electronic, and this created long waiting times in some locations and limited the number of voters who could be registered if they needed to obtain their citizenship cards first. In Kailali, for example, only some 50 citizenship certificates could be issued at the Hasuliya VDC during The Carter Center's observation on

order to make services more accessible to citizens. These teams usually include staff able to issue citizenship certificates. The ECN has previously authorized District Election Offices to include registration staff in these visits.

¹⁴ According to the ECN this program was due to conclude in 2012 for budgetary reasons, although The Carter Center has been informed that the program would be renewed in 2013 and that the ECN was working on planning in this respect.

¹⁵ Achchham, Dhading, Ilam, Jajarkot, Jhapa, Kailali, Kathmandu, Kavrepalanchok, Myagdi, Surkhet, and Tanahu districts. The Carter Center also gathered information regarding mobile registration from several other districts by meeting with District Election Officers and other stakeholders.

the first day. In Jajarkot, the process for issuing citizenship certificates could not accommodate the number of applicants, and some applicants were turned away at the end of the day. Infrastructure and equipment also created difficulties in some cases. For instance, in Dhading the lack of electricity at the site forced officials to stop the process at dusk, and in Tanahu, deficient generators prevented some people from registering.

It should be noted that out of district registration was not always available at mobile registration sites, although few registrants took advantage of it where it was available. Only in Kathmandu did observers see significant numbers of registrants choosing this option.

In most districts, there was decent cooperation between the district election offices and district administration offices to set up simultaneous citizenship certificate and voter registration facilities in targeted VDCs; however, observers did witness some problems with the process, particularly in the Tarai.

The VDCs to be visited were identified at a joint meeting, and voter registration was carried out either as part of the Integrated Mobile Service Delivery Program or as part of specific citizenship distribution efforts. This meant that citizens were able to obtain their citizenship certificates and register to vote at the same site. However, in Jhapa district, cooperation was seen to be less than optimal, limiting the number of voters registered. The voter registration site in Damak Municipality was located far from the area administration office where citizenship certificates were being issued and turnout was relatively low.

There appears to have been some difficulty in conducting the program in the Tarai, as mobile registration was not organized, amongst others, in Banke or Bara. In one instance at least, this was due to alleged security concerns regarding turning away citizenship certificate applicants who lack documentation. Similar security concerns affected citizenship distribution in Morang district, where the place of deployment was changed, and in Sunsari district, where citizenship certificate distribution was limited to targeted marginalized groups.¹⁶

The reasons for choosing VDCs to be targeted tended to be based on the size of marginalized community population and geographic location to the district headquarters.

In some districts observed, the VDCs were chosen for mobile visits due to their sizeable populations of marginalized communities (e.g., Dhading, Ilam, Jajarkot, Kailali, Kathmandu, and Surkhet). In other districts, the VDCs were chosen on the basis of their remoteness or owing to the fact that their voter registration figures were lower than average. In such cases, district election officers informed observer teams that marginalized communities present in these localities would also benefit from mobile registration. However, no target figures were disclosed to observers during the monitoring of the latest program.

Few districts observed made specific efforts to encourage registration among citizens of marginalized communities by actively working with NGOs or other representatives of these groups.

¹⁶ According to the ECN, in some districts, such as Bara and Gulmi, district election officers had to postpone the project and return their allocated budget due to insufficient coordination between the district election officer and Chief District Officer. Furthermore, in Rupandehi, Saptari, and Rasuwa, the program was delayed because the chief district officer was engaged in other government activities. The Carter Center did not observe voter registration in these places.

In the majority of districts observed, outreach to marginalized communities was very limited or non-existent. District election offices told observers that this was sometimes due to time constraints or to the absence of functional NGOs in the area.¹⁷ However in Kailali, Kathmandu, and Surkhet, NGOs representing marginalized communities were included in the planning meeting between the district election and district administration offices. These organizations then worked to communicate information about the program to the targeted communities. In Surkhet, the district election offices estimated that over half of those registered through the mobile visit at one site in Mehelkuna VDC were from the Dalit community. He credited the NGO Nepal Suppressed Community Protection Center for its outreach to this community. In Kailali, the majority of the 101 people registered in Hasuliya VDC during the Carter Center's observation were from the Tharu community, and similarly, the district election offices credited prior outreach by NGOs.

The active participation of other stakeholders appeared to be a positive influence in increasing overall turnout for mobile registration.

