



**Second Interim Statement on the  
Election Commission of Nepal's "Voter Register with Photograph" Program  
July 7, 2011**

**I. Introduction**

The Election Commission of Nepal (ECN) is conducting a nationwide voter registration process to create a new computerized voter register.<sup>1</sup> As part of broader efforts to observe the peace and constitutional processes at the local level, Carter Center observers have gathered information about the voter registration process from 40 of 75 districts since February 2011. The Center's observation objectives are to support the electoral process, to promote confidence in the ECN and the voter registration process to the degree warranted, and to contribute to the overall strengthening of the democratic process in Nepal. This report is intended to provide an impartial assessment of the voter registration process to date, including highlighting positive aspects, identifying potential weaknesses, and offering recommendations for steps that could be taken to strengthen the process.

**II. Context**

The ECN is creating a new computerized voter register to replace the previous register, which was believed to contain many mistakes, including missing or misspelled names, entries of the same voters' names in multiple locations, and possibly inclusion of some ineligible voters.<sup>2</sup> The computerized register will capture registrant photos and fingerprints as well as additional personal information that is intended to enable greater quality control over the voters' list and reduce the possibility of voter fraud. In addition, the ECN is coordinating with the Ministry of Home Affairs (MoHA) to provide registrant information for the purposes of creating a civil registry and proposed national identification cards.

Voter registration is being implemented by the ECN in accordance with the Interim Constitution of Nepal (2007), Voters' Roll Act (2006) and Voters' Roll Rules (2007). In line with this legal framework, the ECN has developed policies and procedures to govern the conduct of voter registration, including those that establish voter registration eligibility requirements and implementation measures.<sup>3</sup> Specifically, individuals are deemed eligible to register if they are aged

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<sup>1</sup> Based on its international political commitments, Nepal is obligated to take steps to "guarantee the rights and institutional framework for periodic and genuine, free and fair elections" including establishing "an effective, impartial, and non-discriminatory procedure for the registration of voters" and maintaining a voter register that is accurate and current. See International Parliamentary Union, Declaration on Free and Fair Elections, art. 4 (1) and 4 (2) available at <http://www.ipu.org/cnl-e/154-free.htm>.

<sup>2</sup> Concerns about the previous voters' list were highlighted by the Carter Center's observation mission to the Constituent Assembly Elections in 2008, and "Create a more inclusive and accurate voter list" was the top recommendation of the Carter Center mission's final report. Please refer to "Observing the 2008 Nepal Constituent Assembly Election," The Carter Center, available at:

[http://www.cartercenter.org/resources/pdfs/news/peace\\_publications/election\\_reports/FinalReportNepal2008.pdf](http://www.cartercenter.org/resources/pdfs/news/peace_publications/election_reports/FinalReportNepal2008.pdf)

<sup>3</sup> Nepal is also obligated by its international political commitments to "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." See the 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 available at <http://www.unhchr.ch/tbs/doc.nsf/0/d0b7f023e8d6d9898025651e004bc0eb?Opendocument>

16 or above<sup>4</sup> and possess a Nepali citizenship certificate.<sup>5</sup> If an individual wishes to register in a different Village Development Committee (VDC) than the one listed on his or her citizenship certificate, he or she must present proof of migration, specifically a migration letter issued by an individual's home VDC or municipality, a letter issued by an individual's present VDC or municipality attesting to his or her permanent residence,<sup>6</sup> a land or house ownership certificate, a marriage certificate, or an electricity or water bill indicating the individual's new address.

The voter registration process was launched in March 2010 with a pilot exercise in seven VDCs of five districts. Field data collection is being conducted in multiple phases: 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); and a nationwide phase to register voters throughout the rest of the country (launched in March 2011 and scheduled to continue through mid-July 2011). In addition, in June 2011, the ECN announced that registration centers would be opened in municipal and sub-municipal areas among other locations through mid-July to facilitate registration for people currently residing outside their home district ("out-of-district registration").

At the district level, voter registration is composed of: a multi-level, multi-media voter education campaign; a door-to-door campaign to identify, inform, and document individuals who are eligible to register ("enumeration"); and on-site registration at more than 8,000 voter registration places at which eligible individuals will be physically registered.<sup>7</sup> At the same time, continuous voter registration is ongoing at District Election Offices (DEOs) to accommodate individuals who missed voter registration in their location of permanent residence. After registration data is collected from the district level, it will be aggregated and cleaned at the ECN in Kathmandu. After the aggregation and cleaning of all district-level voter registration data, a provisional voters' list is expected to be compiled and made available for public scrutiny in an exhibitions and challenges process. Once claims and challenges have been addressed, the ECN will make all necessary corrections and continue to register voters through continuous registration.<sup>8</sup>

### **III. Observation Methodology**

In February and June 2011, Carter Center experts visited Nepal to review the legal framework governing elections and conduct meetings with ECN representatives and international organizations providing technical assistance. Between February and June 2011, long-term observers (LTOs) gathered information from 18 Tarai districts (Banke, Bara, Bardiya, Dang, Dhanusa, Jhapa, Kailali, Kanchanpur, Kapilvastu, Mahottari, Morang, Nawalparasi, Parsa, Rupandehi, Saptari, Sarlahi, Siraha, and Sunsari), 15 hill districts (Achham, Bhaktapur, Dadeldhura, Dhading, Doti, Ilam, Jumla, Kathmandu, Kavrepalanchok, Lalitpur, Myagdi, Panchthar, Surkhet, Syangja, and Terhathum), and 7

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<sup>4</sup> Individuals aged 16 or above are eligible to register but only individuals who are aged 18 and above on election day will be eligible to vote and included on the voters' list.

<sup>5</sup> The Supreme Court ruled in February 2011 that a citizenship certificate is the only means by which Nepalis can demonstrate citizenship for the purposes of registering to vote.

<sup>6</sup> Following a change to ECN procedures made in March 2011, a letter from an individual's present VDC or municipality attesting to his or her permanent residence has been added to the list of documents which can be presented as proof of migration.

<sup>7</sup> International best practice holds that every citizen should receive information regarding the voter registration process and their inclusion on the voter register. "Voter education and registration campaigns are necessary to ensure the effective exercise of article 25 rights by an informed community." See the 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.

<sup>8</sup> Nepal is committed "to ensure that any person whose rights or freedoms as herein recognized are violated shall have an effective remedy" and "to ensure that any person claiming such a remedy shall have his right thereto determined by competent judicial, administrative or legislative authorities". See UN ICCPR, art 2(3) available at <http://www2.ohchr.org/english/law/ccpr.htm>. While the ECN has made a provision for exhibitions and challenges in its plan for voter registration, it has not yet defined a process for the exposition of the voters' list nor has a mechanism been established for complaints and objections.

mountain districts (Darchula, Dolakha, Rasuwa, Sankhuwasabha, Sindhupalchok, Solukhumbu and Taplejung). The field teams directly observed the voter registration process in 28 districts and undertook research by telephone in 12 districts. LTO teams<sup>9</sup> collected findings about voter awareness and participation, voter registration management, and political party participation, and also conducted direct observation at 52 voter registration places. In April 2011, the Carter Center released its first interim statement on the voter registration process.

