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The House of
Representatives and State
Assembly Election, 2017



Monitoring Report

National Human Rights Commission
Harihar Bhawan, Lalitpur
2018

**The House of Representatives and State
Assembly Election, 2017**

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Foreword

Periodic election is the foundation of both citizens' participation in the governing system of the State mechanisms and the State's accountable governance towards the citizens. As popular mandate is expressed through the medium of election and the country is governed based on it, election is fundamental and inevitable part of democracy. As only free and fair election would give the real mandate of the people and as only a people's elected and accountable governance would help develop a culture of human rights, the National Human Rights Commission monitored the House of Representatives and State Assembly elections 2074 (2017) from the perspective of human rights. In the House of Representatives and State Assembly elections held in two phases, the National Human Rights Commission monitored the political parties' right to campaign in an independent and fearless atmosphere, voter's right to vote for candidate of one's choice without any fear, the priority to be accorded to the senior citizens, people with disabilities, physically challenged, pregnant and lactating mothers in the election, and also the overall situation of human rights during the election. This report has been prepared with the objective of making public to the ordinary citizens the conclusion of the same monitoring.

How was the election of the House of Representatives and State Assembly 2017 from the human rights perspective, and the fact-based information about the same have been presented in this report along with recommendations for concerned stakeholders in regards to the shortcomings seen in course of the election and guidelines for the future. I also hope that this report would remain as an archive. The National Human Rights Commission is confident that the report would be useful to future researchers and all those who will be mobilized in the forthcoming elections.

Finally, extending gratitude to the Commission office-bearers, secretary, regional/sub-regional office heads, division heads and all the employees who were involved in the monitoring work and to the distinguished personalities of the civil society, I would like to express special thanks to the Commission employees who worked to give final shape and publish this report.

Anup Raj Sharma
Chairperson

May, 2018

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Summary of the Report

The National Human Rights Commission monitored the election of the House of Representatives and the State Assembly-2017, from the human rights perspective held in two phases. The Commission has published this report by monitoring the situation in the pre-election, During Election and post-election period. A high-level monitoring team comprising of the Honorable Chairperson of the Commission, the members, the Secretary, former office-bearers as well as prominent civil society personalities, senior human rights workers and media persons also monitored the election. During the monitoring, the Commission had a focus on established principles of human rights, national and international provisions and the concerns of the ordinary citizens in the election. Awareness-raising messages to alert people about the possible human rights violations during the election and linking the importance of election and human rights issues were disseminated and published through various radio stations and newspapers in the country. Appealing to all voters to take part in the election and elect able candidates, the Commission also issued appeals to the political parties, the Election Commission, the Government of Nepal and other stakeholders to hold the election in a free, fair and peaceful manner, while press statements were also released from time to time calling for orderly elections and to address the contemporary issues.

The current Constitution recognizes the importance of election by talking about adult franchise and periodic elections in the preamble itself while Article 84 provides for composition of the House of Representatives and Article 176 for the composition of State Assembly. Other laws concerning with Nepal's election process are the Election Commission Act, 2073, House of Representatives members Election Act, 2074, State Assembly members Election Act, 2074, Voters list Act, 2073, Election (crime and punishment) Act, 2073, Political Party Act, 2073 (including first amendment), Election Commission Regulations, 2073, Political Party regulations, 2074, House of Representatives members Election Regulations, 2074, State Assembly members Election Regulations (with amendment), 2074, House of Representatives members Proportional

Election (second amendment) Directives, 2074, State Assembly members' Proportional Election (second amendment) Directives, 2074, House of Representatives members and State Assembly members election (vote count) Directives, 2074, House of Representatives members and State Assembly member election (third amendment) Directives, 2074, House of Representatives members and State Assembly members election (second amendment) Directives, 2074, House of Representatives members and State Assembly member election (first amendment) Directives, 2074, House of Representative members and State Assembly member election Directives, 2074, House of Representatives members Proportional election (with amendment) Directives, 2074, State Assembly member Proportional election (with amendment) Directives, 2074, House of Representatives members and State Assembly member election (voting) Directives, 2074, House of Representatives members and State Assembly member election Code of Conduct monitoring Directives, 2074, Voter Education Programme Implementation Directive, 2074, House of Representatives members and State Assembly members dispute settlement Directives, 2074, House of Representatives members and State Assembly members election (security management) Directives, 2074, House of Representatives members and State Assembly members election (human resource management) Directives, 2074, House of Representatives members and State Assembly members election (offense and penalty) Directives, 2074, House of Representatives members and State Assembly member election monitoring Directives, 2074 and House of Representatives members and State Assembly members election observation policy, guidelines and code of conduct, 2074.

The Universal Declaration of Human Rights, 1948 has, in Article 21, provided that everyone has the right to take part in the government of his country, directly or through freely chosen representatives, to equal access to public service in his country while the will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage, and shall be held by secret vote or by equivalent free voting procedures. Likewise, the International Covenant on Civil and Political Rights, 1966 Article 25 guarantees the right to take part in the conduct of public affairs, directly or through freely chosen representatives while the Convention on Elimination of All Kinds of Discrimination Against

Women, 1979 Article 7 ensures that women have, on equal terms with men, the right to vote in all elections and public referenda and to be eligible for election to all publicly elected bodies. Likewise, the International Convention on Elimination of All Forms of Racial Discrimination, 1965 guarantees the right to participate in elections-to vote and to stand for election-on the basis of universal and equal suffrage while the Convention on the Rights of Persons with disabilities, 2006 ensures that persons with disabilities can effectively and fully participate in political and public life on an equal basis with others, directly or through freely chosen representatives, including the right and opportunity for persons with disabilities to vote and be elected. The Convention also provides that voting procedures, facilities and materials are appropriate, accessible and easy to understand and use, while protecting the right of persons with disabilities to vote by secret ballot in elections and public referendums. Hence, one cannot deny the fact that periodic elections and its entire process must be made human rights-friendly.

According to facts received from the monitoring by the Commission, the election to the House of Representatives and State Assembly, 2017 is found to have been held peacefully on an average. In course of the election, one temporary police person died after being injured in a bomb blast while candidates and the vehicles carrying them came under attack in districts like Bhojpur, Udayapur, Nuwakot, Kathmandu and Tanahu. In some places, discovery of bombs and blasting of explosive materials created a terror among the ordinary citizens while some candidates and cadres were injured in sporadic clashes that took place in some locations. Apart from these, no serious violation of human rights took place. In the voting, encouraging participation was seen of women, elderly citizens and people with disabilities. In course of the election, no incident was recorded of anyone being discriminated on the basis of gender, religion, ethnicity and political faith. The parties and candidates participating in the election did not have to face any obstruction during their campaigning and, mass meetings and gatherings. The voters were also not deprived of voting for the candidates of their own choice while they did not have to vote under duress or pressure and undue influence of any side. The right to confidentiality of the voters was found to have been protected. Voters however were found complaining that the voter education was not sufficient and effective, many were confused about how many votes (symbols) they had to mark during the voting and that even the voter

educators mobilized for voter education were confused and could not provide the right information about the voting. Proper arrangement was not made for production and dissemination of voter education materials for the citizens with disabilities, intellectual disabilities and differently able persons. Many voters who were in the voters list did not receive their voter ID card while some with a voter ID card did not have their names on the voters list. The parties were found to have used children in their election campaigning, demonstration and mass meetings. Sufficient arrangement was not made to ease transportation for the senior citizens, lactating mothers, the sick and persons with disabilities. All the voting centres lacked sufficient drinking water, toilet and first-aid facilities.

Analysis of the facts received from the monitoring of the Commission shows that there are many areas of improvement. This report recommends to the Government of Nepal to manage voting centers to make it easily accessible to the senior citizens, women and people with disabilities and the sick person, and to ensure an atmosphere whereby the general citizens can vote in a fearless atmosphere. Likewise, the Election Commission has been recommended to make voter education effective, select voting centre that are women, senior citizens and disabled-friendly, give attention to availability of drinking water, toilet, first aid, remove shortcomings in the voter identity card, make employees mobilization and change of shifts effective, ensure that there is no situation of tearing of ballot papers and re-polling, and to strictly enforce the election code of conduct. Similarly, the political parties have been appealed to follow the election code of conduct and stop using children, while the observers have been suggested to carry out the observation impartially.

Preliminary Part

1.1 Background

Election is the basis for exercising of the citizen's sovereignty and the medium to grant legitimacy to the government. Democracy and human rights cannot be imagined without periodic elections. So, majority of the democratic countries of the world have been practicing periodic elections by recognizing it as a binding condition of democracy. Election should be clean, fair and rigging-less, and fearless and inclusive in nature. In fact in an election, adoption of periodic and democratic processes and people's participation needs to be ensured. The exercise done beyond this will not become election in real sense but nothing more meaningful than selection or nomination.

There is no doubt that the election to the House of Representatives and State Assembly, 2017 held under federal structure as per the new constitutional provision will play an important role in the implementation of the present Constitution of Nepal. As election is a mode of expression of popular mandate and way to strengthen the democratic system, election is regarded as the jewel of democracy. As respect and protection of individual's human rights and its effective enforcement is possible only in a democratic rule, election and human rights are regarded as synonym to one another. The more independent, impartial and dignified an election is, higher the people's faith towards it. A government formed with popular mandate received through free and fair elections will be accountable towards the people's aspirations. And only the government accountable towards the people's aspirations can respect and protect democratic norms and human rights. Hence, free, fair and dignified elections are inherently linked with human rights.

The National Human Rights Commission teams monitored the election of the House of Representatives and State Assembly held in two phases in 26 November and 7 December 2017 in 72 districts of the country directly while the remaining five districts were monitored indirectly, from the perspective of human rights. Based on the data collected from the

monitoring of the Commission, the present report makes recommendations to the stakeholders to address the shortcoming and problems, and work towards making necessary reforms in the future.

1.2 Objectives of the Report

The objectives of the monitoring report of the election to the House of Representatives and State Assembly, 2017 is as follows:

- a. To make public the data collected from the monitoring of the election to the House of Representatives and State Assembly, 2017,
- b. To make recommendations and suggestions to the concerned stakeholders in regards to the problems and challenges seen based on the facts received from the monitoring.

1.3 Monitoring methodology

The following monitoring methodology was adopted while monitoring the election to the House of Representatives and State Assembly, 2017 from the human rights perspective:

- (a) Collection of primary data,
- (b) Necessary discussion, dialogs and collection of required information from the Election Commission, heads of security agencies, offices of the Chief Election Officers, Offices of the District Election Officer, the District Administration Offices and District Police Offices,
- (c) Formation of monitoring teams comprising high-level office bearers and employees, and onsite mobilization,
- (d) Discussion and interaction with candidates and voters,
- (e) Collection of photographs related to the subject matter,
- (f) Receiving information from mass media, testing their validity and use.

1.4 District monitored

The National Human Rights Commission monitored the election of the House of Representatives and State Assemblies held in two phases on 26 November and 7 December 2017 from the perspective of human rights. The election was held on November 26 in 32 districts in the first phase and in the second phase on December 7 in 45 districts. Of the 32 districts where the election was held in the first phase, NHRC monitoring teams

did not reach the high mountainous districts of Manang, Mustang, Dolpa, Bajura and Humla but received information from the media and security agencies as facts for those districts. In the remaining districts, the Commission concluded the monitoring work by mobilizing its own teams.

1.5 Monitoring by high-level team

Various seven high-level teams monitored the election of the House of Representatives and the State Assembly, 2017. The high-level monitoring team comprised H'ble chairperson and members, the Secretary of the Commission, former office-bearers, human rights workers, civil society leaders and media persons.

1.6 Limitations of the Monitoring Report

The limitations of the monitoring report are as follows:

- a. This report is not concerned other than the facts received from the monitoring from the human rights perspective of the pre, during and post-election period of the election of the House of Representatives and State Assembly held in two phases on November 26 and December 7, 2017.
- b. In regards to the high mountainous districts including Manang, Mustang, Dolpa, Bajura and Humla where the first phase of election held there on November 26, 2017 and NHRC monitoring teams could not reach , the information collected from the media and security agencies have been received as the facts.
- c. The details prior to the NHRC monitoring teams leaving for the monitoring of the election to the House of Representatives and State Assembly held on November 26 and December 7, and after they returned upon completion of their task have not been included in this report.

1.7 Structure of the Report

There are five chapters in this report. Chapter one-Preliminary part, Chapter two-Foundation of General Elections, Chapter three-Commission's activities, Chapter four-District-based data received from the monitoring, Chapter five-Analysis, Conclusion and Recommendations and Suggestions, and at the end Annex has been included.

Chapter two

Country's contemporary situation

Election is recognized as an important and binding tool of a democratic system, as people's aspiration are expressed and governance as per the popular consent is established through the medium of election. It is also inevitable for rule of law and human rights. Human rights cannot be imagined in governance which does not comprise the people's consent and does not follow any system. As a result, human rights and periodic elections are synonyms to one another. The more independent, impartial and dignified an election is, the higher is people's faith towards it. Election founded on people's trust and institutions established through it will always be owned by the people.

Any election needs to be credible and universally accepted. For this, the support and wish of the parties and candidates who take part in the election and of the voters play a very big role. Also, positive support, collaboration, assistance and consensus of all sides are essential for holding the elections successful. This chapter discusses on what the situation from the political and legal perspective was for free, fair and rigging-free elections.

2.1 Political aspect

The unique situation that developed following the ten years armed rebellion, the end of monarchy and establishment of a federal democratic republic are matters of historical importance. As per the new constitutional provision, the local level elections were held in three phases on 14 May, 28 June and 18 September, 2017. The election to the House of Representatives and State Assembly was held in two phases on November 26 and December 7, 2017. Though some parties and groups had disagreement and differences over the local level election, and did not take part, it did not lead to any significant dispute and incidents of serious human rights violation because all the remaining parties had joined hands to take part in the election. With support and participation of all sides and parties, there was an atmosphere where the citizens could take part in the elections in an active, peaceful and enthusiastic manner.

