Report on Gender Mapping in the Field of Elections

June 2010

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UNDP Electoral Support Project (ESP)
Election Commission of Nepal
Kantipath, Kathmandu

From the Chair of the Election Commission of Nepal

Free, fair and credible elections lie at the heart of any functioning democracy. Both the practice and perception should endorse that elections are held with sufficient credibility and legitimacy, if we are to strengthen the foundations of democracy in a country like ours which has just emerged out of the violent conflict. In order to achieve this end, any electoral process must ensure that every section of the society has received a fair and equitable share in representation, participation and election management.

Women in Nepali electoral process have long been deprived from getting their fair share in terms of representation, participation and management. As a result, their voices have remained virtually unheard at the policy making levels. Although gender equity and equality have remained buzzwords in our developmental discourse for several decades, the domain of electoral management remained almost untouched with such notions. This apparently led to lack of ownership among another half of the society toward democratic exercises. The untimely demise of the then constitution may be cited as a classic example on how exclusion of deprived and marginalized sections of the society would lead to a disaster to a newfound democracy.

Learning lessons from the past shortcomings, Nepal is now embarking towards institutionalizing a more inclusive democracy and to make all sections of the society entitled to receive democratic dividends in a free, fair and equitable manner. Nepal championed such an exercise during the past Constituent Assembly elections, which could yield an inclusive and

participatory constitution making body. Especially representation of women has remained most impressive with almost one-third share in the Assembly. With the constitution writing process in progress, it is expected that such an achievement would be institutionalized with more value-additions.

In a bid to make future electoral processes more gender-friendly, the Election Commission of Nepal (ECN) is carrying out a plethora of activities that not only aim at increasing their participation in the electoral process, but also focus on their active engagement in championing proportionally represented inclusive enabling democracy. Such activities include empowerment of women through capacity development efforts and dissemination of information on their political rights on a top-down fashion on the one hand; and increasing their level of participation in each level of governance and making their voices heard at the policy level on a bottom-up approach; on the other. ECN firmly believes that this two-pronged strategy would transform Nepali women from silent recipients of democratic benefits to active participants and strong right holders.

Nepal is a party to a number of international human rights instruments, including CEDAW and ICCPR, that intend to promote and sustain equity and equality on the one hand and uphold civil and political rights of citizens on the other. Right to equality between men and women has constitutionally been guaranteed and in many instances, the interim constitution provides for special arrangements for the protection of rights and interests of women. The National Human Rights Action Plan (NHRAP) is being implemented with the objective of, *inter alia,* protecting and promoting women's rights as human rights. The Government of Nepal has recently prepared and endorsed a National Action Plan for the implementation of UN SC Resolutions 1325 and 1820, which primarily call for enhancing the role of women in a post-conflict milieu. Likewise, a women caucus within the Constituent Assembly is actively engaged in bringing gender issues to the fore in the process of statute drafting. All these activities provide a flicker of hope that future electoral process in Nepal would make significant achievements in the areas of gender justice though the way ahead is rough and tardy.

In this connection, ECN pleased to present a report on 'Gender Mapping in the Fields of Elections' prepared with the financial and technical support generously offered by UNDP. ECN believes that it is a pioneering step towards promoting gender equality in the field of elections in Nepal. The report meticulously identifies the gender gaps in the electoral processes and the election management body, as well as providing recommendations towards addressing such gaps. The mapping report places an emphasis on mainstreaming gender equality in different steps of electoral cycle, as well as ensuring gender-specific institutional strategies and policies.

Of course, we need a huge amount of financial, human and technological resources to mitigate the gaps identified in this Mapping and ECN alone is not in a position to accomplish such a venture. We certainly need generous support from our valued development partners in this august effort. Gender justice and equity are the basic tenets of democracy in the present day world and without enabling women in electoral processes, no democracy would flourish. In such a situation, the hard earned federal and inclusive democratic structure of the nation would severely be jeopardized. I reckon that it would also be a moral obligation to the development partners to support in this discipline too.