During the time at the district and VDC level, 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, quantitative data LTOs were able to obtain offers illustrative insights into the level of voter participation to date and 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.<sup>10</sup>

#### **IV. Positive ECN Initiatives since April 2011**

In its first interim report released in April 2011, the Center made several recommendations for how the ECN could improve the voter registration process. Since the release of that report, the Commission has taken several steps in line with these recommendations, including:

- Establishing voter registration targets in line with estimated population data;
- Reaching an agreement with the Federal Democratic National Front-affiliated Federal Limbuwan State Council (FDNF-affiliated FLSC) to end their obstruction of voter registration;
- Increasing opportunities for citizens who have migrated in-country to be able to register, such as through a policy revision to enable out-of-district registration;
- Bolstering voter education efforts on the voter registration process nationwide; and
- Ensuring citizens not previously enumerated could be enumerated at registration places.

The Carter Center commends these positive efforts undertaken by the ECN to ensure that all Nepalis who wish to register to vote are provided with the opportunity to do so. Such efforts demonstrate the ECN's flexibility and good will as the process continues to move forward.

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<sup>9</sup> Carter Center LTO teams are composed of two international LTOs, one Nepali national LTO, and one interpreter.

<sup>10</sup> 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.

## V. Detailed Findings

### 1. VOTER REGISTRATION TURNOUT

In its first interim report on the voter registration process, the Carter Center noted that the basis for the ECN registration turnout target was unclear and recommended that the Commission provide a detailed justification for its projections. In May, the ECN published a detailed projection that cited official Central Bureau of Statistics (CBS) census data projections and Department of Foreign Employment statistics as bases for estimating the total number of possible registrants. The Carter Center commends the ECN on providing registration projections using available population data and statistical research estimates and believes that these projections will facilitate more effective voter education and outreach efforts and ultimately promote public confidence in the registration turnout figures.<sup>11</sup>

Based on CBS 2011 census projections, there are approximately 17,816,700 Nepali citizens aged 16 and over. After accounting for individuals abroad, the ECN announced a projection of 14,716,700 maximum eligible registrants, specifically individuals aged 16 and over who are presently living in country:

Total Population of Nepal (CBS 2011 Census projection)	28,584,975
Estimated Population 16+ (median fertility decline)	17,816,700
Individuals Working Abroad (YR Dept of Foreign Employment data)	2,100,000
Additional Individuals Abroad (ECN estimate)	1,000,000
<b>Estimated Maximum Number of Registrants in Country (16+)</b>	<b>14,716,700</b>

The ECN projection took into consideration data from the Department of Foreign Employment which shows that roughly 2,100,000 Nepalis are presently working abroad; the ECN further estimated that an additional 1,000,000 eligible registrants may have relocated abroad for other reasons.<sup>12</sup>

Among the 14,716,700 estimated maximum number of individuals, it is understood that some percentage have temporarily migrated internally for work purposes while others do not readily possess required proof of eligibility documents, such as citizenship certificates or proof of migration. As such, the ECN has set a target of registering 11,037,525 citizens - 75 percent of the maximum number of possible registrants in country - by mid-July 2011, when field-level voter registration is scheduled to be completed in all municipalities and VDCs.<sup>13</sup>

As of July 4, 2011, the ECN reported that 7,952,085 voters had been registered, representing approximately 72 percent of the ECN registration target for mid-July 2011 and 54 percent of the estimated maximum number of registrants in country:

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<sup>11</sup> Additionally, the 2011 census process began in June this year. Once data processing is complete, the new census data will provide accurate, updated information on the number citizens over the age of 16 living in Nepal. It will supersede the population projections that are currently being used by the ECN, which are in part based on the 2001 census. The new census data is likely to be more accurate than the data returned via the ECN's Lagat forms, which observers have noted are unfortunately not always being filled in correctly by enumerators.

<sup>12</sup> While the basis for how the ECN arrived at this estimate is not clear, it is understood that an unknown number of Nepalis have relocated abroad within the past decade for study or other purposes. Moreover, other sources have placed the total number of eligible registrants slightly below the ECN estimated maximum. Specifically the 2008 National Labor Force Survey estimated an in-country population of 13,934,000 individuals aged 16 and over.

<sup>13</sup> While the basis for the 11 million estimate is unclear, the ECN independently estimates that more than 3,500,000 eligible in-country citizens will have missed voter registration due to temporary migration from their home district for work or study purposes or due to a lack of voter eligibility documentation, i.e., a citizenship certificate or proof of migration. Of these individuals, the ECN has estimated that approximately 2,000,000 individuals are living out-of-district.

Estimated Max. No. of Registrants	Registration Target Mid-July 2011	% Municip. Reporting	% VDCs reporting	Total Reg. as of July 4 2011	% of Mid-July 2011 Target	% of Estimated Maximum
14,716,700	11,037,525	100.0	81.7	7,952,085	72.0	54.0

The ECN estimates that it has been registering close to 100,000 individuals per day since the nationwide phase began in April. Even if that rate were to be sustained, turnout thus far indicates that the ECN will not reach its mid-July 2011 registration target. Of greater significance, the Commission will fall well short of the estimated maximum number of registrants living in the country.

As noted in its first interim report, The Carter Center has found that two main challenges have had a considerable impact on registration turnout to date. First, political party obstructions have prevented the ECN from conducting registration in parts of the Tarai and Eastern Hills. Second, a significant number of individuals do not readily possess required documentation, i.e., citizenship certificates and, if necessary, proof of migration. The level of impact of both these challenges as well as efforts to address them are discussed in detail later in this report. Other issues possibly affecting turnout could be the frustration of the Nepali public with the ongoing political process, thus reducing enthusiasm to participate in the ongoing voter registration process, as well as apathy due to the fact that there is no clear date for future elections.

*Out-of-district registration*

To provide an opportunity to register for individuals who are temporarily outside their residence or who have relocated but do not possess proof of migration, the ECN amended its procedures in June. The new procedures allow for individuals to register at any registration place for the address shown on their citizenship certificate. While these registrants will not be able to vote in their present locations, it is positive that they are now being provided the option to register without traveling to their official places of residence. Out-of-district registration should allow the ECN to register a considerable portion of individuals who have relocated temporarily or permanently.

As a means of facilitating greater access to individuals who have relocated to high-concentration areas to register via out-of-district registration, the ECN announced that registration places would be opened in the following locations between mid-June and mid-July: all wards in Kathmandu valley; clusters of three wards within Lalitpur municipality; all municipalities; District Administration Offices (DAOs) in Kathmandu, Lalitpur and Bhaktapur; and the Ministry of Foreign Affairs. The ECN has also given DEOs discretion to establish registration places in VDCs surrounding municipalities and requested DEOs to submit plans for establishing mobile registration locations at police stations, Nepal Army bases, Maoist combatant cantonments, university campuses, and prisons, among other locations.

The Carter Center commends the ECN for affording an increased opportunity for citizens to register via out-of-district registration, but believes that this alone will not be sufficient to make up for the gap between registration targets and turnout. The Center encourages the Commission to undertake additional efforts to reach citizens who have thus far not registered for whatever reason. It is understood that the ECN is considering a “missed” voter registration exercise whereby the Commission would open registration centers in each municipal ward and VDC from August to November 2011. Given that time is available to conduct registration activities, the Center strongly encourages the ECN to implement this proposed exercise.