2.2 Legal Aspect

The right of the ordinary citizens to select their representatives through periodic election and through them join the governance of the country has been recognized with importance in various national and international legal instruments. There is no doubt in the fact that free, fair and rigging-less election is the foundation of democracy, and it is through it that rule of law can be institutionalized and human rights respected and protected. In this context, the national and international instruments that come in the picture in relation to election have been discussed in general here:

2.2.1 National Instruments

a. The Constitution of Nepal

The Constitution of Nepal recognizes the importance of elections by talking about adult franchise and periodic elections in the preamble itself while Article 84 provides for formation of the House of Representatives and Article 176 for the formation of the State Assembly.

b. Details of election-related Act, regulations, directives and Code of Conduct

The Acts, regulations, directives and code of conduct related to the election to the House of Representatives and State Assembly, 2017 are as follows:

Election Commission Act, 2073, House of Representatives member Election Act, 2074, State Assembly member Election Act, 2074, Voters list Act, 2073, Election (crime and punishment) Act, 2073, Political Party Act, 2073 (including first amendment), Election Commission Regulations, 2073, Political Party regulations, 2074, House of Representatives member Election Regulations, 2074, State Assembly member Election Regulations (with amendment), 2074, House of Representatives member Proportional Election (second amendment) Directives, 2074, State Assembly member Proportional Election (second amendment) Directives, 2074, House of Representatives member and State Assembly member election (vote count) Directives, 2074, House of Representatives member and State Assembly member election (third amendment) Directives, 2074, House of Representatives member and State Assembly member election (second amendment) Directives, 2074, House of Representatives member and State Assembly member election

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2.2.2 International instruments

a. Universal Declaration of Human Rights, 1948, Article 21

1. Everyone has the right to take part in the government of his country, directly or through freely chosen representatives.
2. Everyone has the right to equal access to public service in his country.
3. The will of the people shall be the basis of the authority of government; this shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures.

b. International Covenant on Civil and Political Rights, 1966 Article 25

Every citizen shall have the right and the opportunity, without any of the distinctions mentioned in article 2 and without unreasonable restrictions:

- (a) To take part in the conduct of public affairs, directly or through freely chosen representatives;

- (b) To vote and to be elected at genuine periodic elections which shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electors;
- (c) To have access, on general terms of equality, to public service in his country.

c. Convention on Elimination of All Kinds of Discrimination Against Women, 1979 Article 7

States Parties shall take all appropriate measures to eliminate discrimination against women in the political and public life of the country and, in particular, shall ensure to women, on equal terms with men, the right:

- (a) To vote in all elections and public referenda and to be eligible for election to all publicly elected bodies;
- (b) To participate in the formulation of government policy and the implementation thereof and to hold public office and perform all public functions at all levels of government;
- (c) To participate in non-governmental organizations and associations concerned with the public and Political life of the country.

d. International Convention on Elimination of All Forms of Racial Discrimination, 1965, Article 5

(c) 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;

e. Convention on the Rights of Persons with disabilities, 2006, Article 29

States Parties shall guarantee to persons with disabilities political rights and the opportunity to enjoy them on an equal basis with others, and shall undertake to:

- (a) Ensure that persons with disabilities can effectively and fully participate in political and public life on an equal basis with others, directly or through freely chosen representatives, including the right

and opportunity for persons with disabilities to vote and be elected, inter alia, by:

- (i) Ensuring that voting procedures, facilities and materials are appropriate, accessible and easy to understand and use;
- (ii) Protecting the right of persons with disabilities to vote by secret ballot in elections and public referendums without intimidation, and to stand for elections, to effectively hold office and perform all public functions at all levels of government, facilitating the use of assistive and new technologies where appropriate;
- (iii) Guaranteeing the free expression of the will of persons with disabilities as electors and to this end, where necessary, at their request, allowing assistance in voting by a person of their own choice.

Activities executed by the Commission

The Commission carried out various activities in order to make the monitoring of the election to the House of Representatives and the State Assembly, 2017 orderly and effective. The major activities carried out by the Commission in course of the monitoring of the election to the House of Representatives and State Assembly, 2017 are as follows:

3.1 Discussion and interaction with the stakeholders

In order to make the monitoring work effective and for collaboration and coordination with other stakeholders, the NHRC discussed collaboration with the representatives of the National Women Commission, Dalit Commission, Muslim Commission, Nepal Foundation for the Development of the Indigenous Nationalities, Central Child Welfare Board, Nepal Bar Association and Federation of Nepali Journalists. Likewise, a separate programme was organized to discuss relevant issues with the election observers, human rights workers and civil society representatives. Discussion was also held with the Home Secretary and heads of the security agencies, who were summoned to the Commission, on matters relating to security arrangement in wake of the bomb blasts in various locations, the attack against the candidates and the feeling of terror spread among the voters.

3.2 Formation and mobilization of monitoring teams

Various seven high-level monitoring teams monitored the election to the House of Representatives and the State Assembly, 2017. The high-level monitoring team comprised the H'ble chair and members of the Commission, the Secretary, and former office-bearers of the Commission, rights activists, civil society leaders and media persons. Likewise, the monitoring teams comprising the Commission employees were mobilized in majority of the districts where the election was held, and they monitored the election from the perspective of human rights.

3.3 Press Statement/Press Conference

Press statements were released from time to time in order to inform the public about the issues related to the election monitoring carried out by the Commission, drawing attention of the stakeholders towards addressing the shortcomings in the electoral process, and building an election-friendly atmosphere. Press conferences were also organized to shed light on matters relating to the monitoring of the election to the House of Representatives and State Assembly, 2017.

3.4 Publication and Dissemination of Election materials

In course of the first and second phase of the election, the National Human Rights Commission also published and disseminated appeal and calls based on election and human rights issues. Likewise, appeal and calls from the Commission were also aired through various FM Radio stations.

3.5 Use of check-list in the election monitoring

In course of monitoring the first and second phase of the election, the Commission used a monitoring check list. In the pre-election period, the monitoring included matters like whether the candidates/parties were allowed to campaign freely, whether there was freedom of movement in the constituency, whether mass meetings and rallies were allowed and whether the candidates used children for the purpose of the election.

On the Election Day, the monitoring concentrated on whether the voting centres were in appropriate location, whether there was unrestricted movement of the voters up to the voting centres, the atmosphere in the voting centre and whether the voters were allowed to vote confidentially. Likewise, the use of force or fear and terror to capture the voting centres or forcibly take the ballot paper/ballot boxes or voting materials into control, damaging and destroying it were also part of the monitoring subject matter. Furthermore, the monitoring included the provision of special arrangement for the elderly citizens, women, persons with disability, physically challenged and the visually impaired voters, the provision of drinking water and toilets, and the access of observers.

In post-election period, the monitoring focused on whether the collection and transportation of ballot boxes were obstructed, whether any voter received any kind of threatening/physical assault, and whether the grievance handling authorities responded to the complaints filed about the violation of election code of conduct, and other offenses.

Chapter four

District-based data received from the monitoring

S.No.	District	Facts
1.	Paanchthar	<ul style="list-style-type: none"> ❖ Majority of the voting centres were found not disability-friendly. ❖ Majority of the centres did not have sufficient provision of drinking water and first aid. ❖ Complaints were received about the lack of voter education. ❖ Some voters had to walk for 4 to 5 hours to reach to the voting centre. ❖ Even though persons with disability, pregnant and lactating mothers, and the elderly citizens were given priority in the voting, there was no special arrangement made for ensuring the access of the physically challenged voters to the voting centres. ❖ Information was received from the district police office that some cadres of the Maoist, Biplav party were arrested prior to the Election Day. ❖ There was no proper arrangement for drinking water and toilet in the voting centers ❖ Election was held peacefully.
2.	Ilam	<ul style="list-style-type: none"> ❖ There was no discrimination committed in course of the voting. ❖ Easy voting measures were established by managing separate queue for the elderly citizens, persons with disability, physically challenged, pregnant and lactating mothers. ❖ There was no sufficient arrangement for drinking water, toilet and first aid in the voting centres. ❖ Majority of the voting centres were based in school buildings. ❖ Complaints about lack of voter education were received at many locations.
3.	Jhapa	<ul style="list-style-type: none"> ❖ In many locations, people had to walk for up to four kilometers to go to vote. ❖ Separate queue for the lactating mothers, elderly citizens, persons with disability had been made. ❖ Voter education was not found to be sufficient, ❖ In some places, complaints were received about people with disabilities being deprived of right to vote for not being able to reach to the voting centres.

		<ul style="list-style-type: none"> ❖ There was no sufficient arrangement for drinking water, toilet and first aid in the voting centres. ❖ Majority of the voting centres were found to be based in school buildings.
4.	Morang	<ul style="list-style-type: none"> ❖ Complaints were received about weak voter education. ❖ An 11-grade student was found to have been mobilized as volunteer at the Adarsha higher secondary school voting centre, a 17-year-old child at the Inland Revenue Office voting center, and a Grade 9 girl student at the Janapriya secondary school voting centre in ward no. 3 of Katari rural municipality. ❖ It was found that priority was given to the physically challenged, elderly, senior citizens, sick, lactating mothers, and those mourning the death of their loved ones in the election. ❖ No voting centre was found to have health-related equipments. ❖ Sundarharaicha municipality-8, Salakpur voting centre was found based in a health post, and the health post employees were found to be mobilized for the election. ❖ There was no sufficient arrangement of drinking water, toilets and first aid in majority of the voting centres.
5.	Sunsari	<ul style="list-style-type: none"> ❖ Special arrangement had been made for the physically challenged, people with disabilities and senior citizens in the election-related activities. ❖ Civil servants mobilized for the election complained about being deprived of their right to vote. ❖ Voter education was not sufficient. ❖ It was shared in some voting centres that it would take around one to two hours for voters to reach to the voting centre. ❖ There was no sufficient arrangement of drinking water, toilets and first aid in the voting centres.
6.	Dhankuta	<ul style="list-style-type: none"> ❖ Children were not found used in the election campaigning. ❖ Voter education was minimal. ❖ Special arrangement was found to have been made by giving priority to women, physically challenged, senior citizens and lactating mothers in the voting. ❖ There was no sufficient arrangement of drinking water, toilets and first aid in the voting centres. ❖ Majority of the voting centres were found based in schools.
7.	Sankhuwasabha	<ul style="list-style-type: none"> ❖ Voter education in Sankhuwasabha district was found to have been limited to only how to vote? ❖ Majority of the voting centres in the district were found

		<ul style="list-style-type: none"> ❖ based in schools. ❖ As the area of some of the voting centre was small, it was difficult for voters to stay on the queue for voting. ❖ In violation of the election code of conduct, the political parties were found producing and distributing in abundance flags, t-shirt, cap and other materials bearing the party's election symbol. ❖ There was a separate queue for elderly citizens, physically challenged, persons with disability, pregnant and the lactating mothers. ❖ Children were not found to have been used in the election. ❖ There was no sufficient arrangement of drinking water, toilets and first aid in the voting centres.
8.	Terhathum	<ul style="list-style-type: none"> ❖ Nobody was obstructed in any way in the voting activity. ❖ Priority was found to have been given in the voting activity to elderly citizens, sick, lactating mothers and physically challenged. ❖ Children were not found to have been used in the election. ❖ There was no sufficient arrangement of drinking water, toilets and first aid in the voting centres. ❖ Voter education was not found to have been run effectively.
9.	Taplejung	<ul style="list-style-type: none"> ❖ No class, community, ethnic group were found to have been discriminated on the Election Day. ❖ Special arrangement had been made for women, physically challenged, elderly citizens and the lactating mothers. ❖ Majority of the voting centres were found based in schools. ❖ Majority of the voting centres were not disability-friendly. ❖ There was no arrangement of drinking water, toilet and first aid in the voting centres. ❖ Voter education not found to be effective. ❖ Children were not found to have been used in the election.
10.	Khotang	<ul style="list-style-type: none"> ❖ Special arrangement had been made in the voting centres for the participation of the persons with disability, elderly citizens, lactating mothers and the physically challenged in the election. ❖ There was no sufficient arrangement of drinking water, and toilet in the voting centres. ❖ Voter education not found to be effective.

		<ul style="list-style-type: none"> ❖ Children were not found to have been used in the election. ❖ No class, community, ethnic group were found to have been discriminated on the Election Day. ❖ Majority of the voting centres were found based in schools.
11.	Bhojpur	<ul style="list-style-type: none"> ❖ On Kartik 28, 2074 B.S. the bodyguard of State assembly candidate Sherdhan Rai was injured in Tyamke Maiyur rural municipality-6 in an attack by the CPN (Biplav group) targeting the election gathering and election campaigning. ❖ On Kartik 30, 2074, a bomb explosion took place in Boyabhir of Shadananda municipality-13. ❖ Three people were reported to have been injured in the bomb explosion that took place on Mangsir 1 and 2 at Shadananda municipality-2, Bhir Thaplo and in Salpa, Silichaur. ❖ Special arrangement had been made in the voting centres for the participation of the persons with disability, elderly citizens, lactating mothers and the physically challenged in the election. ❖ No class, community, ethnic group were found to have been discriminated on the Election Day. ❖ Majority of the voting centres were found based in schools. ❖ Voter education not found to be effective. ❖ Children were not found to have been used in the election.
12.	Okhaldung a	<ul style="list-style-type: none"> ❖ There was no discrimination on the basis of ethnicity, religion, community, gender and language. ❖ No special arrangement had been made for access to the voting centre for persons with disability, and physically challenged voters. ❖ Voter education not found to be effective. ❖ Special arrangement had been made in the voting centres for the participation of the persons with disability, elderly citizens, lactating mothers and the physically challenged in the election. ❖ Children were not found to have been used in the election. ❖ Majority of the voting centres were found based in schools.
13.	Solukhumbu	<ul style="list-style-type: none"> ❖ There was no discrimination on the basis of ethnicity, religion, community, gender and language. ❖ No special arrangement had been made for access to the voting centre for persons with disability, and physically