Finally, ECN highly appreciates the efforts made by the national consultant Ms. Salina Joshi in preparing this mapping report and the support provided by UNDP in preparing the report. ECN would consider its effort successful, if the report could suggest any corrective measures in making participation, representation and management of electoral system more inclusive and gender friendly.

Neel Kantha Uprety
Chief Election Commissioner a.i.
Election Commission of Nepal

Foreword

The present exercise on 'Gender Mapping in the Field of Elections' is a pioneering step towards promoting gender equality in the field of elections in Nepal, identifying gender gaps in the electoral processes and the election management body, as well as providing recommendations towards addressing these gaps. This mapping report places an emphasis on mainstreaming gender equality in the different steps of the electoral cycle, as well as ensuring gender specific institutional strategies and policies. This mapping exercise is particularly timely, as the Election Commission Nepal is actively engaged in promoting more democratic and inclusive elections and undertaking many initiatives in the process. The findings of this exercise are expected to enhance the effectiveness of the electoral initiatives in Nepal.

This report represents a reaffirmation of Nepal's commitment to various international human rights instruments it has ratified, and the obligation under UNSCR 1325, which calls for promoting gender sensitivity in the post conflict elections. We are sure that apart from the Election Commission Nepal and the UNDP, individuals, organizations and institutions working on the area of gender equality will find this report very useful.

I greatly appreciate the inputs from Commissioners and the senior officers at the ECN with this exercise. I would especially like to thank the Hon'ble Nil Kantha Uprety, Acting Chief Commissioner, Hon'ble Dolakh Bahadur Gurung, Commissioner, and Hon'ble Ayodhi Prasad Yadav, Commissioner. I would like to also thank Mr. Yagya Prasad Gautam, Secretary, Joint Secretaries Mr. Shyam Sundar Sharma, Mr. Rajendra Sharma and Mr. Bhupendra Prasad Poudel for their advice on the preparatory phase of the exercise and their insights on the gender issues in the area of elections. I would like to also acknowledge the constructive inputs from Mr. Shyam Sundar Sharma on the contents of the mapping report. My sincere thanks to all the officers at the ECN for their much needed support and would like to acknowledge the support

provided by Ms. Shanta Nepal and Mr. Rishi Bhushal in the different stages of the mapping exercise. I would like to thank the female staff from ECN who actively participated in the focus group discussions and shared their concerns, along with ideas to promote a gender sensitive working environment.

Along with the ECN and UNDP, I would particularly like to acknowledge the important contributions from the International Foundation for Electoral Support (IFES) in finalizing the mapping report. I would like to particularly express a special thanks and my gratitude to Ms. Katie Ryan, Acting Chief of Party of the International Foundation for Electoral Support (IFES), for her consistent support and her time. I greatly value her contributions in finalizing the report. I would also like to thank Leena Rikkila Tamang, Head of Mission and Cecilia Bylesjo, Gender Advisor, International IDEA and Kaare Vollan, International expert on electoral systems for looking into the legal section of the report and providing their very useful inputs. I very much appreciate the participation of the women's rights advocates representing various organizations in the focus group discussion, who contributed in identifying the gender gaps in the area of elections, based on their experiences. Last but not least, I would like to thank my colleagues in UNDP for helping to finalize the report with their valuable inputs.

Jorn Sorensen
Country Director a.i.
UNDP Nepal

Contents

List of Acronyms and Abbreviations

BRIDGE:	Building Resources in Democracy, Governance and Elections
CA:	Constituent Assembly
CoC:	Code of Conduct
DEO:	District Election Office
EC:	Election Commission
ECN:	Election Commission Nepal
EMB:	Election Management Body
FGD:	Focus Group Discussion
FPTP:	First Past the Post
GSI:	Gender and Social Inclusion
GSIG:	Gender and Social Inclusion Action Group
GSIU:	Gender and Social Inclusion Unit
IFES:	International Foundation for Electoral System
PDMC:	Petition and Dispute Management Committee
PR:	Proportional Representation
UNDP ESP:	United Nations Development Programme Electoral Support Project
VR:	Voter Registration
WAPDCCA:	Women Alliance for Peace, Democracy, Constitution and Constituent Assembly

