



Press Release

EU Election Observation Mission presents final report on the House of Representatives and Provincial Assembly elections, with recommendations for future elections

Kathmandu, 20 March 2018

The European Union Election Observation Mission (EU EOM) for Nepal's House of Representatives and Provincial Assembly elections today submitted its final report containing 29 proposals for reform to improve the electoral process.

The Chief Observer of the EU EOM, Željana Zovko, a Member of the European Parliament, returned to Nepal on 18 March to present the final report to the Government of Nepal, the Election Commission of Nepal, political parties, observer groups and civil society organisations. *"I am very pleased to present our final report as it brings together the findings and analysis of our observations over the period the mission was in Nepal, as well as comprehensive recommendations for future elections,"* said Ms Zovko at a press conference in Kathmandu today.

"They are addressed to the relevant institutions – the Election Commission of Nepal, the Government of Nepal, political parties, civil society and other key stakeholders. The European Union remains committed to work with Nepalese partners on strengthening the democratic process of the country, and will continue to take a keen interest in electoral reform here in the coming months and years."

Overall, the 26 November and 7 December elections represented a key milestone in the implementation of the 2015 Constitution, with the legal framework providing a good basis for the conduct of elections. However, a great deal of the body of electoral law was enacted less than three months before the elections, which meant that there was insufficient time for dissemination or appraisal.

Political freedoms - including the right to vote and to stand for election, and freedoms of association, assembly and expression – are well-respected in law and, despite a series of violent attacks against candidates, these political freedoms prevailed during the campaign.

The quota system, in an effort to promote gender and social inclusion, also includes groups that are already well-represented. This is arguably in contravention of international standards on equality, as affirmative action measures are foreseen only as a means to promote equality.

Although the Election Commission of Nepal (ECN) performed its duties impartially, enjoying public confidence, its work lacked transparency. There was, for example, no mechanism for regular consultations with election stakeholders, and the ECN failed to publish critical information on polling centre turnout and invalid votes. There were also procedural weaknesses, particularly in relation to the reconciliation of ballots. Voter education was also inadequate, in some areas non-existent.

The ECN had extensive powers to punish violations of the Election Code of Conduct, including by fines and disqualification, yet it dealt with complaints in a largely informal manner, requesting that those in violation stop the behaviour complained of. This lack of enforcement undermined the integrity of the Code. Allegations that both cash and in-kind gifts were given

to voters circulated widely, but not a single prosecution for vote-buying was initiated.

Positively, a voter registration drive resulted in 1.37 million new registrants, the candidate nomination process was well-conducted, and the media environment during the campaign period was generally free, although a few cases of limitations on freedom of expression and the freedom of the press were observed.

The report makes **29 recommendations for consideration**, but suggests priority attention is given to the following **10 recommendations**:

1. Review the impact of the quota system on the ethnic composition of the House of Representatives and provincial assemblies and ensure that measures of affirmative action apply only to groups that are the subject of negative discrimination.
2. Enhance the transparency of the ECN by regular consultations with stakeholders, and the timely publication of all information of public interest.
3. Launch extensive voter education sufficiently in advance of elections, in all languages used in Nepal.
4. Review first-past-the-post constituency boundaries to ensure more equal suffrage.
5. Relax voter registration transfer requirements so people living in rented accommodation and informal settlements can transfer their voter registration.
6. Enforce the law in order to stop vote-buying.
7. Produce a less restrictive Code of Conduct, including provisions for the allocation of free airtime to political parties/candidates in the public media.
8. Introduce administrative procedures to accord priority to election-related cases filed with the Supreme Court.
9. Enhance the transparency of the results process by the swift publication of polling centre turnout data and constituency counting tables, as well as by distribution of copies of the constituency counting tables to party and candidate agents.
10. Introduce meaningful reconciliation procedures in polling and counting directives.

The EU EOM was present in Nepal between 25 October 2017 and 3 January 2018, following invitations from the Government of Nepal and the ECN. In total, the mission deployed over 100 observers from all 28 EU member states, as well as Norway and Switzerland. It assessed the extent to which the electoral process complied with international and regional commitments for elections, as well as with the laws of Nepal.

*The final report is available in English and Nepali; only the English version is official.
It is available at: www.eomnepal.eu*

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