		<p>challenged voters.</p> <ul style="list-style-type: none"> ❖ Voter education not found to be effective. ❖ Special arrangement had been made in the voting centres for the participation of the persons with disability, elderly citizens, lactating mothers and the physically challenged in the election. ❖ Children were not found to have been used in the election. ❖ There was zero voting in the Tingla region of the district. ❖ There was no sufficient arrangement of drinking water and toilet in the voting centres.
14.	Udayapur	<ul style="list-style-type: none"> ❖ There was no sufficient arrangement of drinking water and toilet in the voting centres. ❖ Special arrangement had been made in the voting centres for the participation of the elderly citizens, sick and lactating mothers in the election. ❖ Children were not found to have been used in the election. ❖ No special arrangement had been made for access to the voting centre for persons with disability, and physically challenged voters. ❖ Voter education not found to be effective.
15.	Sindhuli	<ul style="list-style-type: none"> ❖ A state of fear and terror was seen among the political party cadres due to the explosives planted in various parts of the district by the CPN Maoist Biplav group cadres. ❖ There was provision of separate queue for the elderly citizens, physically challenged, persons with disability, the pregnant and lactating mothers, and in voting centres without provision of separate queue, these group were given priority. ❖ Citing possible disturbance to law and order, CPN Maoist Biplav group cadres Kedar Majhi,31, of Sunkoshi rural municipality-2 was arrested on 2074/8/1, 30-year-old Dor Bahadur Rai of Hariharpurgadhi rural municipality-2 and 50-year-old Bhakta Bahadur BK of the same locality were arrested on 2074/8/2, 31-year-old Suk Bahadur Thing of the same locality on 2074/8/6, Narayan Prasad Kafley,19, on 2074/8/14 and Juddha Bahadur Biswakarma of Sunkoshi rural municipality-7 was arrested on 2074/8/6 and kept under custody at the District Police Office. They were under investigation after extending their term of arrest under the Public Offense Act. ❖ Voter Education was not found to have been effective

		<p>and sufficient.</p> <ul style="list-style-type: none"> ❖ Children were not found to have been used in the election. ❖ There was no sufficient arrangement of drinking water and toilets in the voting centres. ❖ Separate queue had been made in the voting centres for elderly citizens, physically challenged, persons with disability, the pregnant and lactating mothers, and where such provision was not made priority was found to have been given to these groups.
16.	Ramechhap	<ul style="list-style-type: none"> ❖ Voter Education was not found to have been effective and sufficient. ❖ Children were not found to have been used in the election. ❖ It was reported that a clash took place among parties in the Dili Pokhari Pani Tankin Sub-health post in Sunapati rural municipality-2. ❖ Voter education was not found to be sufficient. ❖ There was no sufficient arrangement of toilet, drinking water and primary treatment for the voters. ❖ Priority was found to have been given in the voting centres to elderly citizens, physically challenged, persons with disability, pregnant and the lactating mothers.
17.	Kavre	<ul style="list-style-type: none"> ❖ Parties were found to have been campaigning using the electronic media. ❖ A socket without the explosive materials was found some 300 meters from the voting centre in Mandan Deupur rural municipality on Mangsir 20, 2074. ❖ Voter education programme was not found to be effective. ❖ Even though people were in the voters list, they were deprived of voting for lack of voter identity card. This was found to be a big problem especially in ward no.5 of Panchkhal municipality. In the area, many people were brick kiln workers. They did not have the voter ID card with them as the brick kiln management had kept their citizenship certificate with them. Along with this, chief returning officer Arjun Adhikari said that there was a delay in the voting process as voters who were listed in the old list with name and serial number provided by the Election Commission did not have a serial number in the latest one provided by the Commission. ❖ The Purna Sanjibani secondary school voting centre, Panchakanya primary school voting centre in Dhulikhel municipality were not found to be human rights-

		friendly.
18.	Sindhupalchok	<ul style="list-style-type: none"> ❖ Various parties were found to have been campaigning using the electronic media. ❖ In Pangretar of Sunkoshi rural municipality, ward no. 6, UML cadres Naniram Timilaseña and Thari Timilaseña were arrested by police on 2074/8/8. It was reported that they were arrested on the charge of involving in a clash with Nepali Congress cadres. ❖ Voter education was not found to have been effective. ❖ It was reported that a ballot box sent to one voting centre in Lisankhu Pakhar rural municipality was with a crack in it. ❖ There was lack of toilet and drinking water in the voting centres. ❖ Two cadres of the Netra Bikram Chand –led CPN (Maoist) were found to have been arrested on the charge of carrying out bomb blasts. ❖ There was no proper arrangement for persons with disability in the voting centres.
19.	Kathmandu	<ul style="list-style-type: none"> ❖ It was found that the physically challenged, persons with disability and the elderly citizens did not have to queue for voting. ❖ Voter education was not found to be effective. ❖ Positive awareness was found among the elderly citizens towards voting. Those voting at the Ratna Rajya School, A, Baneshwar voting centre included 96-year-old Trilok Siddhi Thapa and his 90-year-old spouse Bidyashree Thakurain. ❖ The voting did not start on time. ❖ Election-friendly structures were not found in the polling booth. ❖ Children were not found to have been used in the election. ❖ The right to vote of the employees mobilized in the election was not respected. ❖ Seeing 103-year-old Bhupal Laxmi Pradhan voting at the Community Health Clinic voting centre was an indication that even the elderly citizens were aware of their voting rights. ❖ All the employees at the VS Niketan, Baneshwar voting centre were women, and it was found to have been very organized. ❖ There was high pressure of voting at the Saraswati secondary school centre in Tokha, a voter fainted as he was in the queue for voting. ❖ There was no provision made to distinguish clearly

		<ul style="list-style-type: none"> between the civil servants, observers and party agents mobilized in the voting activity. ❖ In the House of Representative constituency 4 and State Assembly constituency 2 polling booth at then VDC building, Chapali, Budanilakantha municipality, 70-year-old Chandra Bahadur Kunwar was found complaining that he had come out after casting vote in only one ballot paper, and was not aware about the second ballot paper. ❖ No special arrangement had been made for transportation on the voting day for persons with disability, elderly citizens, sick, lactating mothers. ❖ Machine technology was not found to have been utilizing in the voting activity.
20.	Lalitpur	<ul style="list-style-type: none"> ❖ The rumour about planting of a bomb from the sides boycotting the election had led to massive mobilization of security persons in Balkot area of Bhaktapur. ❖ Voter education was not effective and sufficient. ❖ The voting centres were not disability friendly, pregnant and lactating mothers, and elderly citizens and the physically challenged. But persons with disability were found to have been given priority in the queue. ❖ Nobody was found to have been deprived from voting due to reasons of being a woman, Dalit, indigenous nationalities, minorities, gender minorities, people with disability or from a religious community etc. ❖ There was no sufficient provision of drinking water and toilet in the voting centres. ❖ Children not found to have been used in the election.
21.	Bhaktapur	<ul style="list-style-type: none"> ❖ The physically challenged, people with disabilities, and elderly citizens did not have to queue to vote. ❖ There was coordination and collaboration among the security agencies to ensure efficient security arrangement. ❖ Complaints were heard about lack of voter education. ❖ The record including the serial number of the voter identity card was not compatible and not verified. The team has also taken photograph evidence of voter ID card without a serial number and the list not in pursuance to a serial number. ❖ Majority of the voting centres were not disabled-friendly. ❖ There was no sufficient arrangement of drinking water and toilets in the voting centres. ❖ Three persons were injured in Balkot after a group pelted stones. There were no police at the moment and

		as those involved in the attack escaped, the incident did not take a big turn, the locals said.
22.	Dhading	<ul style="list-style-type: none"> ❖ Special provision had been made in the voting centres for elderly citizens, pregnant and the lactating mothers. ❖ Some voting centres were not found to be accessible for persons with disability. ❖ Toilet and drinking water facilities were not found to be sufficient in the voting centres. ❖ The jingle provide by the Election Commission was found to have been aired from the local FM radio stations for voter education. ❖ Children were not found to have been used in the election. ❖ There was no discrimination in the voting activities.
23.	Dolakha	<ul style="list-style-type: none"> ❖ Children were not found to have been used in the election campaigning. ❖ There was no special arrangement to take people with disabilities to the voting centre, but priority was given to them in the queue. ❖ On the voting day, sufficient arrangement had not been made for toilet and drinking water for the voters. ❖ The voting centres were found based in schools, rural municipality and health posts buildings. ❖ Voter education was not found to have been effective.
24.	Nuwakot	<ul style="list-style-type: none"> ❖ It was reported by the District Election Office that only two polling booths in Nuwakot district were disability-friendly. ❖ There was lack of voter education. ❖ As the voting centres were far away, it had created difficulty for the voters. ❖ Provision had been made to give priority in voting to the pregnant and lactating mothers, persons with disability, underprivileged, the sick and the elderly. ❖ Children were not found to have been used in the election campaigning.
25.	Rasuwa	<ul style="list-style-type: none"> ❖ It was found that voters had to walk for up to one hour to reach the voting centre. ❖ An improvised explosive device was found to have been planted near the house of Nepali Congress candidate Mohan Acharya, which was reported to have been defused by the security persons. ❖ Even though the budget allocated for voter education was spent, the result was not satisfactory. ❖ Majority of the voting centres were not disability-friendly. ❖ There was no sufficient arrangement of toilet and

		<ul style="list-style-type: none"> ❖ drinking water in the voting centres. ❖ Children were not found to have been used in the election campaigning. ❖ Priority was found to have been given to the persons with disability and the elderly citizens.
26.	Makwanpur	<ul style="list-style-type: none"> ❖ Priority was given to the elderly citizens, physically challenged, persons with disability, pregnant and the lactating mothers in the voting centres, where they did not have been queue to vote. ❖ Nobody was deprived of voting for being a woman, Dalit, Madhesi or religious community. ❖ In Nawalpur, as the ballot boxes were being transported, a bomb explosion took place immediately after the vehicle had passed. Not physical or human casualty was reported. ❖ There was no sufficient arrangement of toilet and drinking water in the voting centres. ❖ Children were not found to have been used in the election campaigning.
27.	Chitwan	<ul style="list-style-type: none"> ❖ It was reported that the use of children in the election campaigning was minimum. ❖ No candidate or individual were obstructed in the election campaigning and in course of seeking votes for their respective side. ❖ It was reported that 26 people were arrested as the CPN Maoist (Biplav) cadres were involved in anti-election activities. ❖ Efforts were found to have been made as per the location to ease the travel during the election day for the elderly citizens, lactating mothers, the sick and persons with disability. ❖ Complaints were heard about the voter education not being effective. ❖ Majority of the polling booths did not have proper arrangement of drinking water and toilets. ❖ National and international agencies were involved in the election observation, majority of the observed were found to be centered in the district headquarters.
28.	Kaski	<ul style="list-style-type: none"> ❖ Due to lack of public transportation service, it was found to have been difficult for voters to reach to the voting centre. ❖ Voter education as not found to be sufficient. ❖ It was reported that an arrangement had been made to vote without having to queue for the persons with disability, pregnant women, and senior citizens.

		<ul style="list-style-type: none"> ❖ There was provision of drinking water, toilet and primary health care service. ❖ Children were not found to have been used in the election campaigning.
29.	Gorkha	<ul style="list-style-type: none"> ❖ Election education was not found to be effective. ❖ Special arrangement was found to have been made for voting for the senior citizens, physically challenged, persons with disability, and lactating mothers. ❖ Two bomb explosions took place one hour prior to beginning of the vote near the voting centre based in the Kalika primary school in ward no. 4 Fujung of Gandaki municipality on Mangsir 10. ❖ There was provision of drinking water, toilet and primary health care service. ❖ Children were not found to have been used in the election campaigning.
30.	Tanahu	<ul style="list-style-type: none"> ❖ A bomb explosion took place on Mangsir 16, 2074 in the house of Nepali Congress leader Pradip Poudel, but it did not cause any physical or human casualty, according to information received from the District Police Office, Tanahu. ❖ A bomb was hurled targeting the jeep carrying Nepali Congress leader Ram Chandra Poudel on Mangsir 2, 2074, and one police person was injured, as reported by the District Police Office. ❖ The Maharshi Bedbyas Sanskrit Secondary School voting centre in Damauli was found to have been managed by all women employees. ❖ Children were not found to have been used in the election campaigning. ❖ Special arrangement was found to have been made for voting for the senior citizens, physically challenged, persons with disability, and lactating mothers. ❖ Provision of drinking water, toilet and primary health care service was not found to be sufficient.
31.	Lamjung	<ul style="list-style-type: none"> ❖ Due to lack of public transportation service, it was found to have been difficult for voters to reach to the voting centre. ❖ Voter education was not found to be sufficient. ❖ Provision was found to have been made for the persons with disability, pregnant women, elderly citizens to vote without having to stay on the queue. ❖ There was provision for drinking water, toilet and primary health service. ❖ Children were not found to have been used in the election campaigning.