In some districts, political parties were included in the planning for mobile registration, as were media representatives and VDC secretaries. For example, in Dhading district, political parties attended the preparation meeting with the district election offices and chief district officer as well as attending the registration site in Salyantar VDC to help voters get their citizenship certificates and register to vote. The district election offices noted that the VDC secretary in Salyantar VDC had called an all-party meeting two days before the mobile visit.

The participation of political parties in informing citizens of the mobile visits was also observed or reported in Achham, Kailali, and Tanahu. However, few citizens interviewed by observer teams had heard about mobile visits from political party representatives (only two of the 139 interviewed). The district election offices of Kathmandu complained about the lack of outreach by political parties to citizens, particularly since they had been included in the planning phase.¹⁸

Some form of voter education was conducted in advance of mobile visits in districts observed, but the effectiveness of these efforts appeared to be limited.

The largest number of people interviewed at registration sites said that they had heard about the mobile visits from family or friends (56 of 139 interviewed), with 25 people citing FM radio as a source and 18 citing miking.¹⁹ Other information sources, such as newspaper or

¹⁷ In Kailali, the district election officer reported that he had set up a voter registration site in at the custom office for 22 days to register 530 voters. Unlike the ECN's own program for outreach to targeted marginalized communities, voter registration at the customs site was organized and funded by NNDSWO (Nepal National Dalit Social Welfare Organization). Given the concerns that many of those absent abroad, notably in India, are not registered, this seems a commendable effort. Furthermore, The Dalit Welfare Organization informed the Carter Center that the district election offices of Dang district had agreed to conduct voter registration in Purandhara VDC at the request of the NGO. According to this NGO, its members worked to inform the community in advance. Some 350 people obtained citizenship certificates and were registered to vote, with over half coming from the Dalit community. The NGO Nepal National Social Welfare Association (NNSWA) also worked with the district election offices in Dang to support the registration of freed Kamaiya. It should be noted that these are IFES Nepal-funded programs which were reported to the Center, although not observed directly.

¹⁸ To counter this problem, The National Democratic Institute for International Affairs informed The Carter Center of its work with political parties in selected districts to build their capacity to inform their supporters of voter registration efforts. This program has been conducted in 7 districts as a pilot program and is currently being expanded to 20 districts.

¹⁹ This varied by district; for example, in Ilam and Dhading the majority of those interviewed had heard about the mobile visit via radio. Moreover, how family and friends obtained their information beforehand is unknown.

television, were rarely credited. For the most part, citizens knew what documentation to bring, although variations were noted.²⁰ Given the short time of the mobile visits (1-3 days), the involvement of NGOs and VDC leaders appeared to be crucial to ensuring significant turnout.

Several district election offices felt that there had been insufficient time to organize effectively the mobile teams, given the tight deadlines and that they had been notified of the program only shortly before Dashain, a holiday season in Nepal. As a result the ECN was forced to push back the original deadline of Nov. 15 to Dec. 15. Nevertheless, in 35 districts, district election offices managed to implement the target mobile program in time.

In many cases, citizens appeared to attend mobile registration to obtain citizenship certificates rather than to register to vote.

This phenomenon was noted across all registration drives which were observed. Observers even witnessed citizens in Kathmandu declining to be registered on the voter roll after a long wait for their citizenship certificates. One effective solution adopted in Ilam and Kailali for instance, was to offer the plastic sleeves used to protect citizenship certificates only after citizens had registered to vote. If citizenship certificates were not issued on site, such as in Dakshinkali and Sitapaila VDCs in Kathmandu district, voter registration officials entered the application number in place of the citizenship certificate number, which could be entered at a later date.

²⁰ In Jhapa, for example, some people brought photocopies of their citizenship certificates instead of the originals and were unable to register. In Kavrepalanchok, observers noted that those who did not know about the documentation required to attain a citizenship certificate were actually more likely to be from the targeted marginalized communities.

IV. Voter Registration Figures

A. Overall Trends

As of July 15, 2012, the ECN reported that 10,713,329 citizens were registered to vote. As of Dec. 15, 2012, ECN figures showed that the number of registrants had risen to 10,911,424, an increase of just less than 200,000 registrants. From July 15 to Nov. 15, voter registration was conducted on a continuous basis at district election offices. However, according to ECN data, 80 percent of new registrants during that time were added to the rolls through registration sites established at most district administration offices and at some area administration offices, as these sites enabled people to register to vote in the same place that they obtain their citizenship certificates.