Executive Summary

The Election Commission Nepal (ECN), with support of the UNDP Electoral Support Project and IFES, has undertaken a 'gender mapping in the field of elections', the methodology for which involved review of documents, interviews with ECN staff and focus group discussions. The objective of this mapping exercise is to identify gender and social inclusion initiatives and gaps both within the Commission institutionally and in specific electoral processes; and based on the findings propose recommendations. It is envisaged that the ECN will follow up on the recommendations to ensure that elections in Nepal, as well as the institutional framework, are gender sensitive and inclusive of women and other marginalized groups.

The mapping of the electoral processes reveals that in comparison to past elections in Nepal, the 2008 Constituent Assembly (CA) election was more gender sensitive. A number of ground breaking decisions and initiatives were undertaken, including gender provisions in the electoral laws that resulted in 33 percent representation of women in the CA, as well as provisions in the CA guidelines that at least 50 % of voter registration enumerators, voter education volunteers and staff in polling booths should be women. The ECN should be commended for this.

Despite the positive gender related developments, this report identifies a number of gender gaps relating to the electoral processes and within the institution of the ECN itself, for the ECN's consideration. These gaps can be summarized as:

ECN Strategy/Policies/Legislation

■ The ECN's five-year strategic plan 2009, calls for a "*participatory approach*" and aims to "*make the election staff more inclusive and encourage local participation*". However, it does not include gender specific objectives and targets. The Election Commission Act 2007 makes no reference to gender equality.

- The ECN does not have a specific gender policy/strategy or a sexual harassment policy.

Gender Mainstreaming Mechanisms within ECN

- The ECN has no formal gender mainstreaming mechanism or a gender focal person, which combined with lack of gender strategy results in sporadic gender inclusion efforts.

Women's Representation in the ECN

- Women's representation at all levels of the Commission is low. Only one woman has ever been appointed Election Commissioner. Overall, the total percentage of women in the Commission at central level is only 18.3 % (20 out of 109) and the percentage of female officers is only 7.4 % (2 out of a total of 27, and none above section officer level). Similarly, at the district level the representation of women is low at 5% and as of April 2010, there were only two District Election Officers.

Training and Capacity Building on Gender

- Training and capacity building efforts on gender for the ECN officers and staff is not currently systematic, although a positive development has been made through the implementation of a BRIDGE and gender and elections training organized for ECN staff and key stakeholders in March 2010.

Gender Monitoring and Data Management

- Across the board there is limited systematic collation, recording, analysis, monitoring and reporting of data by gender and social inclusion.

Gender Perspective in Electoral Processes and Activities

- There tends to be a lack of a strong gender and social inclusion perspective in the overall planning and implementation of electoral activities such as voter registration and voter education initiatives, resulting in the specific electoral activity gaps as identified in chapter 2. The report provides a number of recommendations to help address

the identified gaps. A full list of recommendations is provided in chapter 4. The key recommendations can be summarized as follows:

Ensure Priority Given to Gender in ECN Strategy/Policies

■ Revise the ECN's five-year strategic plan to incorporate gender objectives and targets.

■ Wherever possible build gender inclusion and targets into election related legislation and policies.

■ Develop a gender and social inclusion (GSI) strategy and a sexual harassment policy for the ECN and promote to all staff.

Establish Gender Mainstreaming Mechanisms within ECN

■ Establish a Gender and Social Inclusion Unit under the leadership of a senior ECN officer, with a term of reference (ToR) assigning gender and social inclusion as the primary role of the Unit. Provide gender training for the officers in the Unit immediately after their selection.

■ Form a consultative group on gender and social inclusion, inclusive of women's organizations representing marginalized groups, gender experts and ECN. Consult with the group for gender inputs at the various different stages of electoral cycle preparation.