32.	Syangya	<ul style="list-style-type: none"> ❖ No candidate or party contesting in the election was found to have used forcibly for election campaigning anyone's private house, compound, shop etc. ❖ Due to lack of public transportation service, it was found to have been difficult for voters to reach to the voting centre. ❖ Voter education was not found to be sufficient. ❖ Provision was found to have been made for the persons with disability, pregnant women, elderly citizens to vote without having to stay on the queue. ❖ There was provision for drinking water, toilet and primary health service.
33.	Baglung	<ul style="list-style-type: none"> ❖ Separate queue was made for elderly citizens, physically challenged, people with disabilities, pregnant and the lactating mothers. ❖ Some children were found to have been used for election campaigning. ❖ The number of women and elderly citizens in the queue of voters was found to be notable and encouraging. ❖ There was no sufficient provision of drinking water, toilet and primary health service. ❖ Voter education was not found to be effective.
34.	Parbat	<ul style="list-style-type: none"> ❖ Due to lack of public transportation service, it was found to have been difficult for voters to reach to the voting centre. ❖ Voter education was not found to be sufficient. ❖ Provision was found to have been made for the persons with disability, pregnant women and elderly citizens to vote without having to stay on the queue. ❖ Provision of drinking water, toilet and primary health care service was not sufficient. ❖ Children were not found to have been used in the election campaigning. ❖ It was reported that the communist alliance cadres physically assaulted Nepali Congress cadre Arjun Khanal for allegedly trying to influence the voters by distributing money during the silent period.
35.	Myagdi	<ul style="list-style-type: none"> ❖ There was provision of a separate queue for the elderly citizens, physically challenged, people with disabilities, pregnant and the lactating mothers. ❖ Children were not found to have been used in the election campaigning. ❖ The number of women and elderly citizens in the queue of voters was found to be notable and encouraging. ❖ Even those mourning the death of their loved ones were

		<ul style="list-style-type: none"> ❖ seen taking part in the voting. ❖ There was no sufficient provision of drinking water, toilet and primary health service. ❖ Due to lack of public transportation service, it was found to have been difficult for voters to reach to the voting centre.
36.	Manang	<ul style="list-style-type: none"> ❖ Priority in voting was found to be given to the elderly citizens, the sick, lactating mothers and physically weak. ❖ Voter education was not found to have been effective. ❖ Some polling booths lacked drinking water and toilet facilities. ❖ Children were not found to have been used in the election campaigning. ❖ Due to lack of public transportation service, it was found to have been difficult for voters to reach to the voting centre.
37.	Mustang	<ul style="list-style-type: none"> ❖ Priority in voting was found to be given to the sick, lactating mothers, elderly citizens and physically weak. ❖ Due to lack of education, many voters were found unaware about how to cast vote. ❖ Some polling booths lacked drinking water and toilet facilities. ❖ Children were not found to have been used in the election. ❖ Majority of the voting centres were not found to be disability-friendly.
38.	Rupandehi	<ul style="list-style-type: none"> ❖ Candidate/parties were found campaigning peacefully. ❖ Voter education was not found to be effective. ❖ During the election, political parties were not found using children. ❖ Nobody was deprived of the right to vote for being a woman, Dalit, Madhesi, Indigenous nationalities, minorities, persons with disability or religious community. ❖ As the Office of the Chief Returning Officer had made a provision of vehicle pass for the political parties to bring the physically challenged, senior citizens, the sick, pregnant, lactating mothers, visually impaired to the voting centres, they were being transported from home to the voting centres. ❖ Some polling booths lacked drinking water and toilet facilities.
39.	Kapilvastu	<ul style="list-style-type: none"> ❖ Voter education was not found to be effective. ❖ Provision was found to have been made for the people with disabilities, differently able persons, senior citizens, physically challenged and the sick voters to vote without

		<ul style="list-style-type: none"> ❖ having to stay on the queue. ❖ Three explosions took place in the night on the road near the Lower Secondary school at Chanai Madawa in ward no. 3 of Shivapur municipality. However, no human casualty was reported. ❖ It was found that voters had to walk for one kilometer to four kilometers in order to cast vote. ❖ Children were not found to have been used in the election. ❖ Majority of the voting centres were not found to be disabled-friendly.
40.	Nawalparasi east	<ul style="list-style-type: none"> ❖ A bomb explosion took place in the house of CPN-UML candidate to the House of Representatives Tilak Mahat but no human casualty was reported. ❖ Voter education materials were available in the local Tharu and Magar languages. ❖ Three persons were reported to have been injured in clash that took place between congress and communist alliance at Chormara in Madhya bindu municipality. ❖ Special provision had been made for people with disabilities, senior citizens, lactating mothers and the pregnant women. ❖ On the Election Day, sufficient arrangement was not made for toilet and drinking water. ❖ Nobody was deprived of the right to vote for being a woman, Dalit, Indigenous nationalities, minorities, gender minorities, people with disability or religious community. ❖ Children were not found to have been used in the election. ❖ Majority of the voting centres were not found to be disabled-friendly.
41.	Nawalparasi west	<ul style="list-style-type: none"> ❖ Voter education materials were found available in local languages. ❖ Special provision had been made for the persons with disability, elderly citizens, lactating mothers and the pregnant. ❖ On the Election Day, Children were not found to have been used in the election. ❖ Majority of the voting centres were not found to be disabled-friendly. ❖ Nobody was deprived of the right to vote for being a woman, Dalit, Indigenous nationalities, minorities, gender minorities, persons with disability or religious community. ❖ Children were not found to have been used in the

		<ul style="list-style-type: none"> ❖ election. ❖ Majority of the voting centres were not found to be disabled-friendly.
42.	Gulmi	<ul style="list-style-type: none"> ❖ Four each were injured when a clash took place between the Congress and UML cadres on the 19th at a place called Balkote in Resunga municipality, the congress cadres had suffered more injuries. ❖ The candidates were found campaigning freely. The security arrangement for the candidates was found to be good. No candidate was found to have been threatened and acts like religious incitement was not found. ❖ There was lack of voter education. ❖ The presence of observers was minimal. ❖ The voting centres were geographically far away. ❖ Though priority was given to elderly citizen, women, persons with disability, physically challenged and visually impaired in the voting, there was no provision of separate queue for them in many centres.
43.	Arghakhan c-hi	<ul style="list-style-type: none"> ❖ Of the 11 Biplav Maoist cadres arrested for waging a movement to boycott the election, 10 were charged under public offense act and one under the arms and ammunition act. ❖ With voting centres established in schools and teachers mobilized for the election, students' learning was found to have been affected. ❖ Voter education was not found to have been reached sufficiently. ❖ The provision of drinking water and toilet in some voting centres was okay, but there was no provision of health care services. ❖ A provision had been made whereby the senior citizens, pregnant and lactating mothers, persons with disability did not have to queue for voting.
44.	Palpa	<ul style="list-style-type: none"> ❖ Special provision had been made on the Election Day for women, elderly citizens, the sick and the lactating mothers. ❖ Some voters were found to have walked for 4 hours to reach to the voting centre. The sick and physically challenged were found to have been carried on people's back to the voting centre. ❖ At the Ribdikot rural municipality ward no.7 Kalika secondary school Batase voting centre, voters carrying the body of 102-year-old Lila Kumari Gaire for the funeral were found to have exercised their right to vote. ❖ There was lack of voter education.

		<ul style="list-style-type: none"> ❖ The provision of drinking water and toilet in some voting centres was okay, but there was no provision of health care services. ❖ As schools were transformed into voting centres, children were deprived of education.
45	Bardiya	<ul style="list-style-type: none"> ❖ It was informed by Area Police Office of Mainapokhari that the communist coalition cadres had taken former Nepali Congress District Treasurer Netra Ranabhat of Badhaiyataal in their custody for distributing money, and during his rescue, police had to fire two warning shots in the air. ❖ Voters' education was not found to be effective. ❖ It was found that deployment of security personnel in election affected the right to health of common people. ❖ Use of children in election was not found. ❖ Most of the voting centers were not found to be disabled-friendly. ❖ Adequate toilet and drinking water for voters were not arranged in voting centers.
46	Banke	<ul style="list-style-type: none"> ❖ Due to mass gatherings and rallies of political parties, difficulty for local people's commuting was found. ❖ Although toilet and drinking water for voters were arranged in some voting centers, there was no arrangement of first aid treatment service. ❖ Voters' education was not found to be effective. ❖ Use of children in mass meetings and rallies was found to be minimum. ❖ Although priority was given to senior citizens, sick, persons with disability, the blind and women for casting their vote easily, there was no separate queue.
47	Dang	<ul style="list-style-type: none"> ❖ On November 27, the vehicle carrying Nepali Congress candidate Bharat Bahadur Basnet was targeted with a bomb by unidentified group in Tulsipur Sub-metropolitan 19, Chillikot, but it was informed that there was no human or material loss. ❖ On November 28, in a mass meeting being addressed by Prime Minister Sher Bahadur Deuba in Tulsipurchowk, a bomb exploded injuring 8 people. It was informed that temporary police Binod Chaudhry, who was injured in that incident succumbed to his injuries in Kohalpur Medical College on 30 November. ❖ Voters' education was not found to be effective. ❖ Most of the voting centers were not found to be disability-friendly. ❖ Some voters had walked for 4 to 5 hours to reach the voting centers.

		<ul style="list-style-type: none"> ❖ Use of children in mass meetings and rallies was found to be minimum.
48	Rolpa	<ul style="list-style-type: none"> ❖ Number of female voters was more, and the number of senior citizens was also significant. ❖ Arrangement of drinking water and toilets for voters was not adequate. ❖ Voting centers were established in schools, municipal and health post buildings. ❖ Voters' education was not found to be effective. ❖ Use of children in mass meetings and rallies was found to be minimum. ❖ Most of the voting centers were not found to be disability-friendly.
49	Rukum East	<ul style="list-style-type: none"> ❖ There was no special arrangement to take persons with disability to the voting centers, but they were seen being given priority. ❖ Although toilet and drinking water for voters were arranged, there was no arrangement of first aid treatment service. ❖ Voting centers were in schools, municipal and health post buildings. ❖ Voters' education was not found to be effective. ❖ Use of children in rallies was found to be minimum.
50	Rukum West	<ul style="list-style-type: none"> ❖ Children were not found to have been used in mass meetings. ❖ There was no special arrangement to take persons with disability to the voting centers. ❖ Arrangement of drinking water and toilets for voters was not adequate. ❖ Voting centers were located in schools, municipal and health post buildings. ❖ Voters' education was not found to be effective.
51	Pyuthan	<ul style="list-style-type: none"> ❖ Priority was given to senior citizens, sick, persons with disability, those in mourning period and women for casting their vote easily. ❖ 13 members of CPN Maoist (Biplav Group) who were hindering the election were kept in custody. ❖ Election campaigns and mass meetings were found to be peaceful. ❖ Drinking water and toilets were not arranged adequately. ❖ Voting centers were located in schools, municipal and health post buildings. ❖ Voters' education was not found to be effective.
52	Surkhet	<ul style="list-style-type: none"> ❖ Voters' education was not found to be effective. ❖ Election campaigns were found to be peaceful.

		<ul style="list-style-type: none"> ❖ Special arrangements were made for senior citizens, sick, persons with disability, those in mourning period and women for casting their vote easily. ❖ Use of children in rallies and mass meetings were not found. ❖ On the voting day, although arrangement of toilet and drinking water was made for the voters, there was no arrangement of first aid treatment.
53	Jumla	<ul style="list-style-type: none"> ❖ In Hima Rural Municipality's Ranukhana village, it was learnt that some people seized election education materials and destroyed them. ❖ Voters' education was not found to be effective. ❖ Election campaigns were found to be peaceful. ❖ Special arrangements were made for senior citizens, sick, persons with disability, those in mourning period and women for casting their vote easily. ❖ Use of children in rallies and mass meetings were not found. ❖ In some places it would take more than one day for voters to reach voting centers.
54	Mugu	<ul style="list-style-type: none"> ❖ In Khatyad Rural Municipality, Nepal Rastriya Ni.Ma.Vi. Jiuka Voting Center, when <i>Khukuri</i> attack took place outside the center, an 8 years old child was injured. ❖ It was found that in Nepal Rastriya Adharvut Vidyalaya, Dhainkot, when the team with ballot-boxes was returning and when they reached Jagatmala Ma.Vi. in Dhain, local residents attacked the team with stones and firewoods, due to which Armed Police Inspector Bishnu Aryal was injured on his forehead and leg, Civil Police sub-inspector sustained injury on head and other 3 police and temporary police sustained leg injury, after which the police opened 5 rounds of warning shots in the air. ❖ Special arrangements were made for senior citizens, sick, persons with disability, those in mourning period and women for casting their vote easily. ❖ Use of children in rallies and mass meetings were not found. ❖ No adequate arrangement of drinking water and toilets for voters. ❖ Voters' education was not found to be effective.
55	Humla	<ul style="list-style-type: none"> ❖ Special arrangements were made for senior citizens, sick, pregnant and nursing new mothers for casting their vote giving them priority. ❖ Many voters were seen not knowing how to vote.

		<ul style="list-style-type: none"> ❖ No arrangement of drinking water and toilets in some voting centers. ❖ No adequate arrangement of drinking water and toilets for voters. ❖ Use of children in rallies and mass meetings were not found.
56	Jajarkot	<ul style="list-style-type: none"> ❖ In Kushe Rural Municipality one person was injured in a clash between communist coalition and congress during campaign period. ❖ It was reported that the situation of voters' education was very ineffective. ❖ It was observed that it was very difficult to bring and take back the sick and nursing new mothers for casting their vote. ❖ Use of children in rallies and mass meetings were not found. ❖ In Bageshwori Voting Center, Pipey, one jeep was seen carrying senior citizens to and from voting center. ❖ No proper arrangement of drinking water, first aid treatment and toilets in voting centers.
57	Dailekh	<ul style="list-style-type: none"> ❖ Voters' education was not found to be effective. ❖ Political parties were found to be using children for election campaigns. ❖ It was found that 3 members of CPN Maoist Biplav group were arrested and kept in custody in suspicion that they might hinder the election. ❖ Many votes in both the proportional and FPTP election were invalid since voters' education was not effective. ❖ No arrangement of drinking water and toilets in voting centers.
58	Dolpa	<ul style="list-style-type: none"> ❖ There was no hindrance to vote in any political party or election symbol of one's choice. ❖ Special arrangements were made for senior citizens, sick, pregnant and nursing new mothers for casting their vote giving them priority. ❖ Many voters were seen not knowing how to vote due to lack of voters' education. ❖ No arrangement of drinking water and toilets in voting centers. ❖ Political parties were found to be using children for election campaigns.
59	Kalikot	<ul style="list-style-type: none"> ❖ On 6 Mangsir 2074, the team deployed in Janata Ma.Vi. Chhati Bijthala Sthan was attacked with stones which stopped them for two hours and after additional security forces came, the situation became normal. ❖ No arrangement of drinking water and toilets in voting

		<ul style="list-style-type: none"> centers. ❖ Political parties were found to be using children for election campaigns. ❖ Voters' education was found to be inadequate. ❖ Special arrangements were made in all voting centers for senior citizens, sick, pregnant and nursing new mothers for casting their vote without having to stand on queue. ❖ There was no hindrance to vote in any political party or election symbol of one's choice.
60	Salyan	<ul style="list-style-type: none"> ❖ Voters' education was found to be inadequate. ❖ Special arrangements were made in all voting centers for senior citizens, sick, pregnant and nursing new mothers for casting their vote without having to stand on queue. ❖ Problems with availability of toilets and drinking water in voting centers were seen. ❖ Sick and senior citizens were being brought in the vehicles of candidates. ❖ Use of children in campaign was not found. ❖ There was no hindrance to vote in any political party or election symbol of one's choice.
61	Kailali	<ul style="list-style-type: none"> ❖ On 18 November, in Ward No. 2 of Baradgoriya Rural Municipality of Kailali, some people came in a group and attacked journalist Laxmi Prasad Jaisi, and in Kailali Area No. 2, during State Assembly elections, a vehicle with license plate No. Ba. 16 Cha 6899 caught fire, which was parked behind the house of communist coalition candidate Ratan Thapa in Lamkichuha. ❖ A bomb exploded near Hotel Devotee where the Prime Minister Sher Bahadur Deuba was staying. ❖ In Tikapur, suspicious object with a cylinder and suspicious objects in 6 other places including Uttar Behadi, were disposed by Nepal Army. Considering the security of election, 12 cadres of Nepal Communist Party Maoist-Biplav group were taken into custody. It was informed that 2 of them were charged with possession of explosive devices and 10 with public offense charges. ❖ Special arrangements were made in all voting centers for senior citizens, sick, pregnant and nursing new mothers for casting their vote. ❖ In Kailali district, it was found that NEOC, GEOC, Carter Center and European Union had done monitoring and other observers were not seen in active role. ❖ Since most of the voting centers were in schools, the toilets and drinking water facility of the schools were used.