The month between Nov. 15 and Dec. 15, 2012, showed an increase in the registration rate for the five month period: 50,217 registrants for the month as opposed to the 36,970 monthly average for the previous four months. This increase is likely due to the start of the targeted mobile registration program and the consequent easier access to citizenship certificates. It is probable that the total registration for the month would have been significantly higher if targeted mobile registration and citizenship distribution had been carried out in all districts.

In the 35 districts for which targeted mobile registration data was reported for this period, some 50 percent of new registration was done by the mobile teams. Although deployment of mobile teams in at least some districts caused the temporary suspension of registration efforts at the district administration offices impacting registration rates at those sites, the program clearly seemed to facilitate access to citizenship certificates and to voter registration for many citizens living far from district headquarters.

i. Targeted Marginalized Communities

No data is available, however, on the marginalized groups who were the target of the program. Most district election offices did not provide estimated figures on the number of people in the targeted communities that remained to be registered at the start of the program, and it is unknown how many of the new registrants captured by the program in each district were actually from targeted populations.

Observation by Carter Center teams, as well as reports from NGOs and other interlocutors, suggest that the success of targeting marginalized groups was mixed. In Achham, Kailali, and Surkhet, a large percentage of those registered were citizens from marginalized communities, while in Ilam and Jajarkot fewer individuals from marginalized communities were registered than expected. For example, in Jajarkot, the district election offices reported that only 10-12 out of an anticipated 100 registered on the day. However, as noted above, these numbers were based on anecdotal evidence as no target figures were presented to Carter Center observers by the ECN at either the district or national level.

The effectiveness of the program in reaching marginalized communities seems to correlate, in part, with advance planning by the district election and district administration offices, and the involvement of NGOs, political parties, and VDC secretaries. That said, the location of the registration site, amongst other factors, explained high levels of registration. For example, over half of those registering in Myagdi were Janajati or Dalit, although there was no

evidence reported to observers of active coordination with these communities from the district election or district administration offices.

ii. Number of Registrants Nationwide

Below are the figures for the total number of registrants nationwide.²¹

Time Period	Voters Registered		Total
July 15, 2012			10,713,329
July 15 – Nov 15, 2012	Monthly Average	36, 970	10,861,207
	Sub-Total	147,878	
Nov. 15 – Dec. 15, 2012	At DEOs	5,709	
	At DAOs	25,532	
	At Targeted Mobile Centers	17,742	
	Other	1,234	
	Sub-Total	50,217	
Dec. 15, 2012			10,911,424

B. Census Data and Voter Registration Management

As noted above, the data from the 2011 nationwide census increases the overall number of potential eligible voters beyond the estimate made by the ECN in 2011. The commission’s estimated figure was approximately 14.7 million persons aged 16 and older, but according to the census figures the actual number was closer to 16.6 million persons aged 16 and older. In 2012, some 650,000 people turned 16 and became potential registrants.²² These figures must be adjusted downward for deaths, although the exact figure is unknown. IFES has estimated that there were approximately 17.1 million persons 16 years and older in July 2012, with some 15.8 million of voting age.

By increasing the known pool of potential registrants, the census data suggests that the overall percentage of voter registration is approximately 63 percent of those 16 years or

²¹ Figures are ECN data, translated by IFES Nepal.

²² An additional 1.9 million persons were found by the census to be absent abroad and are not included in the overall total population of 26,494,504. Most persons abroad are assumed to be at least 16 years old (and therefore potentially eligible to be included on the voter register), although the Central Bureau of Statistics has not released these statistics. These people can be included in the voter register if they return to Nepal; Nepal does not currently have an out of country voter registration program.

older, lower than previously believed. Given the very low rate of registration of 16 and 17 year olds, however, the registration rate for the voting age population is somewhat higher, approximately 67 percent.²³ This means that some 6.3 million potentially eligible people aged 16 and older are not registered, with 5.2 million of these being 18 years and older and eligible to vote in any upcoming election.