Ensure Women's Representation

■ Provide a recommendation to the CA to adopt a legal provision to promote representation of women among the Commissioners and to adopt an electoral system with a legal provision to promote substantial representation of women in the CA. Wherever possible specify targets for women's representation at all levels within the ECN.

■ Ensure all ECN recruitment positively welcomes and considers applications from women and other marginalized groups. Utilize the proposed consultative group on gender and social inclusion to help identify female candidates for electoral staff at the central and district level.

Systemize Gender Training and Capacity Building

■ Incorporate gender training in the regular training programs for electoral managers and staff throughout each stage of the electoral cycle. Continue to develop a pool of BRIDGE trainers on Elections and Gender from government and civil society focusing on electoral cycle to be mobilized for training organized by ECN. Conduct a BRIDGE Gender Training of Trainers (TOT) for the potential trainers.

Establish Gender Monitoring and Data Management Systems

■ Establish mechanisms to generate sex and social inclusion disaggregated data for all aspects of the Commission's work and activities relating to specific electoral processes. Ensure that a monitoring and evaluation framework is established to ensure that gender related data is collated, analyzed and reported on against pre-established gender objectives.

Build a Gender Perspective into all Electoral Processes and Activities

■ Ensure gender is taken into account in the planning, implementation and evaluation of all electoral processes and activities by developing a gender and social inclusion checklist for each step of the electoral cycle, and where relevant, identifying gender targets for all activities. This approach should be immediately implemented for the voter list with photo project.

There are a number of key opportunities to promote gender equality and social inclusion in the field of elections in Nepal, and for the ECN to take a lead in promoting affirmative action and other gender sensitive measures. Opportunities exists in the drafting of the new constitution; reforming and drafting of the electoral laws and policies; the framework provided by the ECN's five-year strategic plan, and the ECN's gender sensitive and committed commissioners and staff. In order to make the most of these opportunities, the Commission will need to take a strong and proactive approach. In carrying out this gender mapping exercise, the ECN has taken an important step in forwarding the gender agenda. By implementing the recommendations identified in this report, the ECN will become a model of good practice with regards to gender and social inclusion and will continue its advancement as a truly democratic institution in Nepal.

Chapter - 1 | Introduction

1.1 Background

Democratic elections have become a central pillar of peace building and democratization in post conflict societies. The role of election management bodies is pivotal to the process and only when these institutions are democratic and representative of all groups in society, including women and other marginalized groups, is stable peace and national prosperity likely to be achieved.

The United Nations, in its guide to promoting the participation of women in elections[1], recognizes the need to protect and promote the right of women to participate in the electoral process, particularly in postconflict countries. Such participation involves more than simply the right to vote. It includes the right to freedom of expression, to take part in the conduct of public affairs, hold public office at all levels of government, and participate in the formulation of government policy.

United Nations international human rights instruments such as CEDAW (the Convention on the Elimination of all forms of Discrimination Against Women) and the Beijing Platform for Action and Security Council Resolution 1325, affirm that women are entitled to enjoy all these rights and freedoms on the same basis as men. An election therefore fails in its international compliance with international obligations and standards unless there is provision for full and equal participation and women are empowered to take part in them. In

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1 United Nations, Women and Elections, Guide to promoting the participation of women in elections, 2004, New York.

support of this, election management bodies should develop clear policies on advancing for women's electoral participation.

The development of such polices needs to be considered in the Nepali context. Nepal ranks 128 out of 177 countries on the global gender-related development index (a composite index of life expectancy, adult literacy, and education enrollment rates, income) and 86 out of 93 countries on the gender empowerment index.[2] Gender inequality continues in almost every facet of Nepali society affecting the life at work and at home, and cutting across legislation, political participation, and economic empowerment. Nepal is signatory to almost all international conventions on human rights, women's rights and children's rights and has committed itself to making rapid progress towards gender equality. Nepal signed CEDAW in 1991, committing itself to constitutional and legal equality in all fields, while the Beijing Platform for Action commits it to promoting women's empowerment and formal and informal equality in the economic, social and political arenas.