		<ul style="list-style-type: none"> ❖ Altogether 90 health related professionals were deployed in Kailali district, among which 20 were staff doctors of Seti Zonal Hospital.
62	Doti	<ul style="list-style-type: none"> ❖ Voters' education was found to be inadequate. ❖ In Faparmandu Basic Voting Center of Ward No. 7 Timurdanaha of Purwichauki Rural Municipality, 75 years old Muna Devi Kami died on the way while coming to the center for voting. ❖ It was seen that the voters had to walk 2 to 3 hours to reach the voting centers. ❖ Women voters were seen more than the number of male voters. ❖ Special arrangements were made for senior citizens, sick, pregnant and nursing new mothers for not having to stand in queue for casting their vote.
63	Achham	<ul style="list-style-type: none"> ❖ In a clash between Congress and Communist coalition in Durga Ma.Vi. of Melek Rural Municipality, 65 years old Bhanadevi Khadka was hit on her head with a stone and was injured, in the same voting center, congress agent Bhimbahadur Saud was injured in a clash with communist coalition agent. In Chorpati Rural Municipality, 48 years old Mithu Khadka, 18 years old Srijana Khadka, 23 years old Rakesh Khadka and 35 years old Ganesh Khadka were injured in head, face and body. ❖ In Payal Voting Center of Baijanath Ma.Vi., in a clash between cadres of Nepali Congress and communist coalition, 24 years old Dhana Kunwar, her husband along with one other person were injured. ❖ Voters' education was found to be ineffective. ❖ Special arrangements were made for giving priority to senior citizens, sick, pregnant and nursing new mothers for casting their vote. ❖ Arrangement of drinking water and toilets was found to be inadequate. ❖ Children were not found to have been used in elections.
64	Dadeldhura	<ul style="list-style-type: none"> ❖ No discrimination was found in election process. ❖ Voters' education was found to be ineffective. ❖ Special arrangements were made for giving priority to senior citizens, sick, pregnant and lactating mothers for casting their vote. ❖ When ballot-boxes were being collected after completion of voting, and ballot-boxes were being transported to district headquarters, a bomb was hurled in a place called Kainapani of Jogbudha of Dadeldhura, which broke the window panes of a vehicle carrying

		<ul style="list-style-type: none"> security personnel. ❖ Arrangement of drinking water and toilets was found to be inadequate. ❖ Children were not found to have been used in elections.
65	Bajura	<ul style="list-style-type: none"> ❖ There was no hindrance to vote in any political party or election symbol of one's choice. ❖ Special arrangements were made for giving priority to senior citizens, sick, pregnant and nursing new mothers for casting their vote. ❖ Many voters were seen not knowing how to vote due to inadequate voters' education. ❖ Arrangement of drinking water and toilets was found to be inadequate in some voting centers. ❖ Children were not found to have been used in elections.
66	Bajhang	<ul style="list-style-type: none"> ❖ Women and people from Dalit community told that there was no discrimination in the election process. ❖ Voters' education was not effective. ❖ Special arrangements were made for giving priority to senior citizens, sick, pregnant and nursing new mothers for casting their vote. ❖ Children were not found to have been used in elections. ❖ Arrangement of drinking water and toilets was found to be inadequate. ❖ There was no hindrance to vote in any political party or election symbol of one's choice.
67	Baitadi	<ul style="list-style-type: none"> ❖ Women and people from Dalit community told that there was no discrimination in the election process. ❖ Children were not found to have been used in elections. ❖ Arrangement of drinking water and toilets was found to be inadequate. ❖ There was no hindrance to vote in any political party or election symbol of one's choice. ❖ Political party flags were seen in public vehicles and motorcycles as well.
68	Kanchanpur	<ul style="list-style-type: none"> ❖ Voters' education was not effective. ❖ Special arrangements were made for giving priority to senior citizens, sick, pregnant and nursing new mothers for casting their vote. ❖ Children were not found to have been used in elections. ❖ Arrangement of drinking water and toilets was found to be inadequate. ❖ There was no hindrance to vote in any political party

		<ul style="list-style-type: none"> ❖ or election symbol of one's choice. ❖ Voters faced problem because voting centers were far away.
69	Saptari	<ul style="list-style-type: none"> ❖ Even though voters' education reached urban areas, it was insufficient in rural areas. ❖ Arrangement of drinking water and toilets was not found in all the voting centers. ❖ In ward no. 2 of Mahadeva Rural Municipality under election area no. 2 of Saptari, although there are 960 voters, it was found that no votes were casted. ❖ Special arrangements were made for senior citizens, sick, pregnant and lactating mothers for casting their vote. ❖ Children were not found to have been used in elections. ❖ Arrangement of drinking water and toilets was found to be inadequate. ❖ There was no hindrance to vote in any political party or election symbol of one's choice.
70	Siraha	<ul style="list-style-type: none"> ❖ Campaign materials of pennants and banners were found hung everywhere. ❖ 300 voter volunteers were mobilized for voters' education and radio was used as electronic media. ❖ Voters' education materials were available in Maithili language. ❖ Use of children in election was not found. ❖ Arrangement of drinking water and toilets was found to be inadequate in most of the voting centers. ❖ Special arrangements were made for senior citizens, sick, pregnant and lactating mothers for casting their vote. ❖ Schools, Rural Municipality, Municipality office and Health Post buildings were found to have been used as voting centers.
71	Mahottari	<ul style="list-style-type: none"> ❖ Children were found to have been used in election campaigns. ❖ Information was received that senior citizens, sick, pregnant and nursing new mothers were given priority in casting their vote. ❖ Arrangement of drinking water and toilets was found to be inadequate in most of the voting centers. ❖ Voters' education was found to be inadequate. ❖ Schools, Rural Municipality, Municipality office and Health Post buildings were found to have been used as voting centers.

72	Sarlahi	<ul style="list-style-type: none"> ❖ Campaign materials of pennants were found hung everywhere. ❖ Voters' education was found to be inadequate. ❖ Most of the voting centers opened half an hour late due to cold. ❖ In Fulparasi Voting Center of Area no. 2 of the district, party agent and supporters disputed and clashed in an issue of one voter and police fired 4 rounds of warning shots in the air to disperse the crowd, after which the voting resumed. ❖ There was separate queue for senior citizens, sick, pregnant and lactating mothers. ❖ Schools, Rural Municipality, Municipality office and Health Post buildings were found to have been used as voting centers. ❖ Children were found to have been used in election campaigns. ❖ Arrangement of drinking water and toilets was found to be inadequate in most of the voting centers.
73	Dhanusha	<ul style="list-style-type: none"> ❖ Use of children in election campaigns was found. ❖ Arrangement of drinking water and toilets was found to be inadequate in most of the voting centers. ❖ No hindrance or obstacles were created by any party for the voters to vote. ❖ It was found that the voting centers were disability and senior citizens-friendly making it easier for them to cast their vote, however, due to no transportation it was difficult for the senior citizens, physically challenged and sick people to reach the voting centers. ❖ It was found that CK Raut was arrested by police on the election day of 7 December from his rented house and put in custody and the term was extended on the charge of election related offense, for his activities against election using the social media. ❖ Voters' education did not reach most of the voters.
74	Rautahat	<ul style="list-style-type: none"> ❖ Election campaigns and other political activities were found to be happening without any hindrance. ❖ There was arrangement for senior citizens, sick and nursing new mothers to vote without having to be in queue. ❖ Use of children in election campaigns was found. ❖ Arrangement of drinking water and toilets was found to be inadequate in most of the voting centers. ❖ Voters' education was not found to be effective.
75	Bara	<ul style="list-style-type: none"> ❖ Voters were seen to be participating freely and

		<p>fearlessly in voting, and no hindrance or pressure was created by anyone.</p> <ul style="list-style-type: none"> ❖ In Bara district, the voters' education was found to be limited only on how to vote. ❖ Easy voting arrangements were seen in majority of the voting centers for people unable to cast their own vote, people unable to read the things written on ballot-papers, senior citizens, persons with disabilities, nursing new mothers to get assistance from their chosen person. ❖ Voting centers were not found to be disability-friendly. ❖ Arrangement of drinking water and toilets was found to be inadequate in voting centers.
76	Parsa	<ul style="list-style-type: none"> ❖ During monitoring, the voters were seen enthusiastically participating in a peaceful environment by standing on queue. ❖ People from all gender, caste, class and religions were seen to be participating in voting. ❖ There was arrangement for senior citizens, sick and nursing new mothers to vote without having to be in queue. ❖ Some voting centers were not found to be disability or senior citizens-friendly. ❖ Arrangement of drinking water and toilets was found to be inadequate in voting centers. ❖ Voters' education was not found to be effective. ❖ Use of children in election process was found.
77.	Udayapur	<ul style="list-style-type: none"> ❖ Arrangement of drinking water and toilets was found to be inadequate. ❖ There was special arrangement for senior citizens, sick and nursing new mothers to vote without having to be in queue. ❖ Voters' education was not found to be effective. ❖ Use of children was found in election process. ❖ Some voting centers were not found to be disability or senior citizens-friendly. ❖ People from all gender, caste, class and religions were seen to be participating in voting, without any hindrance. ❖ The voters were found to be able to cast their votes freely and fearlessly.

Conclusion, Recommendation and Suggestions

5.1 Conclusion

As per the constitutional mandate of ensuring respect, protection and effective implementation of human rights, the National Human Rights Commission completed the monitoring of recently held two phase elections-2017 for the members of the House of Representatives and State Assembly.

Likewise, it had done a field monitoring of recently held local elections, the report of which has already been made public.

The Commission had monitored both the elections of Constituent Assembly and had made their reports public.

It is universally accepted that, since the human rights of all the voters and candidates are realized in an election, its effective protection and promotion are important aspects of civil and political rights. Nepal cannot ignore the universal standards that recognizes civil and political rights as an integral part of human rights. Hence, the Commission is alert about its duty of ensuring more effective adherence of these rights in future, by evaluating the situation of use and exercise of these human rights in the above-mentioned elections.

While fulfilling this duty, the Commission conducted monitoring in all the districts, focusing mainly on the issues of these established values on human rights, national and international provisions and rights of a citizen in an election. The facts obtained from those monitorings form the basis of this report. The Commission is convinced that promotion of human rights lies in imbibing the problems experienced in these elections and committing not to let them repeat in future.

Periodic election is the foundation of rule of law and human rights. It is believed that accountability and effectiveness of state agencies are obtained through periodic elections. The importance of elections is acknowledged in preamble of the Constitution of Nepal, by making

provisions for adult voting rights and periodic elections. Similarly, Article 84 of the Constitution has the provision of forming a House of Representatives and Article 176 has the provision of forming the State Assembly.

The laws made for making the elections more organized are the Election Commission Act 2073, House of Representatives Election Act 2074, State Assembly Members Election Act 2074, Voters Namelist related Act 2073, Election (Crime and Punishment) Act 2073, Political Parties related Act 2073 (with first amendment), Election Commission Regulation 2073, Political Parties related Regulation 2074, House of Representatives Members Election Regulation 2074, State Assembly Members Election Regulation (with amendment) 2074. The human rights are protected and safe when these laws are fully adhered to. The Commission has given equal importance to these aspects in its monitoring.

The House of Representatives Members Proportional Election (second amendment) Directive 2074, State Assembly Members Proportional Election (second amendment) Directive 2074, House of Representatives Members and State Assembly Members Election (vote counting) Directive 2074, House of Representatives Members and State Assembly Members Election (third amendment) Directive 2074, House of Representatives Members Election and State Assembly Members Election (second amendment) Directive 2074, House of Representatives Members Election and State Assembly Members Election (first amendment) Directive 2074, House of Representatives Members Election and State Assembly Members Election Directive 2074, House of Representatives Members Proportional Election (with amendment) Directive 2074, State Assembly Members Proportional Election (with amendment) Directive 2074, House of Representatives Members and State Assembly Members Election (Voting) Directive 2074 have also played roles in making the election process more human rights friendly. Apart from these, House of Representatives Members and State Assembly Members Elections Code of Conduct Monitoring Directive 2074, Voters Education Program Implementation Directive 2074, House of Representatives Members Election and State Assembly Members Elections Dispute Resolution Directive 2074, House of Representatives Members and State Assembly Members Elections (Security Management) Directive 2074, House of Representatives Members and State Assembly Members Elections (Human Resource Management)

Directive 2074, House of Representatives Members and State Assembly Members Elections Offense and Penalty Directive 2074, House of Representatives Members and State Assembly Members Elections Monitoring Directive 2074, House of Representatives Members and State Assembly Members Elections Observation Policy, Directive and Code of Conduct 2074 are also related with Nepal's election process. The Commission based its monitoring also on whether these legally prescribed procedures were adhered to or not.

It is undisputed that the objective of all these legal structures is to make elections fair, free and fearless. A fair election is best defined as the free expression of people's opinion and unrestricted exercise of people's rights. Free and fair election not only strengthens human rights, it ultimately strengthens the nation. Therefore, all concerned should internalize that guarantee of true representation of people's opinion is the backbone which makes democratic constitutional structure a success, which in turn will strongly uphold Nepal's position in the human rights map of the world. Based on our achievements and weaknesses, this report of the Commission also aims to recommend the pathway that needs to be followed in future to perform better.