The census data also gives an indication of some challenges for the future management of the voter registration process. First, each year an average of 665,000 people will become 16 years of age over the next four years. This is therefore the minimum number that must be registered to vote on a yearly basis in order to keep pace with demographic change. In 2012 overall, there were some 838,000 new registrants, although most of these were registered in the first half of the year, when the ‘missed’ voter registration was conducted at VDC level.²⁴ Second, at present, there is no systematic effort to remove the records of deceased voters from the voter list, although it is expected this will be achieved primarily through the claims and objections process.²⁵

Third, although ECN registration data shows overall parity in the numbers of women and men registered, the census data indicate that women make up a slightly higher proportion of the in-country population than men. Therefore, it is likely that women are under-registered in comparison with men. IFES has estimated that some 61 percent of women aged 16 years and older are registered to vote, as compared to 65 percent of men aged 16 and older.²⁶ At some targeted mobile registration sites, observer teams saw that women were registering in greater numbers than men. This was attributed by registration staff to the fact that many women found field registration much more accessible, as they were less likely than men to travel to district headquarters. The ECN has not yet broken down targeted mobile registration figures by gender, and these will ultimately provide an indicator as to whether the targeted mobile registration program facilitates the registration of women.

²³ These percentages are as of July 2012, the last date for which a breakdown of voter registration by age is available.

²⁴ As per ECN data, on Jan. 9, 2012, the registration total was 10,063,493, as compared with 10,911,424 figure as of December 15, 2012.

²⁵ According to the CIA World Factbook, there is an approximate death rate of 6.75 deaths per 1000 inhabitants as of July 2012, (or about 180,000 per year). For more, see <https://www.cia.gov/library/publications/the-world-factbook/geos/np.html>.

²⁶ Based on registration data as of July 15, 2012, in comparison with census data adjusted to July 2012.

V. Citizenship Certificates

In addition to cooperating with the ECN on the targeted mobile registration program and on voter registration at district administration offices headquarters, a representative at the Ministry of Home Affairs informed The Carter Center that it has undertaken other initiatives aimed at making citizenship certificates easier to obtain by eligible persons. The ministry stated that chief district officers have been instructed to deploy mobile teams once a month to provide services outside district headquarters, including the distribution of citizenship certificates. Such visits can include voter registration teams, subject to district election offices and ECN resources.

A second initiative has been to seek funding through the Nepal Peace Trust Fund for a large-scale field campaign in all districts to distribute citizenship certificates. The campaign will be targeted at Dalit, women, and other marginalized communities or vulnerable groups. The proposal was approved in principle in December 2012, and the Ministry of Home Affairs is now preparing a detailed plan.²⁷

The Ministry of Home Affairs also is planning to open permanent Integrated Service Centers in some 25 remote locations to improve outreach to citizens. These centers will not have permanent voter registration teams, due to the relatively low numbers of people served, but will be able to issue citizenship certificates. Three pilot locations have been opened in Baglung, Gorkha, and Lalitpur.

All of these initiatives are positive steps towards expanding access to citizenship certificates for Nepali citizens, in line with a 2011 Supreme Court decision and in line with previous Carter Center recommendations.²⁸ These initiatives are particularly important in light of previous estimates that well over two million people lack citizenship certificates.²⁹

Although no statistics are available, the ability of many women to obtain citizenship certificates appears to be affected by Ministry of Home Affairs guidelines that require a married woman to have her husband or father in law support the application for the citizenship certificate.³⁰ This can be difficult to obtain in some cases – for example, in cases of divorce, separation, or becoming a widow – or sometimes for cultural reasons. In effect, the guidelines place married women in an unequal position, as married men are permitted to obtain citizenship certificates with the support of their own parents. In this respect, the guidelines appear to be more restrictive than the provisions of the Citizenship Act 2063 (2006) and the corresponding Citizenship Regulation.

²⁷ The Carter Center was informed that that the deployment of these teams is planned to be conducted in coordination with District Election Offices.

²⁸ On February 7, 2011, the Supreme Court decided that citizenship certificates are the only means by which Nepalis can prove citizenship for the purpose of registering to vote. The Supreme Court also instructed the government to make effective arrangements for issuing citizenship to all eligible Nepalis. Universal access is also an obligation based on Nepal's ratification of the UN, International Covenant on Civil and Political Rights, art. 26. "All persons are equal before the law and are entitled without any discrimination to the equal protection of the law." And further through membership in the Inter-parliamentary Union, Inter-Parliamentary Union Declaration on Criteria for Free and Fair Elections, para. 4(1) "States should: Establish an effective, impartial and non-discriminatory procedure for the registration of voters; Establish clear criteria for the registration of voters, such as age, citizenship and residence, and ensure that such provisions are applies without distinction of any kind."