It is also understood that the ECN is considering conducting an out-of-country voter registration campaign to register individuals living abroad. The Center acknowledges that the ECN is seeking to maximize opportunities for Nepali citizens to be able to register to vote. However given the complexity of managing out-of-country voter registration, the Center encourages the ECN to heed the advice of experienced technical experts in determining whether and how to implement such a challenging and resource-intensive exercise.

## 2. POLITICAL PARTY OBSTRUCTIONS

Political party obstructions have hampered voter registration efforts in several Tarai districts and parts of the Eastern Hills. In its first interim report on the voter registration process, the Carter Center noted that obstructions by multiple Madhesi political parties and the FDNF-affiliated FLSC had a significant effect on registration turnout during the municipalities phase.<sup>14</sup> In many of the same districts, obstructions continued through the nationwide phase, preventing the ECN from conducting voter registration altogether or limiting registration to VDCs where Madhesi or Limbuwan parties were weak.<sup>15</sup>

During the nationwide phase, Carter Center observers found Madhesi parties obstructing voter registration in at least seven districts – Banke, Jhapa, Kapilvastu, Morang, Nawalparasi, Rupandehi, and Sunsari. Meanwhile, the FDNF-affiliated FLSC was obstructing voter registration in all nine districts east of the Arun River. The nature of obstructions carried out by political parties varied between districts, but the obstructions occasionally involved intimidation and threats of violence against ECN officials. Below are examples of how obstructions were carried out in some districts:

- In Banke, the ECN was able to conduct voter registration in only six of 46 VDCs. Registration was obstructed in the district from October 2010 through March 2011 and resumed briefly in April 2011. After 12 days of voter registration in April, the United Democratic Madhesi Front (UDMF) threatened registration staff and told the DEO that it would confiscate equipment, prompting the ECN to halt the process. District-level meetings between ECN officials, UDMF representatives, and other parties have failed to end the obstructions. Local ECN officials have said that any resolution will have to be reached at the central level.
- In Morang, the ECN was able to conduct registration in 26 of 68 VDCs. However, obstructions by the UDMF in the southern part of the district and the FDNF-affiliated FLSC in the northern part prevented registration from being held in the remaining 42 VDCs. In late May, a Madhesi party representative publicly announced that registration would be obstructed until citizenship issues were resolved. Registration staff reportedly received threats in multiple VDCs.
- In Rupandehi, Madhesi parties prevented enumerator training from taking place in the Marchawa area in the south of the district, directly affecting registration in four VDCs and indirectly in another eight VDCs. The DEO agreed to halt the process there, but when enumerators were found continuing with enumeration in one VDC, documents were seized by members of the UDMF. This incident was resolved locally and enumeration documents returned. The ECN was able to continue with the process in other areas of the district and reportedly planned to return to this southern area once the issue has been resolved at the central level.
- In Sunsari, Madhesi parties threatened to obstruct voter registration in southern parts of the district, while the FDNF-affiliated FLSC was obstructing voter registration in northern VDCs. Registration has been able to go forward in some VDCs, particularly where the ethnic population is mixed or where major political parties are strong. Registration was temporarily ceased in all VDCs in mid-May due to security concerns ahead of the May 28 Constituent Assembly deadline.

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<sup>14</sup> During the municipalities phase, multiple Madhesi political parties obstructed voter registration in eight municipalities – Biratnagar (Morang), Inaruwa (Sunsari), Ramgram (Nawalparasi), Butwal and Bhairawa (Rupandehi), Kapilvastu, Nepalgunj (Banke), and Kalaiya (Bara). Their obstructions were in regards to the requirement of a citizenship certificate as proof of eligibility for registration. Additionally, the FDNF-affiliated FLSC obstructed voter registration in four municipalities – Damak and Mechinagar (Jhapa), and Dhankuta and Dharan (Sunsari) – arguing 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.

<sup>15</sup> In three of 13 districts visited by observers (Banke, Bara and Ilam) the ECN was unable to conduct voter registration in any locations during the bridging phase due to obstructions. In two other districts (Kapilvastu and Morang) the ECN was only able to conduct voter registration in VDCs where Madhesi or Limbuwan party presence was relatively weak.

- In Ilam, the ECN launched registration in the district on April 1. On April 3, FDNF-affiliated FLSC cadres forced the closure of a registration center in Mangalbare by threat of violence, saying registration would only be permitted after a Limbuwan state was guaranteed. Registration staff in other VDCs were similarly threatened, prompting the ECN to halt registration altogether.
- In Terhathum, registration was halted in the district after FDNF-affiliated FLSC organized obstructions in Piple in early April. A small group of 15-20 Limbuwan cadres forced the shutdown of registration in the VDC and confiscated registration forms.

Over the past several months, the ECN was engaged in high-level dialogues with the obstructing parties at both the national and district levels to attempt to resolve the obstructions. In its first interim report, the Carter Center encouraged the ECN to continue such dialogues to reach an accommodation that would enable voter registration to proceed.

In late May, the ECN and FDNF-affiliated FLSC reached such an accommodation whereby the ECN agreed to, among other things, abide by all legal provisions established under a federal system for the management of voter registration following state restructuring. In response, the FDNF-affiliated FLSC agreed to inform its cadres to refrain from obstructing the process. As of mid-June, observers found that FDNF-affiliated FLSC obstructions had completely ceased. The Carter Center commends the ECN and the FDNF-affiliated FLSC on their successful negotiations.

However, at the time of writing, Madhesi parties continue to threaten obstruction in the seven districts listed previously (Banke, Kapilvastu, Jhapa, Morang, Nawalparasi, Rupandehi and Sunsari) causing ECN officials to put registration on hold in certain areas of these districts. The Carter Center reiterates its call for the ECN and the Government of Nepal to continue high-level engagement with Madhesi political parties which are obstructing the process to reach an accommodation to prevent further obstructions.

*Turnout in areas affected by political party obstruction*

As noted in the Center's first interim report, registration figures in municipalities that faced Madhesi or Limbuwan party obstructions were generally much lower than that of the average for municipalities elsewhere.<sup>16</sup> The same will be true after the nationwide phase as, due to obstructions, the ECN has been largely unable to conduct voter registration in some districts until present. As of June 30, 2011, registration in all VDCs was completed in 45 of 75 districts; in contrast, voter registration had only started recently in three districts which faced Limbuwan obstructions – Ilam, Panchthar, and Terhathum. Moreover, voter registration had reportedly been completed in only a few VDCs in some districts still affected by Madhesi obstructions: 6 of 46 VDCs in Banke, 10 of 77 in Kapilvastu, and 12 of 73 in Nawalparasi.

In its first interim report, the Carter Center recommended that the ECN consider re-opening voter registration in areas affected by political party obstructions wherever possible. As it does not appear likely that the Commission will complete registration in several obstruction-affected districts by mid-July 2011, the Center strongly recommends that the ECN extend or re-open the registration process where possible and appropriate to accommodate thus far disenfranchised citizens. While it is acknowledged that eligible voters can still register via continuous registration by visiting their District Election Office, the Center believes that all citizens should be afforded equal access and opportunity to register in their localities.