The Universal Declaration of Human Rights 1948 mentions that every individual has the right to participate in their country's government through people's representatives who have been elected directly and freely, right to equal entry into country's government service and the people's wish will be the basis for government's operation. Article 25 of International Covenant on Civil and Political Rights 1966 guarantees the right to participate in operation of public life through directly and freely elected representatives. The election therefore needs to be reviewed in terms of these universally accepted values of human rights as well.

Article 7 of Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) 1979 guarantees the right of women to vote like men in all elections and referendums, and right to be qualified for election in organizations where public elections take place. Similarly, Convention on the Elimination of All Forms of Racial Discrimination 1965 provides for right to participate, vote and give candidacy in elections based on universal and equal voting, Convention on Rights of Persons with Disabilities 2006 provides for the right of persons with disabilities to vote and to be elected like others and the right to fully and effectively participate in political and public life through

directly and freely elected representatives. The same Convention guarantees that the election process, facilities and materials should be accessible to the persons with disabilities and ensuring that they are easy to understand and use. It cannot be denied that the periodic elections and their whole process should be made human rights friendly. The Commission was especially conscious about this as well during its monitoring.

In this regard, when scrutinizing the facts received from monitoring conducted by the Commission during House of Representatives Election and State Assembly Election 2017, enthusiastic participation was observed. This is a very positive thing. The Commission takes it as the dedication and awareness of Nepali people towards human rights.

The Election Commission, all political parties, government mechanisms, civil society, human rights activists and the general voters all played their respective important roles. There are always rooms for improvement. Few shortcomings while working and few inadequacies during adherence do not bring frustration to the whole election process. Since the participation of women, Dalits, ethnic and disadvantaged groups were made mandatory in this election; their considerable representation has laid down the basis for inclusive local structures. However, women candidates not given opportunity by the parties in direct elections is regarded by the Commission as the mistrust and doubt on women. The political parties need to be sensitive in proactively solving this problem in future.

Questions regarding effectiveness of voters' education and full adherence to election code of conduct must have drawn everyone's attention. All concerned feeling the need of addressing these problems should be considered as a positive sign. The need to initiate discussions to amend the elections related laws should be felt by all concerned parties. This election has drawn everyone's attention to this as well. Although all the phases of election have completed, continued thinking and discussions are required so that future elections could be more effective and fair in terms of expression of people's opinion and they could be more human rights friendly in terms of institutional development of democracy.

One temporary (*myaadi*) police died after being injured in an explosion during elections, while attacks on candidates and vehicles carrying them in districts including Bhojpur, Udayapur, Nuwakot, Kathmandu, Tanaha indicates attack on thought and freedom of expression. Bombs found and

explosions in few other places created fear and threat, while incidents of clashes between few candidates and cadres in some places resulted in some of them being injured. These incidents imply that the concerned parties should be serious that others' rights should be respected while using own rights and no space should be given to violence and terror in exercising rights.

The overall security situation during the elections was found to be satisfactory. It should be expected from all concerned parties that there will be no space for fear, threat and violence even indirectly in election process in upcoming days.

In this context, the NHRC submitted letter to Nepal Government's Ministry of Home Affairs and the Election Commission informing that the citizens of Jhule of Tamakoshi Rural Municipality-2 of Dolakha district could not exercise their voting rights fearlessly and that there are security challenges. Letters were sent drawing Nepal Government's serious attention to the incidents creating fear and terror with series of physical assault on candidates of State Assembly and House of Representatives and the voters as well as people in general, and to strengthen security provisions to control and prevent repetition of such incidents.

Local people were found to be complaining that voters' education was not sufficient, many voters being confused on how and in how many symbols to vote, even the trainers deployed for voters' education were confused and could not provide right information on voting. There were no grounds to deny that these complaints are not genuine. It was found that there were no provision of production and distribution of appropriate voters' education materials for citizens with disabilities, intellectual disability or differently abled.

It was found that the parties extensively used children in activities including election campaigns, rallies and mass meetings. There were not enough provisions in place for ease of commute for senior citizens, nursing new mothers, sick and persons with disabilities. These weaknesses gave room for pointing the weakness in election process. The Commission concludes that the concerned agencies including the Election Commission should accept that these problems must be addressed in the future elections.

Likewise, no provisions for officials deployed for elections, security personnel and citizens residing abroad to vote and no provisions to distinguish the different identities of staff deployed for elections, observers, representatives should also be considered as shortcomings.

There were not sufficient drinking water, toilets and first-aid service available in voting centers. Many voting places were found to be too narrow and difficult to access. The persons with disability, senior citizens and nursing new mothers should had been provided special facilities during voting, which was not found in all voting centers. The Commission expects that these shortcomings will not repeat in future elections.

It is indisputable that the public opinion of voters should be respected. For this, a simple voting process is necessary. Simplification of voting process should be considered from today itself. There will certainly be fewer problems if the elections for House of Representatives and State Assembly take place on different dates. It is not inappropriate to hope that there will be no compulsion to hold the two elections together in future, like it happened this time.

Huge number of votes being invalid should surely be taken seriously. This flows the message of negativity towards the election process. It is very important that effective publicization of voters' education should be carried out timely. The voters' education should be reality-based rather than publicity-based. For this, it is essential to have extensive and practical work plans formulated and monitoring to ensure whether they are followed or not.

Voters' education should reach the voters. The test of success or failure of voters' education is realistic if it is based on the number of invalid ballot-papers. The essence of fair election is imbibed in adherence of election code of conduct. Serious indifference to its adherence is not healthy. If the government, political parties and candidates do not adhere to the election code of conduct, then it will hamper the fairness of the election. Concerns raised on violation of code of conduct by the officials deployed for elections and from the journalists cannot be considered healthy. The Commission is firm and expects firmness from all concerned that obligatory parts of the code of conduct should be included in the law, violation of which should be made punishable and therefore not showing any leniency in following them. Especially, the firm proactiveness of the

agency is expected which has the responsibility of monitoring the adherence of code of conduct and taking action if found violations.

It would be better if there is legal provision specifying the month when election should be held. Uncertainties regarding whether elections will take place or not or whether they will be held on specified dates, cannot create fair environment of election. It is therefore better to give the authority to determine the election date to the Election Commission. There should be fair competition in any election and the voters should have enough time to discuss and think before choosing the best party and candidate. It is not inappropriate to expect that these problems will not be present in future elections and the environment will be voter-friendly.

Every citizen has the right to vote. There should be legal provisions for allowing the citizen in foreign employment to participate in elections taking place in the country, accepting that there are a huge number of citizens who are working abroad as migrant workers. Likewise, the right not to vote also lies with the citizens and this election has shown that positive view towards that is also necessary. Similarly, the role of election observers cannot be denied. If observation of human rights protection and promotion in all the voting centers and places can take place in a coordinated manner, it will further enhance the fairness of election.

After the election period is over, lack of proper management of publicity materials of the election can invite environmental hazard and even accidents, and therefore their proper management needs to be taken into consideration.

The location of voting centers and proper organization of vote-counting centers also play important role in fairness of election. Distinction among officials, candidates, agents of candidates and observers is necessary through specified uniform (at least caps). Adequate space and proper security organization needs to be considered as matters of utmost importance.

The NHRC expects that elections in future will be free from these shortcomings and expresses its commitment to monitor elections in future as well and to fulfill its duty of pointing out freely and neutrally on whether the election process had any weaknesses and whether human rights were respected during the elections.

5.2 Recommendations and Suggestions

Since the recommendations made by NHRC based on facts received from monitoring of past elections are yet to be implemented, the Commission would like to draw attention of everyone concerned towards it. The Commission now makes following recommendations to make future elections free, impartial and human rights friendly, after analyzing the facts received from monitoring of recent elections:

a) To the Nepal Government

- Take initiatives to amend laws to authorize the Election Commission to determine election date,
- Determine the election date after considering Nepal's geographical situation, appropriate season, cultural festivals and agricultural season so that maximum people's participation is possible,
- Not to appoint schools as voting centers as far as possible and start working on preparing environment for necessary infrastructure development for permanent voting centers,
- Make adequate provision of drinking water, toilets, first aid service, etc. for the voters in voting centers,
- Ensure that senior citizens, nursing new mothers, women and persons with disability are provided facilities to make their commuting easier on election day so that they can enjoy their right to vote,
- Selection of voting centers which are disability-friendly or making all the existing voting centers disability-friendly,
- Guarantee the safety of voters, ballot-papers, voting materials and ballot-boxes with effective security provisions in voting centers and vote-counting centers,
- Make legal provisions for management of elections in a way which allows the officials deployed for elections, security personnels and staff deployed in monitoring and observation to cast their votes at least in the first phase of proportional election, and
- Provide adequate training and orientation to the officials deployed in election and the security personnel, and to create an environment which ensures uniformity in the work of these officials and temporary police are not required.

b) To the Election Commission:

- Make necessary arrangements for adequate and effective voters' education as the voters and even the officials deployed for elections were found confused since the voters' education could not reach the concerned people adequately,
- Ensure timely management for production and distribution of voters' education materials for persons with physical and intellectual disability and differently abled persons,
- Make the monitoring mechanism of code of conduct more effective in order to ensure full adherence to election code of conduct,
- Ensure proper arrangement of drinking water, toilets and first aid treatment in voting centers, since they were found inadequate,
- Make arrangement or ensure arrangements to establish voting centers in accessible places for the voters, since many voters in remote areas were found to have been deprived of their voting rights as voting centers were very far from their home address,
- Take necessary steps to avoid repetition of mistakes that were found in some places, like voters not getting identity-cards although their names were in voters-list, mistakes in name of parents, address or spelling of names in the voters' identity cards,
- Make necessary arrangement for transport and other necessary provisions specially to ensure the voting rights of pregnant women, the blind, senior citizens and persons with disability more reliable and trustworthy,
- Ensure periodic updating of voters' identity-card, making it more organized for mandatory use,
- Provision of appropriate action included in the code of conduct, against the party and candidates using children for campaigning during the elections,
- Ensure full adherence of election code of conduct and penalty and punishment for the violators,
- Carry out comprehensive study for making the electoral system mechanized,
- Make necessary arrangements for distinctive uniform, badge and

identity cards for the officials deployed in election, observers, representatives and candidates,

- Take necessary steps to amend election related laws to ensure the voting rights of officials deployed in election, other staff, security personnel and citizens living abroad,
- Take necessary steps for making legal provisions to practice the right to choose 'no vote'.

c) To the Political Parties and Candidates:

- Act according to the established norms of human rights by including them in election manifestos,
- Completely stop using children in election campaigning including rallies and mass meetings,
- Follow democratic values and norms without creating conflicts based on political ideology, belief, expressions etc., and to maintain peace and order,
- Fully adhere and ensure adherence of the election code of conduct,
- Give comprehensive training to the representatives deployed in voting centers and vote-counting centers to be punctual and about the procedures there,
- No extravagance in spending, organizing feasts and loud sound systems during the election period, and
- No use of poster-pamphlets and banners and conduct in environment-friendly manner.

d) To the Election Observers, Observing Organizations and Human Rights Activists:

- Give continuation to the arrangements for providing compulsory training and orientations to the observers before their deployment,
- Minute observation of human rights violations and atrocities during the elections and make them public,
- Organizations getting approval for observation should make necessary arrangements so that local people are not selected and deployed for observation of the election in their own locality,
- Make necessary arrangements to ensure monitoring in all places rather than focusing only in accessible areas, near the highways

and in headquarters,

- Coordinate with other observers and organizations for time division for observation,
- Make necessary arrangements for the observers to be present in the start, mid and towards the end of voting, as these three times are more sensitive,
- Develop coordinated program in consultation with other related organizations for collaboration, in order to make the monitoring more coordinated, and
- Ensure that the observers reach every voting center and if possible, divide time in a way that there is at least one observer present all the time.

e) To the Journalists:

- Publish and publicize voters' education with importance,
- Give high priority to the topic of election code of conduct,
- Publish/broadcast and ensure publishing/broadcasting of news and materials related to elections from the perspective of human rights,
- Be careful in publishing/broadcasting materials which will favor any specific candidate or party,
- Provide right information to the voters on election related process and activities in impartial and effective manner,
- Not publishing/broadcasting of materials which instigate caste/ethnicity related resentment, violence and conflicts, and
- Respectful and no violation of election code of conduct while publicizing through social media.

Annex 1



राष्ट्रिय मानव अधिकार आयोग

National Human Rights Commission, Nepal

केन्द्रीय कार्यालय Central Office

हरिहर भवन, पुल्चोक, ललितपुर, HariharBhawan, Pulchowk, Lalitpur, Nepal



Special Appeal of National Human Rights Commission on the occasion of the first phase election of the House of Representatives and the provincial Assembly members



National Human Rights Commission is issuing a special appeal on the occasion of the first phase election of the House of Representatives and provincial Assembly members to all concerning people to respect and protect the citizens' civil and political rights in the election going to be held in 32 districts on 26th November, 2017 in fair, free, fearless and impartial manner.

The Commission appeals to the **Government of Nepal** to create an environment allowing the political parties to conduct election related activities freely and to arrange the fearless environment for all voters to cast their votes, to maintain peace, security and order in the whole process of election, not to undermine harmonious relations and during election to facilitate all concerned parties.

The Commission appeals to the **political parties** to respect the right to freedom of expression and opinion guaranteed by the Constitution, not to provide disrespectful opinion and undermine the harmonious relation between individuals, candidates, people of various caste, tribes, religion or communities, to protect and respect personal liberty and social respect of other individuals/community or political parties while using own freedom of expression, not to do any undemocratic activities like creating obstacle and act of impediment in peaceful assembly and rally by the political parties, not burn tires, not to do torch rally (*Masajulus*), and not to exhibit or carry sticks, spears, curved knife (*khukuris*) including house weapons during rally/assembly and demonstration, not to call general bands (transport strikes) targeting to affect the election process, not to collect donation coercively, not to use public as well as private property including vehicles coercively, not to use children for political purpose or other election campaigns, and internalize principle of inclusion and show in behavior enshrined by the Constitution, respect and entirely follow the fundamental values and principles of human rights, freedom of press including personal liberty as well as to follow the election code of conduct as such.

The Commission appeals to the Election Commission to make everyone responsible for following the entire code of conduct of Election Commission, take legal action instantly against the political parties and candidates who are involved in violating the code of conduct, implement effective voters' education program, manage for easy access and close distance in polling stations specially to people with disability, senior citizens, child bearing mothers and sick people including all the voters.