²⁹ This is a rough ECN estimate made on the basis of incomplete enumeration data. For further information, see The Carter center's Third Interim Statement, p.8.

³⁰ Citizenship Certificate Distribution Procedure Guidelines, 2063 (2006), Clause 4(5).

Citizenship certificate requirements have a particularly adverse impact on marginalized community members to be registered to vote, as many will have difficulty in providing the required documentation. Other categories of people, notably the children of those whose citizenship by birth was recognized in 2006/2007, also face obstacles in obtaining citizenship certificates. The Carter Center would welcome efforts by the Ministry of Home Affairs to find solutions to these issues in order to fully realize the potential of the planned field distribution efforts.

VI. Management of Voter Registration

Since the previous Carter Center interim statement, the ECN has finalized the correction of data from the display, claims and objections period in 2012 and especially the problems in ward assignments and other issues identified in that report. The data has not been independently verified. Although the ECN is confident in the quality of the register, representatives stated that the quality of the corrections may vary by district. An expedited audit of the current voter roll would be prudent to allow for the identification and correction of errors prior to election day, as well as to identify specific groups or geographic areas with lower than average registration rates.³¹

The ECN now has the software and hardware needed to process voter registration, including checking biometric data for duplicates. New registration data is checked against the centralized register for duplicates as a matter of routine, with identified likely duplicates returned to district election offices for verification. Out of district registration records are then sorted and sent to the relevant district election offices for integration in the registration records. Interviews suggest that these processes are working smoothly, although the data integration appears to take place infrequently. The ECN has also set up an offsite location to store a back up of the electronic voter registration data.

The management of the voter registration process continues to be hampered by the ongoing political crisis in Nepal. The ECN has planned different scenarios for 2013, depending on whether elections are held or not. However, this uncertainty undermines its capacity to plan for the longer-term regarding voter registration, including the transition to a fully continuous voter registration system and revision of the legal framework. Moreover, the current lack of commissioners will be detrimental to the ability of ECN to adapt to changing circumstances, as the ECN secretariat does not have decision-making powers. For example, the ECN has identified districts which have lower rates of registration, particularly Kathmandu, which has a large population of immigrants from other districts. ECN secretariat representatives indicated that they are considering specific programs to raise registration in the Kathmandu valley, but it is not clear that the ECN secretariat will have the authority to undertake such efforts in the absence of commissioners.

³¹ The UNDP-ESP is planning to conduct an audit of the voter list in the coming months, which would verify the accuracy of the register as well as the accuracy of estimates regarding the number of people remaining to be registered.

VII. Conclusions

Since the Carter Center's previous interim statement released in July 2012, the ECN and the Home Ministry have taken positive steps to support the conduct of an effective voter registration process in line with international obligations and national law. Some of these steps, especially the field distribution of citizenship certificates, follow previous recommendations made by The Carter Center. In particular, the Center would like to highlight the following:

- The improved cooperation between the ECN and the Home Ministry in deploying mobile teams to remote VDCs is clearly facilitating the issuance of citizenship certificates and voter registration in these locations.
- The ECN program to target marginalized communities is a step toward ensuring eligible voters from across Nepal are registered.
- The Carter Center commends the intention of the ECN and the Home Ministry to expand the deployment of integrated mobile teams to all districts to maximize access to citizenship certificates for all eligible persons, including members of marginalized communities. To this end, the Center also supports the initiatives of the Home Ministry to expand its outreach of issuing citizenship certificates through field visits in all districts and the establishment of permanent Integrated Service Offices in remote locations.
- In several districts observed (notably Kailali, Kathmandu, and Surkhet), the inclusion of representatives of marginalized communities in site selection, planning, and outreach contributed to successful local registration efforts among these communities, despite the limited time available for registration.
- Voter registration data management processes appear to have been strengthened.

However, there were also areas of concern which the Government of Nepal, the ECN, political parties, and civil society should review and address in order to improve the registration process and ensure the full protection of voting rights for Nepali citizens. Foremost among these is the concern that the absence of a political agreement on holding elections is undermining the consolidation of the democratic process in Nepal. Other challenges are as follows:

- The ECN does not have any commissioners at present, which jeopardizes the ECN's independence and its decision-making abilities.
- The 2011 census data indicates that a greater number of persons than previously estimated remain unregistered. In addition, it appears that the rate of registration from July – December 2012 has not matched the rate of demographic change.
- Gender-based obstacles in obtaining citizenship certificates may be contributing to unnecessary barriers for some women to register to vote. Comparison of registration figures with census data indicates that the registration rate among women is substantially less than the registration rate for men.