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<sup>16</sup> Turnout vis-à-vis the target in municipalities that didn't face obstructions, such as Dhulikel in Kavrepalanchok (95%) and Birgunj in Parsa (86%), was significantly higher than turnout in municipalities that faced obstructions, such as Taulihawa in Kapilvastu (15%) and Nepalgunj in Banke (20%).

### 3. VOTER ELIGIBILITY

In its first interim report, the Carter Center noted that voter eligibility requirements, specifically requirements that individuals produce a citizenship certificate and, if they have relocated to another district, proof of migration, have served as barriers to registration for some would-be registrants. ECN voter eligibility requirements are intended to prevent duplicate registrations and registration of ineligible voters, but have had the unintended consequence of preventing otherwise eligible citizens from registering.

Without recent or accurate data regarding the number and location of individuals who do not possess citizenship certificates or proof of migration, it is difficult to quantify the precise extent these requirements constitute barriers to registration.<sup>17</sup> Carter Center observers gathered information from individual enumerators based on their records, which provides some indication of how many individuals could not be enumerated and registered due to lack of documentation or relocation:

Individual Enumerator Records of Enumerated v. Ineligible / Out-of-District / Out-of-Country Voters

	Enumerated	Not Enumerated	No Citizenship Certificate	Out-of-District	Out-of-Country
<b>Syangja*</b>	182	236	66	69	101
<b>Syangja</b>	86	73	25	27	21
<b>Myagdi</b>	153	152	71	20	61
<b>Surkhet*</b>	502	208	59	95	54
<b>Lalitpur</b>	408	115**	75	19	N/A
<b>Kapilvastu</b>	260	129	44	28	57
<b>Kailali</b>	245	208	No disaggregated data available		
<b>Rasuwa</b>	86	84	No disaggregated data available		
<b>Surkhet</b>	191	68	No disaggregated data available		

\*Two enumerators were interviewed separately in Syangja and Surkhet

\*\*21 of 115 individuals were deemed ineligible for reasons unclear to observers

While these figures cannot be extrapolated to generalize the situation across the country, they do provide some insight into the impact of voter eligibility requirements. In many locations, anywhere between one-third to one-half of individuals aged 16 and over have not been enumerated due to lack of documentation, notably citizenship certificates, or because they have relocated either out of the district or out of the country. While it is not possible to determine how many individuals who are out-of-district do not have proof of migration documents, it is reasonable to assume that some individuals have temporarily relocated and thus neither have nor need them.

#### a. *Citizenship Certificates*

The Carter Center recognizes the ECN's efforts to date to ensure that individuals who do not readily possess citizenship certificates can still participate in the registration process. Since February 2011, the ECN has issued letters to the Prime Minister and Ministry of Home Affairs urging the government to take steps to issue citizenship certificates to all eligible individuals, and has also raised the issue in private meetings.

<sup>17</sup> The precise number of individuals who do not possess required documents is unknown. Research conducted by the government of Nepal in 1995 found that anywhere between 3.4 and 5 million Nepalis did not possess citizenship certificates (Dhanapati Upadhyay Commission Report, HMG/N (1995)). Subsequently, the government engaged in a massive citizenship certificate distribution campaign in 2007 and issued approximately 2.6 million citizenship certificates. Regarding internal migration, according to 2008 NLFS survey data the number of individuals who had migrated within Nepal was found to be as high as 8.4 million people. Overall, 33% of all Nepalis were found to have migrated outside their home district or from VDC to VDC during and since the conflict. (Central Bureau of Statistics, National Planning Commission Secretariat, Government of Nepal – National Labor Force Survey [2008] Statistical Report).

The Center has found that Nepalis lacking citizenship certificates is a nationwide problem, not limited to any one region or among a particular ethnicity or gender. Positively, there has been a significant increase in the number of individuals who have applied for citizenship certificates since the launch of voter registration:<sup>18</sup>

- In Bara, the DAO estimated that the number of citizenship certificate applications has increased from roughly 50-60 per day to 200-225 per day since voter registration was launched;
- In Syangja, the number of citizenship certificate applications has increased from 20-25 per day to approximately 150 applications a day since voter registration began in the district;
- In Dolakha, the number of applications has jumped from 30-35 per day to around 125 per day; the DAO also organized a mobile service in two remote VDCs where 286 certificates were issued;
- In Dhading, the number of applications has jumped from 35-40 per day to almost 100 per day, with most coming from young people below age 20 followed by women and elderly persons;
- In Siraha, the number of applications has increased from around 30 per day to 70-80 per day, with most applications being from young males and females;
- In Surkhet, the DAO estimated an increase in applications of 30 percent during the voter registration process, with an average of 80 citizenship certificates being issued per day to a range of citizens; and
- In Darchula, the estimated number of applications was 15-20 per day before voter registration and has increased to anywhere from 40 to 130 per day. Most applications have been coming from newly married women, elderly persons, and youths who recently turned 16.

In a couple of districts, DAO officials said that they were having difficulty handling the spike in demand for citizenship certificate applications. In some Western region districts, DAO representatives reported having to extend opening hours or increase staffing levels in order to accommodate the increased demand. Commendably, the ECN has tried to build on the increased demand for citizenship certificate applications and streamline the voter registration process by placing voter registration locations next to citizenship certificate distribution locations and at the Ministry of Foreign Affairs.

Nonetheless, observers have noted difficulties faced by citizens in remote areas in traveling to district administration offices to apply for citizenship certificates, particularly in more mountainous areas. In Jumla, citizens and political parties asked the DAO to deploy mobile citizenship certificate distribution teams to reach individuals in remote areas. In the Far-Western Region, several interviewees have stressed that there should be coordination between the ECN and the MoHA to ensure that mobile campaigns go out before, or along with, enumeration teams. Such activities have been undertaken in Dolakha, independently from MoHA directives, and were well received by local citizens.<sup>19</sup>

While it is positive that an increasing number of individuals are applying for citizenship certificates in order to register to vote, it is difficult to assess the extent to which individually-initiated efforts are sufficient to resolve the issue. Regrettably, there has been little nationwide action taken by the MoHA to make effective arrangements to ensure all eligible Nepalis are in possession of citizenship certificates. The MoHA has issued directives to district administration officials to provide same-day citizenship certificates to applicants who meet the requirements; however, it has not launched, and is

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<sup>18</sup> While all government officials acknowledged that voter registration was a catalyst for increasing citizenship certificate applications, some officials noted that other factors could have also played a role, such as 16 year olds obtaining citizenship certificates after receiving School Leaving Certificates, the increasing trend towards out-of-country migration for work purposes (a citizenship certificate is required to obtain a passport), and the public service job recruitment calendar.

<sup>19</sup> There appears to be some support among district administration officials to conduct mobile campaigns to issue citizenship certificates should the MoHA issue a directive to do so. In Myagdi, the CDO had visited seven VDCs over the last year to conduct a citizenship certification distribution drive and lamented the fact that he had not been able to visit all remote areas before the registration process started.

not currently considering, any additional initiatives along the lines of mobile citizenship certificate distribution teams.