In terms of electoral gender equality in Nepal, the participation of women as candidates, voters and election staff has traditionally been extremely low. Women's representation in legislative assemblies began to increase following the 1990's People's Movement that brought an end to absolute monarchy and the beginning of constitutional democracy. The 1991 Constitution of Nepal called for all political parties to reserve 5% candidacy for women and resulted in 5% women's representation in Parliament. Three subsequent national elections in 1994, 1999 and 2008 resulted in only 5 %, 6% and 9.32% (FPTP system) of women's representation in parliament. These figures demonstrate that over the last eighteen years, women's representation in parliament increased on average by only 4 %. The historic 2008 CA election made significant steps forwards in terms of gender equality. As a result of the agreed quota in the electoral system (a mixed FPTP and PR system), women's representation in Parliament significantly increased to 33%, ranking Nepal 16th out of 140 countries in terms of percentage of women in national parliament in 2009, as compared to its previous position of 68th in 2008.[3]

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2 UNDP Human Development Report (2007/2008), *Human Development Index* p. 230, GDI p. 328 and GEM p.330.
3 "Women in National Parliaments" - www.ipu.org, April 26, 2010.

The CA election was also a departure from the gender neutral electoral processes in the past, as it is evident that the ECN adopted several gender responsive measures to promote women's participation as voters, candidates and elected representatives, and electoral staff. For example, provision was made that at least 50 percent of voter registration enumerators, voter education volunteers and staff in polling booths should be women.

Despite these achievements and positive increases in women's participation, institutionalizing gender equality and social inclusion within the ECN remains a major challenge. The positive developments that have taken place tend to be one-off events; there continue to be persistent and entrenched norms regarding gender within Nepali society and government bodies; women's representation within the ECN at the central and local level is extremely low and there is currently a lack of formal channels for dialogue between ECN and civil society.

The ECN is committed to addressing these issues and to the goal of promoting gender equality and social inclusion in the field of elections. As such, the ECN decided to undertake a comprehensive gender analysis of the ECN itself, as well as electoral processes to identify gender gaps and salient gender issues. Based on the results and discussions with the key stakeholders, practical recommendations will be identified to help inform the ECN with its efforts to develop a strategy to promote gender equality and social inclusion in the electoral processes and cycle.

1.2 Objectives, and Methodology of the Gender Mapping

Objectives of the Gender Mapping

The overall objective is to undertake gender mapping in the field of elections in Nepal. The specific objectives are:

■ To examine initiatives and gaps from a gender and social inclusion perspective in all election stages - pre-voting, voting and post-voting, and within the institutional framework of the ECN.

■ To propose recommendations to promote gender equality and social inclusion in the electoral process and within the institution.

■ To develop a matrix to present initiatives on gender and social inclusion.

Methodology:

Desk Review of relevant materials such as the electoral policies and legislation, ECN strategic plans and Annual Reports, among others, were scanned for review (See Annex 2 for the materials reviewed). Interviews with the Commissioners and the officers at ECN were carried out (See Annex 3 for the list of interviewees). A checklist for the interviews was prepared to examine the gender and election related issues within the Election Management Body and in the electoral processes.

Consultation Meeting with ECN was organized on March 20 to share the planning of the gender mapping with the ECN officers. In the consultation, the methodology was agreed upon and the consultant was advised to focus the gender mapping on the electoral processes and present it in a matrix. It was reiterated that the report should be fact based (data), not perception based. Based on the feedback from the ECN and UNDP ESP, slight modifications on the checklists were made.

Focus Group Discussion (FGD) was organized with the women at ECN with an objective to discuss gender sensitive working environment and culture on May 22, 2010. (See Annex 4 for the list of participants). Another FGD was organized on April 21, 2010 with women's organizations also representing different social groups – Dalit, Madheshi, Muslim and Women with Disabilities with an objective of inviting inputs from a gender and election perspective (See Annex 5 for the list of participants).