- A few districts have not been conducting voter registration at district administration office headquarters, apparently due to resource issues. In some other cases, registration at headquarters was temporarily suspended in order to conduct targeted mobile registration.
- In some districts, the success of the targeted mobile registration process could be increased by improving cooperation between district election and district administration offices, more advanced planning, and more effective voter information. Bottlenecks in the distribution of citizenship certificates sometimes limited the numbers of those who could receive citizenship certificates and be registered to vote during mobile field visits.
- Political party efforts to support voter registration appear to be improving but remain uneven.

VIII. Recommendations

The Carter Center commends the efforts undertaken by the ECN thus far to ensure the success of the voter registration program. We encourage both the ECN and the government of Nepal to build on positive efforts to date and to take further steps to promote greater fairness, access, and opportunity for all Nepalis who wish to register. 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:

To the Government and Political Parties:

- Find an agreement on the holding of elections. Commissioners should be appointed to the election commission before implementing elections planning or activities, in order to ensure the independence of the election administration and the overall confidence of citizens and political parties. Election-related legislation should be modified to fully reflect the continuous voter registration system now in use in Nepal.

To the Government of Nepal:

- Continue efforts to ensure that all eligible Nepali citizens have access to citizenship certificates. In particular, the deployment of mobile teams by the Ministry of Home Affairs to issue citizenship certificates, in conjunction with field registration efforts by the election commission, should be prioritized. The ministry also should consider ways to increase the number of citizenship certificates issued during field visits.
- Review and modify as necessary the guidelines of the Ministry of Home Affairs regarding the issuance of citizenship certificates to ensure that married women are able to obtain documents irrespective of their husband's family cooperation and are able to register to vote without discrimination.
- Consider ways to overcome legal barriers to citizenship certificate and voter registration by otherwise eligible persons, such as the children of individuals who received citizenship by birth under special provision in 2006-2007.

To the Election Commission of Nepal:

- Use the 2011 census data to recalculate the number of persons potentially eligible to be registered, overall and by district. Consideration should be given to improving registration rates in those districts with the lowest overall registration rates and those with the highest absolute numbers of unregistered persons. This may result in a reassignment of resources to those districts.
- Continue deployment of mobile voter registration teams in coordination with the Ministry of Home Affairs. The identification of target numbers of citizenship certificates to issue and new registration numbers in the planning phase would enable the election commission and the ministry to assess the effectiveness of field efforts.
- Increase cooperation at national level with civil society organizations representing marginalized communities and women. A consultative meeting or roundtable with local

and regional civil society organizations could further improve the effectiveness of the commission's program nationwide.

- Consider ways to ensure that the names of deceased voters are identified and removed from the voter list.
- Consider ways of sharing best practice among district election officers.
- Ensure that an audit of voter registration takes place as soon as possible, in order to address any areas of concern and to improve future registration efforts.

To Political Parties:

- Play a more active and supportive role in the voter registration and voter education process. It is in the interest of all political parties to support the registration process by mobilizing eligible voters.

To Civil Society:

- Similarly to political parties, engage more with voter registration and voter education efforts conducted by the election commission. Additionally, help existing civil society voter registration efforts at the district level be replicated throughout the country.

ANNEX

Annex 1 – Overview of the Voter Registration Process to Date

The ECN is creating a new computerized voter register to replace the register used in the 2008 Constituent Assembly elections, which was believed to contain many mistakes, including missing or misspelled names, entries of the same voters' names in multiple locations, and possibly some ineligible voters. The computerized register contains registrant photos and fingerprints, as well as additional personal information intended to enable greater quality control over the voter list and reduce the possibility of voter fraud. At the same time, the ECN is implementing a long-term project to provide permanent continuous registration facilities at the district level, which will be electronically linked to a central database in Kathmandu. These activities are being carried out with the technical support of UNDP and IFES. The ECN is also coordinating with the Ministry of Home Affairs to share registrant information for the purposes of creating a civil registry and proposed national identification cards.