The Carter Center is concerned that individuals who are living in remote areas, or are elderly, infirm, or otherwise marginalized, may be left out of the voter registration process unless additional state-initiated efforts are undertaken, such as mobile distribution teams. The Center encourages the ECN to sustain its advocacy efforts on this issue, and encourages the MoHA to abide by the February 2011 Supreme Court decision which mandated that the government make effective arrangements for the issuance of citizenship certificates to eligible Nepali citizens. Moreover, international conventions and treaties which Nepal has ratified stipulate that the government has an obligation to take effective measures to ensure that all persons entitled to register are able to do so and that individuals are not unfairly disenfranchised on the grounds of age, race, and gender among other considerations.<sup>20</sup>

*b. Proof of Migration*

In March 2011, the ECN amended its policy regarding proof of migration to allow individuals to obtain a letter from the VDC or municipality office in their current residence as an acceptable form of proof of migration. In its first interim report, the Carter Center commended the ECN for implementing this measure, but noted that it was unclear how it would be implemented. The Center also expressed concern that there could be significant variation in the documents requested by VDC offices in different locations.

Observers who visited VDC offices in April and May found that there was indeed variation and that, in some cases, the documents requested by VDC offices to produce residence letters were the same the ECN has been requiring as proof of migration documents, i.e., land ownership and marriage certificates. VDC secretaries requiring that citizens produce such documents undermines ECN efforts to ease its proof of migration requirements and reduce barriers to registration. Compounding the problem is that, in multiple districts, observers found that district election officials, enumerators, and government officials had either not been informed or were misinformed about policy change regarding VDC residence letters:

- In Lalitpur, a VDC secretary said he would only provide a residence letter if an individual presented a land ownership certificate, marriage certificate or utility bills;
- In Syangja, VDC secretaries interviewed were unaware of the ECN policy change while the DEO said only individuals who owned property could obtain residence letters;
- In Surkhet, a VDC secretary was not aware of the policy change and said that a letter could only be produced if the individual presented a letter of out-migration from his or her home district;
- In Kailali, a VDC assistant said that he would only accept a letter of out-migration from an individual's home VDC or, exceptionally, an appeal from a long-time resident known to him;
- In Myagdi, the DEO was unaware of the policy change while an enumerator said that a letter could only be provided to an individual who had lived in a new location for more than 10 years.

While the ECN deserves credit for seeking to reduce burdens to registration, it is important that additional steps be taken to ensure that this policy change is not in vain. The Commission should coordinate with the Ministry of Local Development to ensure that guidelines for the issuance of VDC letters are reasonable and do not undermine efforts to increase access to registration to otherwise

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<sup>20</sup>The United Nations Universal Declaration of Human Rights Article 21 states that democratic elections are a human right and shall be based on universal suffrage. Several pursuant conventions and instruments oblige the government of Nepal to take all necessary measures to ensure that all who wish to participate in the governance of their country are able to do so, including the International Covenant on Civil and Peoples Rights Article 2, UN Human Rights Committee General Comment 25, as well as several covenants which prohibit disenfranchisement on grounds of race, nationality, ethnicity, sex, age, and other categories.

eligible citizens. Moreover, the ECN should also ensure that all registration staff are made aware of changes in policy so that policies can be applied uniformly and fairly.

#### 4. CONTINUOUS REGISTRATION

Individuals who were not able to register during the municipalities, bridging, or nationwide phase have the opportunity to register on an ongoing basis through continuous registration at the District Election Offices. In its first interim report, the Carter Center noted that continuous registration had not been well publicized and that, in the wake of the municipalities phase and during the bridging phase, relatively few individuals had registered through continuous registration.<sup>21</sup> Given the seemingly limited public awareness of continuous registration, the Center recommended that the ECN emphasize continuous registration in its voter education efforts, particularly targeting individuals in locations where voter registration had concluded.

Across districts visited, observers have reported that there has been a modest increase in the number of citizens who are registering via continuous registration in recent months. On average, it was estimated that approximately 30 to 50 individuals per day are visiting the DEO in districts such as Kailali, Kathmandu, and Lalitpur; between 10 and 30 per day are registering in Bara, Dang, Saptari and Surkhet; and around 10 per day are registering in Darchula, Jumla, Mahottari and Syangja.<sup>22</sup> As estimates, these rates must be viewed with some skepticism, but seem plausible when contrasted with continuous registration turnout figures: as of May 2011, 1,258 citizens were registered via continuous registration in Kailali; 1,382 in Lalitpur; 922 in Surkhet; 501 in Syangja; and 213 in Darchula.<sup>23</sup>

While the increase in turnout is positive, at the rates reported by DEO staff continuous registration alone appears to be insufficient to allow the ECN to reach its mid-July 2011 target and, in the longer term, the estimated total number of possible registrants. Moreover, the Carter Center has found that public awareness of continuous registration overall remains very limited and reiterates its recommendation that the ECN undertake voter education efforts to increase awareness of continuous registration. Finally, the Center reiterates a recommendation from its first interim report that consideration should be given to the possibility of establishing continuous registration locations outside district headquarters to provide increased access to potential voters once field-based voter registration has ended.

#### 5. DATA MANAGEMENT

In its first interim report, the Carter Center noted problems with the manner in which voter registration data was managed at the district and central levels, and specifically raised concern over data vulnerability at the local level and the weakness and inefficiency of data management at the central level. The Center recommended that the ECN review its data management processes and implement its operational plan to deploy servers to the district level for data security, aggregation, cleaning, and transfer purposes.

Data management is presently the weakest aspect of the ECN voter registration exercise. Several key components of the Commission's plan have yet to be implemented, including the establishment of a central data center; development, updating, and testing of data management software; and the creation

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<sup>21</sup> In its April report, the Center noted that, in five districts (Doti, Ilam, Kanchanpur, Kavrepalanchok, and Morang), election officials reported that around five people per day came to the DEO to register. In Kapilvastu, election officials reported that only four people had come to register at the DEO in total. In two districts, the average number of individuals per day who registered via continuous registration was higher: in Parsa, on average, about 25 individuals per day and, in Kathmandu, on average, approximately 40 to 50 individuals per day.

<sup>22</sup> Data from the bridging phase provides comparative perspective and illustrates the increase: during that phase, on average 1-2 people per day registered via continuous registration in Syangja; 2-4 people per day in Bara; 4-5 per day in Dang; and 5-8 in Mahottari.

<sup>23</sup> In a few of the 32 districts where there was no registration during the municipalities phase, the ECN had not yet launched continuous registration. However, in most of these districts, continuous registration has been initiated at some point in the past two months.

of an internal communications infrastructure, i.e., networking of computers for the real-time transfer of registration data at the central level, between the central and district levels, and between districts.

After months of delay, servers were deployed to all 75 districts in June and DEO staff received training on how to manage data using the servers. The servers will be used for securing and aggregating data, but not for cleaning data or transferring data to the central level because data cleaning procedures have not been established, nor does the internal communications infrastructure exist to enable data transfer. As a result, data collected at the district level must be transferred manually rather than via a secured network.

At present, the data of millions of voters remains at the district level and will only be amalgamated after the nationwide phase ends. Without access to registration data at the central level, the ECN is unable to perform quality control tests to evaluate data integrity, including the nature and frequency of mistakes which may exist. Moreover, the ECN has not developed policies and procedures for duplicate registration removal while only partial tests have been run assess challenges to identifying and removing duplicates. Given that data cleaning and removal of duplicates are often time and labor-intensive processes, it is necessary for the ECN to begin performing quality checks and tests as soon as possible.