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The Commission appeals to **all the organizations involved in monitoring the election** to conduct free and impartial monitoring of election related activities regularly, conduct voters' education programs, not to keep association with political parties going beyond the norms of election observers and be impartial without involving in their political activities.

The Commission appeals to social media users and all the mass media not to publish and distribute materials having negative impact on the election, not to express or publish opinions that disrespect or undermine the harmonious relation among individuals, castes, religions and communities and to always play a vital and positive role to follow and to be followed the election code of conduct.

Finally, the Commission appeals to **all people and voters** to be aware of their own rights use the voting right without any fear not falling on any coercion, being proactive to ensure the election of human right friendly and dedicated peoples' representative.

Date: 24th November, 2017

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Anup Raj Sharma
Chairperson
National Human Rights Commission

फोन नं. ५०१००१५, फ्याक्स नं. ००९७७-९-५५४७९७३ पो.ब.नं. ९१८२ काठमाण्डौ, नेपाल
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National Human Rights Commission
on the occasion of upcoming election
of the House of Representatives and
the provincial Assembly members



Appeal

- To respect and protect all voters' right to ballot and human rights maintaining proper peace and security to ensure the free, fair, impartial and fearless environment.
 - To respect the right to freedom of opinion and expression guaranteed by the Constitution.
 - Not to exhibit, carry or use sticks, spears, curved knife (khukuris) including house weapons and explosive materials during rally/assembly and demonstration.
 - Not to call general bands (strikes) targeting to affect the election process, not to use children for political purpose or other election campaigns.
 - To follow the election code of conduct as such.
 - To manage for easy access in polling stations especially to persons with disability, senior citizens, child bearing mothers, sick people including all voters.
 - To conduct free and impartial monitoring of election related activities by the election observers.
 - To use right to ballot without being unduely influenced and coerced from anyone by the voters.
 - To respect others' rights as well while using own rights.
- Commission appeals all the concerned persons/agencies to support the monitoring teams deployed from the National Human Rights Commission in the act of impartial monitoring of election process.

National Human Rights Commission

Hariharbhavan, Lalitpur, Nepal

Hunting line: 01-5010000



राष्ट्रिय मानव अधिकार आयोग

National Human Rights Commission, Nepal

केन्द्रीय कार्यालय Central Office

हरिहर भवन, पुल्चोक, ललितपुर, HariharBhawan, Pulchowk, Lalitpur, Nepal



Press Release

For the immediate use in the Mass Media

(15th October, 2017)

Appeal to include the issues of Human Rights in the Election Manifesto

National Human Rights Commission, Nepal appeals to include the issues of human rights in the manifesto/Commitment letters by the political parties on the occasion of the forthcoming election of the House of Representatives and Provincial assembly which is going to be completed on 27th October and 7th November.

The object of the Constitution of Nepal is to build the prosperous nation by means of democratic governance system, civic liberty, fundamental rights, human rights, adult franchise and periodic election. The main role of the implementation of this means is of political parties. State accepted ensuring the citizens' economic, social, cultural, civil and political rights for building the prosperous nation because constitution of Nepal has incorporated all the aforementioned rights in the fundamental rights. For ensuring the rights to the citizens the constitution of Nepal pursuing 12 different policies has mentioned that promotion and protection of human rights and fundamental rights is also the state obligation. Nepal has accepted internationally to implement 41 different conventions related to human rights as domestic law. In this scenario, the obligation to respect, protect and fulfill the human rights by Nepal is automatically established.

In the context, the manifesto/ commitment letters of every political party is the guidelines for the concerned political party. So, Commission stresses all the political parties to include the issues of respect, protect and promote human rights giving high importance in accordance with the Constitution of Nepal and the commitment made in front of the international arena.

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Molna Ansari

Member/Spokesperson

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National Human Rights Commission, Nepal

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हरिहर भवन, पुल्चोक, प्रतिष्ठापुर, HariharBhawan, Pulchowk, Lalitpur, Nepal



Press Release

(For the immediate use in the Mass Media)

15th Nov, 2017

Do not create obstruction in the free election campaign

National Human Rights Commission (NHRC) has expressed its serious attention over the growing attacks and obstruction during the election campaigns targeting the candidates and cadres as the day of the upcoming election of Provincial Assembly and the House of Representatives approaching near. In Rukum, Rolpa, Bhojpur, Myagdi, Sankhuwasabha, Gorkha districts and other various parts of the country where election candidates and cadres were constantly attacked with bullets and bombs.

While monitoring Commission received the facts that the acts such as threatening voters, showing black flags at candidates' residence and capturing their properties, creating obstruction for election campaign by the cadres of Nepal Communist Party (who is against the scheduled election) and confrontation among the political parties. Such activities show that people's right to take part in election with the fearless environment and candidates' right to free, fearless and peaceful campaign for election has been violated.

Fair, free and periodic election is synonymous to the democracy and human rights. To respect this is the duty of all the citizens. Such acts were repeated due to government's failure in the past to take action against those involved in violating the rights provided by the Covenant on Civil and Political Rights as well as other international documents including the constitution of Nepal and other national documents.

Commission appeals to the concerning parties not to create obstruction in the right of every citizen to take part in election, not to create any kind of hindrances and to respect the human rights of the general people. Similarly, appeals to all the political parties to maintain restraint during election campaigns. Commission draws the attention of the Government of Nepal to ensure the right of the candidates to campaign in free and fearless environment and proper security arrangement to ensure people enjoy their right to vote.

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Bed Bhattarai
Secretary

फोन नं. ५०९००५५, फ्याक्स नं. ००९७३-९-५५४७९७३ पौ ब.नं. १९८२ काठमाडौं, नेपाल
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National Human Rights Commission, Nepal

केन्द्रीय कार्यालय Central Office

हरिहर भवन, पुल्चोक, प्रतिष्ठापुर, HariharBhawan, Pulchowk, Lalitpur, Nepal



Press Release

(For the Immediate Use in the Mass Media)

19th November, 2017

Immediately Make Election Security Arrangement Strong

The serious concern of National Human Rights Commission (NHRC) has drawn on the incidents of dozens of people injured including one minor during campaigns of the upcoming election of Provincial Assembly and the House of Representatives in Rautahat, Bhojpur, Lamjung, Nuwakot districts.

The spate of attacks with an improvised explosive device targeting the election campaigns and candidates of the political parties show the fragile security arrangement. Universal Declaration of Human Rights 1948, International Covenant on Civil and Political Rights 1966, including all the conventions in which Nepal is a party, the Constitution of Nepal and other laws as well as the directives given by the Election Commission to complete the election in fearless and peaceful manner has been violated.

Commission expresses deep sorrow towards the inhuman incidents in which the innocent individuals including the ignorant child injured. Commission requests the government of Nepal to examine the incidents for legal action to the offenders involved and to manage the free and effective treatment of injured people. Similarly, the Commission also appeals to the Government of Nepal to solve the political opinion using peaceful means.

Commission seriously draws attention of the Government of Nepal to ensure the inherent right of people to select people's representatives in the fearless and peaceful environment making all the state's security management effective.

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Mohna Ansari
Member/Spokesperson

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Press Release

For the immediate use in the Mass Media
(25th November, 2017)

Commission monitors election in 27 districts from Human Rights perspective

Request to all concerning parties to respect and protect Human Rights

National Human Rights Commission will monitor first phase election of the House of Representatives and Provincial Assembly members scheduled on 26th November, 2017 from the perspective of human rights. Among 32 districts except a few ones of the high Himalayan regions, the team has been deployed in 27 districts including human rights officers for monitoring the whole process of election.

The team will monitor whether or not the political parties are exercising the right to freedom of expression as well as the freedom of peaceful assembly and use of children in the political campaign. Moreover, voters' education and the situation of civic awareness, possible violations of human rights by political parties during election, whether or not proper arrangements have been made for all voters including disable people, senior citizens, minorities' people in the fearless environment, to cast their votes, security of the voters and the candidates and the respect to the human rights issues mentioned in the code of conduct of election will be monitored. Similarly, the Commission draws attention to the incidents of arresting journalists in various districts. Commission is conducting necessary monitoring to the incidents.

The Commission requests to the Government of Nepal to complete the election in the free and fearless environment strengthening peace and security. Similarly, the Commission requesting to the Political Parties to put forward the election process in a very imperturbable and peaceful manner appeals to all the voters to exercise their voting rights without any fear.

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Mohna Ansari
Member/ Spokesperson

फोन नं. ४०९००९४, फ्याक्स नं. ००९७३-९-४४४७९७३ पौ.ब.नं. ९९८२ काठमाडौं, नेपाल
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Press Release

(For the immediate use in the mass media)
26th November, 2017

Parliamentary and provincial Elections Process Phase I Monitoring Concluded

National Human Rights Commission has concluded monitoring the polling process of the House of Representatives and Provincial Assembly elections phase I from human rights perspective in 32 districts today. For ensuring fair, free and fearless environment in the election 27 monitoring teams have been deployed by the Commission.

In accordance with the information received by the monitoring teams bombs exploded in some districts including Rolpa, Rukum, Bajhang, Bhojpur, Nuwakot, Gorkha but there were no human casualties. Explosive materials found near to the polling centers including Taplejung, Dhading, Baglung, Darchula districts, similarly some people injured when clashes ensued between rival parties in Bajura, Dolakha, Jajarkot, Okhaldhunga and Sindhupalchowk. Security personnel fired shots in the air to control the situation in Dolakha, Bajura and Sindhupalchowk. Polling was postponed due to fire in the ballot box (of first-past-the-post) at Bafikot Rural Municipality (A) polling station and fire in the ballot box (of proportional representation) at Gattasaina polling Station of Athbiskot Municipality-5.

Polling stations were very far in some places and elderly citizens, persons with disabilities and pregnant women, who could not trek five hours to reach their polling stations, were deprived of their voting rights, due to lack of effective dissemination of voter education and awareness to voting rights, voters had not reached the polling centers even by 2:00 pm in some places and almost polling centers are not found to be physically disabled friendly. Due to the rumor of unsigned ballot paper distribution spread and created conflict, polling process was postponed for sometimes at one of the polling stations in Lamjung. Anyway, Voters are found to have reached to the polling stations to use voting rights though there were some incidents of bombs exploded, cold climate and disadvantageous geography.

The Commission urges concerned parties to ensure voters' education and manage polling stations well so that voters can cast their votes easily in the days ahead.

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Mohna Ansari
Member /Spokesperson

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Press Release

(For immediate use in the mass media)

29th November, 2017

Commission aggrieved on serious incidents going on in nation

National Human Rights Commission receives the information of increased violent incidents while approaching near the second phase election of the House of Representatives and Provincial Assembly members in different 45 districts in the nation. An improvised explosive device was exploded near by the place of party's election assembly on 28th November, 2017 in Tulsipur, Dang in which 7 security personnel were injured and Myadi (temporary) police personnel named Binod Chaudhary died during treatment. Commission expressing sorrow extends condolences to the bereaved family of the deceased person.

Commission condemns the incidents of explosion of bombs near to the election assembly at Lagankhel, Lalitpur, seriously hurt including the polls candidate and others in Udyapur though the treatment is ongoing at Tribhuvan University Teaching Hospital, Maharajung, Kathmandu and explosion of bombs targeting the candidates, creation of confrontation and explosion of bombs targeting the candidates' houses including Morang, Jhapa, Bara, Mahottari, Saptari, Lalitpur, Bhaktapur, Nawalparasi and Gulmi districts.

Similarly, the Commission received the information after monitoring at New Baneshwor, Kathmandu on 28th November, negative impact triggered on the right to free movement due to the election assembly blocking the roads.

Commission requests to the government of Nepal to punish the offenders involved investigating the incidents occurred during election and to create environment for completing the election in free and fearless manner strengthening peace and security. Similarly, the Commission issues special request to the Government of Nepal, political parties including all concerned stakeholders to respect others' rights while campaigning and assembling and to be imperturbable, following the election code of conduct in a peaceful manner, to respect and protect the human rights forwarding way of the election process.

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Yagya Prasad Adhikari
Officiating Secretary

फोन नं. १०९००९५, फ्याक्स नं. ००९७३-९-४५४७९७३ पौ.स.नं. १९८२ काठमाडौं, नेपाल
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Press Release

(For immediate use in the mass media)

4th December, 2017

Ensure Strong Security Arrangement

National Human Rights Commission draws serious attention towards the incidents of candidates and dozens of people injured in an explosion of bomb in various districts including Terhathum, Syangja, Sarlahi, Palpa, Dadeldhura, Kailali and the Capital targeting the candidates and political parties' programs while approaching election of the House of Representatives and Provincial Assembly second phase days near. Monitoring teams of the Commission has been deployed to take stock of the condition of those who were injured in bomb attacks.

The spate of attacks with an improvised explosive device targeting the election campaigns and candidates of the political parties show the fragile security arrangement. The Universal Declaration of Human Rights 1948, International Covenant on Civil and Political Rights 1966, including all the conventions in which Nepal is a party, the Constitution of Nepal and other laws as well as directives issued by the Election Commission and provisions relating to holding of elections in peaceful and fear-free manner are not being implemented effectively.

The Commission expresses deep sorrow condemning towards the inhuman incidents in which the candidates including general people injured. The failure to identify attackers in the face of increased incidents of bomb attacks had increased challenges to poll security. The Commission requests the Government of Nepal to identify the offender involved for legal action, not to arrest innocent citizens on any ideology and to manage the free and effective treatment to the injured people. In the context of the election, some arrests were being made on the basis of people's past political association or mere suspicion, the NHRC urges the government to carry out its duty in a responsible manner.

The Commission urges the government and all concerned parties to ensure environment conducive for holding elections in independent, impartial and fear-free manner through effective security management and the right to be elected in fear-free environment as well as to respect the inalienable right of the citizens to elect own representatives.

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Bed Bhattarai
Secretary

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Press Note

For the immediate use in the Mass Media

(6th December, 2017)

NHRC Forms the High Level Election Monitoring Units

Discussion on Security Arrangements with the Home Secretary and the Head of Security Agencies

National Human Rights Commission, Nepal has formed the High Level Election Monitoring Units to make monitoring more effective and credible pursuant to the National Human Rights Commission Act 2068 in the chairmanship of the Honorable Chairperson Anup Raj Sharma comprising representatives from the former Permanent Representative of Nepal to the United Nations, human rights activists, women human rights activists, civil society, law practitioners. The units shall monitor Kathmandu valley and other places as per the necessity.