Chapter - 2 | Gender in the electoral cycle

This chapter examines each step of the electoral cycle4 (pre-voting, voting and post-voting) to identify key gender issues and examine to what degree they have been taken into account. As and where information and data are available, it will draw upon experiences of the latest 2008 CA election and the development and implementation of the 2010 pilot voters' list with photo project, an initiative to update the current voter registry.

2.1 Pre-voting (Preparations)

A. Policy and legal framework

The legislation, guidelines, and codes of conduct discussed in this section are as follows:

1. Interim Constitution 2007 and the Constituent Assembly Members Election Act 2007/Regulation 2007

2. Election Commission Act 2007, ECN five-year Strategic Plan 2009, Action Plan-Implementation of the ECN's Strategic Plan 2009

3. Voter Roll Act 2007/ Regulation 2007, Amendment Proposal (2010) to the Voter Act 2007, Guideline to Implement Voter Education Programme 2010 –Voter list with Photograph Project

4. CA Voter Education Policy 2007

5. Election (Crime and Punishment) Act 2007

6. CA Election Guideline 2008, and the CA Code of Conduct 2008.

7. Political Party Bill 2010

1. Interim Constitution 2007 and the Constituent Assembly Members Election Act (Election Act) and Regulation 2007:

For the first time in the history of Nepal the Interim Constitution and the Election Act provided a substantive quota for women, which contributed to achieving a 33 %representation of women in national decision making bodies in 2009 (Legislative Parliament and the Constituent Assembly). The provisions in these laws ensured at least 33 %t of candidates from each party were women (from both First Past the Post -FPTP and the Proportional Representation-PR system), and 50 percent representation of women in the PR system.5 The quota provision of 33 % in the 2007[4] The electoral cycle referred in this report is an internationally endorsed electoral cycle adopted by the ECN.[5] Article 7 (4) (3) of the Constituent Assembly Members Election Act 2007.

Interim Constitution was a marked progress from the quota provision of only 5 % of the candidates in the last 1990 Constitution of Nepal. The significantly new with the CA election law was that it guaranteed not only the number of female candidates but also a share on the actual representation. From those elected from the lists at least 45 % (Because of ten percent flexibility frm the 50 % requirement to be women and this guaranteed close to 25 % women altogether. Similarly, the laws also ensured representation of other marginalized groups-Madhesi, Janjati, Dalit and backward region, and to the 'other' group which was mainly Bahuns and Chhetris. It is clear that in the current Nepali content, binding legal provisions in the form of quotas are necessary to ensure and increase the representation of women in national decision making bodies.

Article 46 of the Election Act 2007 also allows Polling Officers to give permission, if deemed reasonable, to voters with physical conditions to bring a person they trust with them to help them with voting. The Act also provides that the Commission may make provision to help those persons who are visually impaired, disabled, old, pregnant, or any other person with physical conditions by adopting special measures.[6]

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4. The electoral cycle referred in this report is an internationally endorsed electoral cycle adopted by the ECN.
5. Article 7 (4) (3) of the Constituent Assembly Members Election Act 2007.
6   Article 46 (3) of the Constituent Assembly Election Act 2007.

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The Political Party section in the Interim Constitution provides that to register as a political party with the Election Commission Nepal, political parties should fulfill certain conditions, one of which is to include in an registration application 'a provision for the inclusion of members from neglected and oppressed groups including women and Dalits in the executive committees at various levels of the political party.'[7]

The committees of the CA, especially the Committee on the Forms of Legislative Bodies, have recommended ensuring at least 33 %women's representation throughout the new electoral system. The Committee on Determining the Forms of Governance of the State did not reach a majority decision, but the biggest faction, the Maoist, propose 50% representation of women. The women members in the CA are also demanding for at least 50 %representation of women in future national decision making.[8] The discussion in the Constituent Assembly on the electoral system has yet to decide on a specific gender quota for women to ensure minimum representation of women in future national, province or local level decision making.

Gaps:

- The CA is yet to garner broader consensus on the minimum quota to be adopted for women.