One reason for the weakness of the data management process is the limited staff capacity within the ECN to manage key information technology (IT) components. At present, the Commission does not have the capacity to develop necessary internal communications and data management infrastructure and is being supported by external technical experts who have outsourced software development and updating tasks to private contractors. The ECN should consider hiring staff with the required IT skills as well as build existing IT staff capacity to be able to manage processes related to data management and ensure that the voter register that is created is properly maintained. For effective long-term management, the capacity for software development and data management should also be built ‘in-house.’

Overall, it is important for the Commission to prioritize data management. Specifically the ECN should: establish a central-level data center; develop and update voter registration software; create an internal communications infrastructure; establish procedures for cleaning data, notably for identifying and removing duplicates; and ensure sufficient IT staff capacity to manage and maintain the process.

## 6. NATIONWIDE PHASE

### a. *Voter Education*

In its first interim report, the Carter Center found that voter education efforts during the bridging phase were generally weak and inadequate while enumeration was by far the most widely acknowledged means of learning about the voter registration process by citizens. At the time of the report’s release, the Center noted that the ECN had already taken steps to increase voter education efforts during the nationwide phase and recommended that the Commission ensure such efforts were conducted well in advance of enumeration and voter registration exercises.

During the nationwide phase, observers saw a modest improvement in voter education efforts, specifically an increase in the visible numbers of posters as well as more frequent radio jingles and television advertisements. Based on interviews with 80 citizens in six districts, enumerator visits remained by far the most prominent source of voter education (61 people). However, a significant minority reported learning about the voter registration process via radio (28), poster (16), or television (8). Aside from enumeration, in all other categories there was a notable improvement when compared to findings from the bridging phase (at that time out of 98 citizens interviewed, 12 learned via radio, 13 via poster, and 4 via television).

Observers noted that national and district-level-initiated voter education efforts appeared to be more prominent sources of voter education than local-level (VDC and registration place) efforts. While observers reported that several VDC-level voter education efforts such as public rallies, street dramas, and community interactions were held, there was little consistency, efforts varied by VDC and appeared to be largely dependent upon the commitment of local stakeholders.

Observers generally noted improvement in citizen understanding of the registration process as compared to the bridging phase. The majority of citizens interviewed were aware of the reason why they were expected to register; some noted that it would make future elections more free and fair by deterring voter fraud (or “proxy voting”) while many were aware that they would receive a national ID card. A minority of individuals interviewed did not understand the reason for registration, but many of those individuals still visited the registration place to have their photos taken as instructed by enumerators.

#### *b. Enumeration*

In its first interim report, the Carter Center noted that, while enumerators have largely been able to meet their daily enumeration targets, difficult terrain and lack of citizen awareness of the registration process prior to enumerator visits slowed their efforts in some areas. During the nationwide phase, observers found that many enumerators interviewed were able to meet their targets - 35 individuals per day in the Tarai, 25 in the hills and mountains - as well as make repeat visits to homes when necessary. A modest increase in voter education efforts has seemingly facilitated enumeration efforts; most enumerators reported that citizens were either always or sometimes aware of the reasons for their visits and, thus, were ready with their proof of voter eligibility documents for enumeration. However, some enumerators had difficulty meeting enumeration targets, notably in mountain districts due to geographical inaccessibility.<sup>24</sup>

Prior to the nationwide phase, enumeration had been generally conducted by teams of two enumerators, often of one man and one woman. During the nationwide phase, enumerators worked individually, however this does not appear to have negatively affected their efforts. In one or two cases, enumerators told observers that they believed it was more effective to work in teams because one individual could ask questions while the other completed the enumeration form.

Similar to the bridging phase, the most common challenge faced by enumerators across districts visited was that individuals were not at home during the time of their visit, i.e., individuals who were living in the district visited, but were working or otherwise away from home during the day. The vast majority of enumerators interviewed by observers reported that they enumerated individuals who were not at home of the time of their visit but whose documentation was presented by another member of the household. It was commonly explained that if an individual was not at home at the time of a visit, but was living in the district and could visit the registration place during the registration period, s/he could be enumerated.<sup>25</sup>

Observers were unable to obtain precise figures regarding which categories of individuals could not be enumerated for various reasons. However, based on aggregate feedback from enumerators, it appears that males in their 20s and 30s have been most difficult to enumerate across districts visited, primarily because they were working in other districts or abroad; young males and females under the age of 25 were often equally unable to be enumerated because they had never applied for citizenship certificates; and many older men and women above the age of 50 could not be enumerated primarily

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<sup>24</sup> It is often noted by enumerators that in mountainous districts, houses are very far apart so that meeting enumeration targets can be a challenge. In Solukhumbu, one enumerator was asked to visit 30 individuals per day, but was regularly unable to meet his target because of the distances between houses as well as the difficulties of traversing the terrain.

<sup>25</sup> Although this practice is contrary to ECN policy, which states that an individual must be physically present in order to be enumerated, many enumerators assessed that an unacceptable number of people would be missed if the policy were strictly followed. An alternative would be for enumerators to emphasize that individuals not at home during the visit can be enumerated in person at the registration place.

because they did not possess citizenship certificates. A few enumerators reported that older citizens could not be enumerated in some cases because they could not remember their grandparents' or parents' names.

### *c. Voter Registration*

During the bridging phase, the Carter Center found voter registration at registration places to be peaceful and largely without incident, and registration staff appeared to be generally well-trained and capable of managing minor problems as they arose. The same was observed during the nationwide phase; observers generally rated the process at registration places as "good" or "very good" in terms of the organization of the registration places, quality of the process, and capacity of registration staff. In some cases, Carter Center observers reported registration staff making extra efforts to make the registration process effective, such as in one registration center in Jumla that opened very early in the morning to facilitate easier access for citizens due to the planting season.

Based on its findings during the bridging phase, the Carter Center made multiple recommendations to the ECN aimed at strengthening technical aspects of the registration process, including: ensure that individuals who have not been enumerated are able to register at voter registration places; ensure that computer operators confirm data with registrations at the voter registration place; address problems in capturing fingerprint scans of registrants; and ensure that computer operators instruct registrants to keep their proof of registration receipts and inform them why this is important. During the nationwide phase, observers visited 27 registration places and found that:

- Unlike during the bridging phase, individuals who were not previously enumerated were able to be enumerated on site. In the majority of cases, an enumerator was present at the registration place; in a few locations, the registration place manager or registration place assistant performed enumeration duties.
- In half of registration places visited, observers found that computer operators rarely or never confirmed entered data with applicants at the registration place; in one-quarter of places, registration data was only sometimes confirmed with the applicant. As a result, an opportunity to reduce data entry mistakes that will need to be corrected at a later date, but which could have been easily corrected on site, was lost.
- Registration officials continued to have frequent difficulties in capturing registrant fingerprints, specifically of those whose fingers were dirty or excessively worn. In only two locations did observers find that isopropyl alcohol was available to clean registrants' fingers before scanning.<sup>26</sup>
- In all locations, computer operators provided registrants with stamped enumeration receipts as proof of registration. However, rarely were applicants instructed to keep the stamped receipt as proof of registration should the individual need it a later date, such as during the exhibitions and challenges period. Where citizens had been informed of the need to keep the receipt, the most common reason given was that they would need it in order to collect their national ID cards.