Similarly, the National Human Rights Commission, the Home Secretary of the Government of Nepal and the Chief of Security Agencies discussed on the election security management and efforts made to respect and protect the human rights. On this occasion, Chairperson of the Commission Anup Raj Sharma opined that role of security agencies is very important for making peaceful and human rights friendly election and requested to the chief of the security agencies for effective security arrangements. He also opined that election process will only be credible and successful if voters are confident to security arrangements. In this discussion, Home Secretary Mohan Krishna Sapkota said that election security is arranged in the way of ensuring the human rights.

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Mohna Ansari

Member/spokesperson

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Press Release

(For the immediate use in the mass media)

7th December, 2017

Parliamentary and provincial Elections Process Phase II Monitoring Concluded

National Human Rights Commission deployed its monitoring teams to ensure the human rights in all 45 districts where the second phase of elections took place today. The teams, including seven high-level monitoring units monitor the pre, during and post elections processes from the view point of human rights.

In accordance with the facts received by the monitoring teams bombs exploded in some districts including Dadelhdura, Nawalparasi, Lalitpur, Kathmandu, Bhaktapur, Gulmi, Sunsari, Salyan, Sangja, Dhankuta and some people injured in the Devchuli Village Council of the Eastern Nawalparasi district. In one of the polling centers of Mahadeva Village Council of Saptari district no vote was casted. Impoverished explosive devices found including in the Kanchanpur, Sarlahi, Makawanpur, bhaktapur districts and some people injured including in the Sarlahi, Bhaktapur, Kathmandu, Sangja districts. Security Personnel fired shots in the air to control the clashes in Sarlahi, Achham and Sangja districts. Vote casting process suspended due to the conflict elevated on the issue of unsigned ballot papers distributed in Mathura Ma. Vi. 'B' Polling center, Neta, Sandhakharka municipality – 5, Arghakhachi district.

Similarly, the polling process was halted for sometimes because of the ballot paper of Provincial Council was placed into the ballot box of the House of Representative in one of the polling centers of Sarawal village council, Western Nawalparasi district. Though senior citizens, persons with disabilities were in priority in the polling process, some of the polling stations were not disability friendly, incessant in deployment of the health workers in the election process, even election officials lacking proper poll orientation, some people being arrested on the basis of suspicion and political ideology, problem in finding the name from the serial number due to differences found in voter identification cards and the voter checklist in some of the polling centers and voter education had remained ineffective in almost all the districts.

Election process was held with encouraging participation of women, senior citizens and differently-abled people. Despite a few cases of bomb blasts, sudden cold and precipitation in some of the districts, voters were encouraged to use their voting rights.

The Commission draws the attention of the authorities concerned to improve voter education campaigns and manage polling booths properly in the future.

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Mohna Ansari

Member /Spokesperson

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Local Level Election, 2017

Monitoring Report

National Human Rights Commission

Hariharbhawan, Lalitpur

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5.1 Conclusion

The local level elections have concluded after a gap of around two decades. It however took a very long time for the political parties to come to consensus in terms of the election. Even after the election had been announced confusion remained over the fate of it for some time, as some parties disagreed to it and some announced boycotting it. However, despite all this, the local level elections were finally held in three phases in a relatively peaceful atmosphere through dialogue and consensus among the parties. The election has led to delegation of the powers of the centralized governance system of the country to the local level and with it there is a general expectation that federalism would come to force with the citizens being empowered at the local level.

The National Human Rights Commission that carries the constitutional duty of ensuring the respect, promotion and effective enforcement of human rights concluded the monitoring of the three-phase local level elections 2017 from the human rights perspective. In doing so, the NHRC focused on the established norms of human rights, national and international instruments, and the rights of general citizens in an election.

Periodic elections are the foundation of rule of law and human rights. It is recognized that the institutions of the state become accountable towards the people and effective through the medium of periodic election.

The preamble of the present Constitution of Nepal envisages adult franchise and periodic elections in its preamble while recognizing the importance of elections. Likewise, Article 221 to 227 of the Constitution provide for the formation of the local legislature. Furthermore, the Election Commission Act-2073 (2017) introduced to amend and integrated laws relating to the function, duties and rights of the Election Commission, the Election (Crime and Punishment) Act-2073 (2017) formulated to ensure fairness, impartiality and independence of the election, the Voters Roll Act-2073 (2017), the Local Level Elections Act -2073 (2017) introduced with the objective of establishing legal provisions for the local level election, Election Commission Regulations-2073 (2017), Local Level Election Regulations (first amendment)-2073 (2017) and Local Level Election Code of Conduct-2073 (2017) are all related to the election process of Nepal.

Article 21 of the Universal Declaration of Human Rights, 1948 mentioned that everyone has the right to take part in the government of his country, directly or through freely chosen representatives, to equal access to public service in the country and that the will of the people shall be the basis of the authority of the government while the Convention on

Civil and Political Rights, 1966, Article 25 establishes every citizens right to take part in the conduct of public affairs, directly or through freely chosen representatives.

Furthermore, the Convention on Elimination of all kinds of violence against women, 1979, Article 7 guarantees the right of women to vote on equal terms with men in all elections and public referenda and to be eligible for election to all public elected bodies. Likewise, the International Convention on Elimination of all kinds of Racial Discrimination, 1965 ensures the right to participation in elections to vote and to stand for election on the basis of universal and equal suffrage. The Convention on the Rights of Persons with Disabilities, 2006 guarantee persons with disabilities, on an equal basis with others, the right and opportunity to vote and be elected and effectively and fully participate in political and public life directly or through freely chosen representatives. The Convention also ensures that voting procedures, facilities and materials are appropriate, accessible and easy to understand and use for the persons with disabilities. Hence, in this context, one cannot deny the fact to make periodic elections and its overall process human rights friendly.

In this context, the facts collected from the monitoring of the local level elections by the NHRC shows enthusiastic participation of the people in the election. Three people were killed in course of the election in Dolakha, Kalikot and Kavrepalanchowk districts while some people were injured when parties clashed and were involved in mutual disputes in other places, which shows that the law and order was not efficient and effective. Furthermore, some people involved in observation of the election in districts like Dolakha, Dhanusa, Rautahat, Parsa, Rukum, Jajarkot and Kapilvastu were arrested on the charge of being the cadres of the CPN Maoist (Biplav) and later released. Also, cadres of the group were arrested for suspicion of trying to foil the election, kept in custody and released only after the elections were over. Apart from these, the situation of human rights during the election was found to be normal.

The Election Commission, all political parties, government instruments, civil society, human rights workers and the general voters all played an important role in their respective part to make the election successful. As the election procedures this time had made the participation of women, Dalit, Janajati and the backward groups mandatory, there was significant representation of such groups leading to infrastructure of an inclusive local structure, a fact which has to be taken positively and appreciated. However, only due to the mandatory condition that the candidate for one among the post of Chief or Deputy Chief of the Local level had to be a

woman, all parties were compelled to nominate a women candidate. And barring some exceptions all the parties were found to have limited women to the post of Deputy Chief only. In many units the post allocated for Dalit women candidate remained vacant. Nevertheless, the overall election has established a strong foundation for inclusion.

Considering the facts received from the monitoring, nobody was found to have been treated discriminately. There were no complaints from any of the party that were registered in the Election Commission and who filing nominations of have deprived of the right to freedom of thought and expression. During the monitoring, the right to peaceful assembly and to hold gatherings and meetings were also not found to have been obstructed. Everyone were able to take part in the candidate nomination process freely and nobody was deprived of the right to free movement. Overall the state of law and order during the election was found satisfactory. And there were no activities that took place to disturb the confidentiality of the voters in the polling booths.

However, the voter education provided was not sufficient, many voters were found confused on how to vote on how many election symbols, even the voter educators were themselves not sure about it and thus were not able to provide the right knowledge to the voters, as complained by the local people. Appropriate measures had not been made for the production and distribution of voter education materials for the voters with disabilities, intellectual disability and differently able voters. Many voters who had their names in the voters roll were not able to receive their voter identity card while some voters with identity card did not have their names in the voters roll. As the parties had not provided sufficient measures for women's leadership and capacity enhancement, women's leadership development had not taken place while majority of the Dalit woman candidates were found experiencing difficulty in speaking in public places and playing a leading role in the running of the election campaign. The local people also reported that the atmosphere for women, Dalit, the third gender, people with disabilities was not socially favourable for them to take part in the election. The parties were also found using a maximum number of children in the election campaigning, including in rallies and mass meetings. Sufficient arrangement had not been made to ease the travelling of the elderly citizens, lactating mothers, the sick and the people with disabilities on the voting day. Likewise, the arrangement of drinking water, toilet and first aid in the polling centres were not sufficient. As the colour of the ballot paper and that of the swastika stamp were same, the voters as well as those mobilized in the vote counting process were found to have been confused. The incident that took place during the counting of votes in ward no. 19 of Bharatapur

Metropolis where a dispute took place over the tearing of ballot papers and re-polling had to be held had invited a risk of setting a bad precedent. The CPN (Maoist Centre) cadres were accused of tearing the ballot papers.

Considering the overall management of polling centres and mobilization of staff, some shortcomings were witnessed until the latest stage of the election. Majority of the polling centres chief were of the view that the budget allocated for construction of the polling centres was not sufficient. As the rotation system for security persons and staff mobilized in the election to take break for lunch, snacks and rest was ineffective, which created difficulties in the work, according to the staff and security persons mobilized in the polling centres. Among the staff mobilized in the polling centres, some also included health workers. As a result, some health centres were left empty affecting the treatment of the patients.

5.2 Recommendation and Suggestion

Based on the analysis of the facts received from the monitoring, the following suggestion and recommendations have been made to make elections free, fair and human rights-friendly.

(a) To the Government of Nepal:

1. Declare the date of election considering weather conduciveness, as many human difficulties have to be faced while holding election during monsoon
2. Make, cause to make arrangement of drinking water, toilet and first-aid service etc to the voters in the polling centres
3. Ensure the right to vote of the elderly citizens, lactating mothers, women and voters with disabilities by facilitating transportation for them on the election day
4. Select a disabled-friendly location while determining polling centres and make all the existing polling centres disabled-friendly on time
5. Ensure, cause to ensure the security of the voters, ballot papers, voting materials and the popular mandate by providing effective security arrangement in the polling centre and vote counting centres
6. Create an atmosphere whereby the candidates can campaign without any restriction and fear
7. Make, cause to make arrangement to secure all the polling centres from sun, rain and from the security point of view

(b) To the Election Commission:

1. Make, cause to make arrangement for sufficient and effective voter education, as the voter education could not reach up to the rural level as a result of which the voters and even the employees mobilized in the election were in some locations were found confused.
2. Make, cause to make timely arrangement for production and dissemination of voter education materials for the citizens with physical and intellectual disability and those with different abilities.
3. Make the code of conduct monitoring mechanism more effective to fully enforce the election code of conduct.
4. Make effective arrangement of drinking water, toilet and first-aid in the polling centres on the voting day, as it was not found to be appropriate.
5. Establish, cause to establish polling centres in locations that are easily accessible to the voters, as many voters were found deprived of their right to vote with the distance of polling centres from their respective homes, especially in the remote locations, being very far away.
6. Adopt alertness to avoid shortcomings in the voter identity card, including the failure of people listed in the voters roll to get their identity card, and some voter identity cards found with a mistake in the name of the father-mother, real address and the letters of the names.
7. Make necessary arrangement for transportation to ensure the access of the lactating mothers, pregnant women, elderly citizens, people with disabilities and the physically challenged to the polling centres (though special priority was given to them in the voting process), and make the act of ensuring the voting right of the visually impaired, the elderly citizens and the physically challenged voters reliable and credible.
8. Respect the right of the employees and security persons mobilized in the vote counting to take turns, to rest and recreation, and make, cause to make necessary arrangement in that regard.
9. Establish measures to avoid mobilization of doctors, health workers and staff related to the essential health services in the works related to the election.

10. Make, cause to make arrangement to differentiate the colour of the ballot paper and the swastika stamp, as voters as well as those involved in the counting of the votes were found confused over the same colour of the ballot paper and the swastika mark.
11. Ensure effective security arrangement of the ballot paper and vote counting stations in order to avoid re-polling as a result of tearing off the ballot papers.
12. Make arrangement to print and use ballot papers as per the final list of candidates and election symbol so as to respect the people's franchise by bringing down the number of invalid votes.
13. Make arrangement to reach ballot papers and ballot boxes to the concerned polling centres in a secured and efficient manner.
14. Stop the use of children in meetings, processions and the election campaigning.
15. Enforce, cause to enforce the election code of conduct in letter and spirit.
16. Carry out, cause to carry out detail study in order to transfer the election system into an electronic voting system.
17. Carry out, cause to carry out necessary detail study to make the election law more democratic, mandatory in the enforcement of the election code of conduct and human rights-friendly.
18. Make, cause to make necessary reforms after studying the proportion and nature of the invalid vote count of the election.

(c) To political parties and candidates:

1. Fully follow, cause to follow the election code of conduct
2. End, cause to end forever the use of children in election campaigning, including processions, meetings, assemblies and gatherings
3. Maintain order, remain patient and follow the democratic norms and values by not creating conflict on the basis of political thought, belief, expression etc
4. Internalize the established norms and values of human rights in the election manifesto and work, cause to work accordingly.

(d) To monitors, observer organizations and human rights workers:

1. Select and mobilize as observers individuals with impartiality, efficiency, professionalism, effectiveness and accountability in their work
2. Make provision to not mobilize as far as possible the local residents as observers in the same location by the organizations permitted to observation,
3. Continue the provision of providing mandatory training and orientation before mobilizing observers in the election.
4. Make public, cause to make public after carrying out close monitoring of the incidents of human rights violation and excesses that take place during the election.

(e) To media workers:

1. Publish, disseminate, cause to disseminate with importance the voter education.
2. Give high priority to the election code of conduct and the messages of harmony
3. Disseminate, cause to disseminate the entire election process from the perspective of human rights.

Finally, the NHRC is confident that all sides would ensure and respect the general citizens' rights to vote in the future elections in a fearless, impartial and independent manner.