The ECN is implementing voter registration in accordance with the Interim Constitution of Nepal (2007) and the Voters' Roll Act (2006). In line with this legal framework, the ECN has developed policies and procedures to govern the conduct of voter registration, including voter registration eligibility requirements and implementation measures. To be included on the voter roll, citizens must come in person to a registration site. Individuals are eligible to register if they are aged 16 or older and possess a Nepali citizenship certificate. In principle, citizens register to vote for the municipality or Village Development Committee listed on their citizenship certificate. If a citizen wishes to register for a different municipality or Village Development Committee, he or she must present proof of migration.

The voter registration program was initiated with a pilot program in seven Village Development Committees in five districts in March/April 2010. The program began with a door-to-door enumeration campaign to identify, inform, and document eligible individuals, which was followed by actual voter registration. Following the successful completion of the pilot exercise, voter registration has continued in multiple phases, with major field phases accompanied by voter education campaigns:

- A municipalities phase that registered eligible voters residing in 58 municipalities in 43 districts (completed between September and December 2010).
- A bridging phase that registered voters in areas nearby municipalities in 43 districts (completed between December 2010 and March 2011).
- A nationwide phase to register voters throughout the rest of the country (March 2011 through mid-July 2011). The nationwide phase entailed mobile registration teams visiting most remaining Village Development Committees in Nepal.
- In June 2011, the ECN announced that people residing outside their home district would be allowed to register for their place of permanent residence through out-of-district registration.
- Following the end of the nationwide phase, registration continued at district election offices throughout the country. In some districts, enhanced continuous registration

was conducted on a temporary basis at district administration offices and area administration office locations (July 2011 – February 2012).

- From November 2011 to January 2012, mobile voter registration was conducted at municipality and VDC level in 11 priority districts where the process could not be finalized previously and/or data was lost during the nationwide phase.
- From December 2011 to March 2012, registration data was verified at district level and then transferred to the ECN. The ECN aggregated the data and screened it for duplicate registration records.
- In April 2012, the ECN printed the voter roll and distributed copies to the districts. Public display of the voter roll at VDC and municipal ward level began on April 15, 2012, on a rolling basis within each district, with provision for registering claims and objections. Simultaneously, the ECN also conducted another round of mobile field registration for voters who had not previously registered. This field registration was conducted in all VDCs and municipal wards in Nepal, except those in which field registration had already been held in 2012.
- In October 2012, the ECN initiated the “Mobile Voter Registration Program Based on Targeted Marginalized Communities,” in cooperation with the Ministry of Home Affairs. Building on the previously conducted Integrated Mobile Service Delivery Program, this program made it possible for citizens in targeted Village Development Committees to obtain citizenship certificates and register to vote in the same location.

Annex 2 – Carter Center Observation Methodology

The Carter Center conducts its observation through meetings with the ECN, political parties, domestic observers, civil society, marginalized groups, citizens, and other stakeholders at the central and local levels, and through visits by long-term observer teams to registration sites for direct observation. Carter Center observer teams are composed of international and national observers and are based in all five development regions of Nepal. The Carter Center has customized its methodology to each phase of the voter registration process.

Long-term observer teams gather both qualitative and quantitative information about the voter registration process through interviews and direct observation. In addition to data collected from election officials regarding the registration process, observers conduct interviews with citizens in each location in order to gather data about their awareness of the voter registration process and their ability to be registered.

The reporting period for this fifth interim statement primarily covers the ECN’s “Mobile Voter Registration Program Based on Targeted Marginalized Communities.” Observation was conducted in 11 districts. Observer teams interviewed district officials, election officials, civil society organizations, and citizens to gather information on the technical quality of the registration process and to assess the effectiveness of citizenship certificate distribution and voter education efforts. In each district where observation was conducted, visits were usually to one registration site for one or two days.

As observers were not deployed to a representative sample of registration locations, it is not possible to extrapolate the data obtained by long-term observers for the purposes of generalization across the country or even within a district. However, the data obtained in observation efforts offers illustrative insights into the conduct of voter registration during this reporting period and the challenges faced by the ECN in increasing the number of registered voters.

The Carter Center conducts 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 process, specifically the Interim Constitution of Nepal (2007), Voters’ Roll Act (2006) and Electoral Roll Rules, and ECN policies and procedures. The Center also considered international standards governing democratic elections, specifically those which Nepal has signed or ratified.³²

³² 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 and 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 and Tribal Peoples’ Rights; and Convention on the Rights of Persons with Disabilities, and Guiding Principles on Internal Displacement, among others.