Aside from these issues, there have been some technical problems as the registration process has moved forward, seemingly due to equipment wear and tear. In a few districts, laptops, webcams and fingerprint scanners have malfunctioned. However local DEO staff and ECN central representatives have generally replaced or repaired equipment in a timely manner to avoid disruption of the registration process. Generator problems have been the most common and difficult to manage; DEO staff have frequently reported generator overheating and breakdowns, resulting in regular, but temporary, cessations of registration.

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<sup>26</sup> In some places, registration place staff told observers that they were instructed not to use isopropyl alcohol for fear of damaging the scanner.

#### *d. Voter Participation*

Based on interviews conducted by Carter Center observers,<sup>27</sup> the majority of citizens said that they had either registered or intended to register to vote. Of 100 persons interviewed at random, 81 had either registered to vote or planned to register in the coming days; 15 persons interviewed were deemed ineligible because they did not possess citizenship certificates; and four persons were deemed eligible, but did not intend to register. Among the 15 individuals who did not possess citizenship certificates, nine expressed an intention to obtain them soon in order to register to vote. Of the remaining six who did not plan to obtain them four were young females who did not “have the time” or didn’t see it as a priority, one was a young mother who could not make the trip to the district headquarters with her young baby, and one was an elderly woman who was unable to make the three-hour trip on foot to the district headquarters. Of the four individuals who were deemed eligible but did not intend to register, three said the registration place was too far and one man said he was busy with religious rituals and did not have time.

### 7. POLITICAL PARTY AND CIVIL SOCIETY PARTICIPATION

Similar to the bridging phase, the Carter Center has found political party participation during the nationwide phase of the voter registration process to be very weak. It is understood that political parties are holding internal meetings to raise awareness within their ranks about the voter registration process; however, there are few examples of political parties conducting public activities or supporting registration. Among 100 persons interviewed by observers, only four said that they had heard about the voter registration process via a political party interaction. Observers reported the presence of party cadres at a small number of registration places although it was unclear whether these individuals were deployed by the party or had come to the registration place at their own initiative. Party cadres interviewed generally stated they were present to help registration staff, not to observe the process.<sup>28</sup>

In all districts visited, DEOs have conducted meetings with political parties, civil society organizations and journalists to keep them informed about the voter registration process. As a means of promoting greater political and civic participation in the process, the ECN has been working to establish Local Coordination Committees (LCC) at the district and VDC levels composed of election officials, government officials, political parties, civil society organizations, and respected local individuals. Observers found LCCs had been formed in some districts visited and, in several locations participants regarded them as positive mechanisms to support the voter registration process. For example, in one VDC, the LCC was found to be dividing up voter education responsibilities among committee participants. However, in many districts visited, the LCC appeared to struggle to engage the broad range of stakeholders hoped for, and some participants were unclear on its intended role.

### 8. EXHIBITIONS & CHALLENGES

After the aggregation and cleaning of voter registration data, a provisional voters’ list is expected to be compiled and presented for an exhibitions and challenges period. In its first interim report, the Carter Center noted that the ECN did not have plans or procedures for an exhibitions and challenges period and recommended that the Commission ensure a plan is defined for implementation following the end of the voter registration exercise. As field data collection may soon draw to a close, the ECN should develop a plan that includes a detailed timeline and procedures for the distribution of a provisional voters’ list to political parties for review, posting of the list in accessible locations for public scrutiny, filing of claims and objections related to registrants and registrant details, adjudicating related claims and objections, correcting or recapturing of voter details, and responding

<sup>27</sup> Not based on a scientific sample. Interview findings are strictly illustrative and cannot be generalized or considered representative of the country as a whole.

<sup>28</sup> In Myagdi, observers found party cadres helping to manage queues and find enumeration forms at registration places while, in Surkhet, party cadres present at a registration place were not seemingly directed by the party to observe the process and objected to the term “agents,” describing their role at the registration place as “facilitative” and “supportive.”

to challenges. The Carter Center encourages the ECN to promptly engage in internal and external consultations to define its plan for the exhibition and challenges process.

## 9. CIVIL REGISTRY

The sustainability of the voter register that is being created through the current process is dependent on regular maintenance and updating. As part of the ECN voter registration project document, it is envisioned that data collected by the Commission will be provided to the MoHA for the purposes of creating a civil registry which will be constantly updated. In turn, the civil registry would be used to facilitate the updating of the voter register, for example to account for citizens who have relocated or passed away. Thus, the MoHA will ultimately play a critical role in ensuring the sustainability of the new voter register. It is understood that there has been relatively little coordination between the ECN and MoHA on efforts to create a civil registry as the ECN and MoHA have yet to establish modalities for sharing data and updating registration information. It is important that the ECN and MoHA increase coordination efforts and ensure policies and procedures are in place before the end of the current registration exercise. Such coordination and linkages will serve to ensure the sustainability of the voter registration program.

## 10. VOTER REGISTRATION TIMELINE

In its first interim report on the voter registration process, the Carter Center noted that the ECN has experienced some difficulty in conducting voter registration in accordance with its established calendar of activities, largely due to factors beyond its control. As a result of extended Supreme Court deliberations, the timeline for registration activities had to be compressed during the nationwide phase.<sup>29</sup> Moreover, due to political party obstructions, the ECN has only been able to conduct registration in select parts of some districts to date. Given these factors, the Center recommended that the ECN extend its field-level registration campaign for three months beyond mid-July 2011 to ensure that all eligible individuals were afforded a reasonable and sufficient opportunity to register in their localities.

At present, the ECN has not formally announced any plans to extend field-based voter registration beyond mid-July. As previously noted, it appears the Commission will not be able to complete field-level registration in all locations as planned due to delays and party obstructions, both ceased and ongoing. The ECN should make provisions to ensure that registration is conducted in all municipalities and VDCs to ensure that all individuals are provided with an opportunity to register in their home locations. This includes the re-opening of voter registration places wherever possible in locations that were affected by obstructions during all previous phases. In addition, as mentioned earlier, the Commission should give serious consideration to conducting a “missed” registration exercise to open registration centers in all municipalities and VDCs in an effort to reach out to citizens who did not register during previous phases.

Finally, the ECN calendar that is presently being used to guide voter registration activities is no longer accurate or relevant. There are activities that are currently being conducted, such as out-of-district voter registration, which had not been planned and are not reflected in the calendar. There are also activities, including several data management activities, which have not been conducted as planned and remain outstanding, or which will need to be rescheduled, such as a July exhibitions and challenges process. Last, there are activities that are not presently scheduled, such as a “missed” registration exercise, which should be conducted and need to be scheduled. The Carter Center strongly encourages the ECN to develop a new voter registration calendar to track progress and schedule activities accordingly.

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<sup>29</sup> Supreme Court deliberations concerning the constitutionality of aspects of the voter registration program meant that the ECN was unable to launch its nationwide phase of voter registration in December 2010 as planned and proceeded with a “bridging” phase instead. The nationwide phase formally began in March 2011.

## VI. Conclusion & Recommendations

The Carter Center commends the positive efforts undertaken by the ECN thus far to ensure that all Nepalis who wish to register to vote are provided with the opportunity to do so. Since the outset of the voter registration process, the Commission has faced many challenges – political, legal, and administrative – but has continually demonstrated flexibility and good will as the registration process has gone forward. The Center recognizes the hard work and dedication of all ECN officials it has encountered and congratulates the ECN on its successful registration of nearly eight million Nepali citizens. The Carter Center encourages the Commission to build on its 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:

### **The Election Commission of Nepal should:**

**Extend its ongoing voter registration exercise as necessary to ensure voter registration is conducted in all locations as planned.** It appears the ECN will not be able to complete field-level registration in all locations as planned due to delays and party obstructions, both ceased and ongoing. The ECN should make provisions to conduct registration in all municipalities and VDCs to ensure that all individuals are provided with an opportunity to register in their home locations. This includes the re-opening of voter registration places wherever possible in locations that were affected by obstructions in previous phases.

**Conduct a “missed” voter registration exercise to reach individuals who have missed registration to date.** The Carter Center commends the ECN for affording an increased opportunity for citizens to register via out-of-district registration, but believes that greater efforts are required to reach citizens who have thus far not registered for whatever reason. It is understood that the ECN is considering a “missed” voter registration exercise whereby the Commission would open registration centers in each municipal ward and VDC from August to November 2011. Given that time is available to conduct registration activities, the Center strongly encourages the ECN to implement a “missed” registration exercise. This would maximize access and opportunities for individuals to register in their home localities or where they have relocated.

**Develop a new, realistic voter registration calendar to track progress and schedule activities according to a new timeline.** The ECN calendar that is presently being used to guide voter registration activities is no longer accurate or relevant. There are activities that are currently being conducted which are not included on the existing calendar as well as activities which have not been conducted as planned and need to be rescheduled.

**Prioritize implementation of the data management plan and ensure that sufficient IT staff capacity exists to manage the process.** Data management is presently the weakest aspect of the ECN voter registration exercise as several key components of the Commission’s plan have yet to be implemented. It is important that the ECN prioritize data management, specifically to establish a central level data center; develop and update voter registration software; create an internal communications infrastructure; establish procedures for cleaning data, notably identifying and removing duplicates; enhance the capacity of existing IT staff to manage the process and consider recruiting additional skilled IT staff as necessary to maintain the voter register.

**Continue efforts to reach an agreement with Madhesi political parties to end voter registration obstructions.** The Carter Center commends the ECN on its successful efforts to reach an agreement with the FDNF-affiliated FLSC to end its obstructions and understands that, in coordination with the MoHA, the Commission is presently seeking an agreement with Madhesi parties. The ECN should

sustain its high-level dialogue to bring an end to ongoing Madhesi party obstructions in several Tarai districts where registration efforts have been sidetracked or halted and to prevent further obstructions.

**Continue lobbying the government to make effective arrangements to issue citizenship certificates to all eligible citizens.** The Carter Center encourages the ECN to sustain its advocacy efforts to encourage the MoHA to abide by the February 2011 Supreme Court decision which mandated that the government make effective arrangements for the issuance of citizenship certificates to all eligible Nepali citizens. The Center has found that the citizenship certificate issue is a nationwide issue, not limited to any one region or to a particular ethnicity or gender. Positively, individuals are increasingly applying for citizenship certificates. However, it is difficult to assess the extent to which these individually-initiated efforts are sufficient to resolve the issue. The Center is particularly concerned that individuals who are living in remote areas, or who are elderly, infirm, or otherwise marginalized, may be left out of the voter registration process unless additional state-initiated efforts such as mobile distribution teams are undertaken.

**Establish continuous registration locations outside district headquarters to provide increased access to potential voters.** Across districts visited, observers have reported that there has been a modest increase in the number of citizens who are registering via continuous registration. While the increase in turnout is positive, at the rates reported by DEO staff continuous registration alone appears to be insufficient to allow the ECN to reach its mid-July 2011 target and, in the longer term, the estimated number of possible registrants. In addition to conducting a “missed” registration exercise, the Center believes that the establishment of continuous registration locations in municipalities and clusters of VDCs outside the district headquarters would afford appropriate access and opportunity for potential voters.

**Ensure voter education efforts are tailored to increase awareness of out-of-district registration and continuous registration.** The ECN’s decision to afford increased opportunity for individuals to register via out-of-district registration is commendable but will be effective only insofar as the public is aware of its existence. Additionally, given the relatively low number of individuals who have registered via continuous registration to date, the Center believes public awareness of continuous registration may be limited. The ECN should conduct voter education efforts to emphasize awareness of both out-of-district registration (particularly if a “missed” registration exercise is conducted) and continuous registration.

**Correct minor weaknesses in technical and procedural aspects at registration places.** At most registration places, the process appears to be largely sound both technically and procedurally; however, minor weaknesses persist that should be corrected. In particular, the ECN should: ensure that computer operators confirm data with registrants at the voter registration place to reduce the possibility of mistakes in registrant information or via data entry that would need to be corrected a later date; address problems in capturing fingerprint scans of registrants, most commonly due to dirty or excessively worn fingerprints; and ensure that computer operators instruct registrants to keep their proof of registration receipts and inform them why this is important.

**Define procedures and a timeline for the exhibitions and challenges process.** As field data collection may soon be drawing to a close, the ECN should make a plan that includes a detailed timeline and procedures for the distribution of a provisional voters’ list to political parties for review, posting of the list in accessible locations for public scrutiny, filing of claims and objections related to registrants and registrant details, adjudicating related claims and objections, and correcting or recapturing of voter details. The Center encourages the ECN to promptly engage in internal and external consultations to define its plan for the exhibition and challenges process.

**Increase coordination with the MoHA to facilitate creation of civil registry.** The sustainability of the voter register that is being created through the current process is dependent on regular maintenance and updating. It is understood that there has been relatively little coordination between the ECN and the MoHA on efforts to create a civil registry as they have yet to establish modalities for

sharing data and updating registration information. It is important that the ECN and the MoHA increase coordination efforts and ensure policies and procedures are in place before the end of the current registration exercise.

**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. Moreover, the Government of Nepal has an obligation under international principles for democratic elections to take effective measures to ensure that all persons entitled to register are able to do so. Regrettably, there has been little action taken by the MoHA to date beyond directives to DAO staff to provide same-day citizenship certificates to applicants who meet the requirements. A mobile citizenship certificate distribution campaign, such as the one conducted by Dolakha DAO officials, would be a positive effort in accordance with the Supreme Court order.

**Continue efforts to support the ECN to end ongoing obstructions by Madhesi political parties.** The Government of Nepal should make use of all its good offices to support the ECN in reaching an agreement with Madhesi parties and ensuring the security of ECN staff.

**Political Parties and Civil Society should:**

**Play a more active and supportive role in the voter registration process.** In some places, the ECN-established Local Coordination Committees are helping to improve political party and civil society participation in the process. However, there continues to be little evidence that political parties or civil society organizations are conducting public activities to raise awareness of the registration process or encouraging eligible individuals to register. It is in the interest of all parties to support the registration process now by mobilizing potential supporters to register.

**Madhesi parties obstructing the voter registration process should use proper legal channels to raise their grievances and should ensure that their protests are peaceful.** The Madhesi political parties which are obstructing the process should show flexibility regarding their demands and should use proper legal channels to raise their grievances. They should also proactively assist all eligible Nepali citizens in obtaining citizenship certificates.