- The ECN's recommendations to the CA, whilst suggesting the adoption of an inclusive electoral system, do not offer the suggestion to adopt minimum quota for women and other marginalized groups.

- The use of quotas or temporary special measures as tools to address inequality is still yet to be understood by all policymakers.

- The Interim Constitution on the Political Party do not provide for minimum quota to be included among women and other marginalized groups.

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7   Article 142 (3C) of the Interim Constitution of Nepal, 2007.
8   Interview with Ms. Uma Regmi, Member of Constituent Assembly, Reproductive Health and State's Responsibility, Women's Voice p. 10.

2. Election Commission (EC) Act 2007, Five-year Strategic Plan 2009, Action Plan-Implementation of the ECN's Strategic Plan 2009:

The EC Act does not make any reference to gender or social inclusion. In the current context of Nepal, where gender and social inclusion factors are among its national priorities, the Act has made no attempt to address gender inequality or social exclusion in the area of elections.[9] In appointing and hiring election staff, the Act only makes provision for government personnel.

The ECN's Five-year Strategic Plan was prepared following the CA election calls for a "participatory approach" and aims to "make the election staff more inclusive and encourage local participation." However, no specific gender objectives or targets are identified.

The Action Plan 2009 to implement the Strategic Plan suggests ensuring comprehensiveness and inclusiveness for voter registration, stipulating that 'registration of the voters should target registering 100 percent of qualified persons, including those groups that in some societies are less inclined to vote, such as women, youth and those in remote areas, in addition to 'implementing special measures to ensure appropriate registration facilities to marginalized groups, such as those in remote and backward geographical areas, those with disabilities and the homeless.

Gaps:

- There is no reference to gender or social inclusion in the preamble of the EC Act 2007 and subsequently no affirmative action relevant to gender or social inclusion, i.e. increasing women's participation as electoral staff.[10] The act permits only government employees to be involved as electoral staff. As there is already a very low percentage of women's

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9   The lack of acknowledgement of such sensitive issues in the legislation reflects weak implementation of policymaker's commitments such as ensuring at least 33 percent women's participation in all state structure.

10   Article 5 of the Election Commission Act, 2007.

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participation in government institutions, it is unlikely that women could be satisfactorily mobilized for the electoral processes in this way.

- Gender equality is not accorded any priority in the Strategic Plan and its associated Action Plan. Specifically, the plans do not offer any special measures to ensure the involvement of women and other marginalized groups as electoral staff, and the provision of gender training for electoral staff among others.

3. **Voter Roll (VR) Act 2007/Regulation 2007, Amendment Proposal to VR Act 2010, Guideline to Implement Voter Education Programme 2010 –Voter list with Photograph Project**

The Voter Roll Act and the Regulation 2007 does not provide any gender specific measures.[11] The Pilot 2010 'Guideline to Implement Voter Education Programme on Voter list with Photograph' includes a provision to ensure at least 50 percent women for voter education.[12] There is, however, no such policy for any other jobs required for the pilot or to include other marginalized groups.[13] In interviews with ECN personnel it was shared that, despite intentions to to include a provision in the guideline to ensure 50 percent women's participation in the job of Data Entry Operator, this was not possible due to difficulties in finding women with the appropriate computer skills.[14]

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11 Article 4 of the Act provides hiring of enumerators for voter registration.

12 Guideline to Implement Voter Education Programme on Voter list with Photograph, p.5.

13 Seven different job categories were created for pilot voter list with photograph the jobs were - voter list enumerators, registration centre manager, data entry operator, data entry helper, volunteer assistants and technical support. Source: Guideline to Implement Voter Education Programme on Voter list with Phot graph.

14 Interview with ECN personnel for *Gender Mapping in the Field of Elections*, April 2010.

Gap:

The Pilot voter list with photograph project does not include special provisions to involve women and other marginalized group for different jobs required such as data entry, and supervising the registration booths.

An ECN interviewee suggested that, despite the difficulties in attracting women with the relevant computer skills, there should have been a provision stating that the ECN would 'involve women wherever possible'. Such a provision would encourage the ECN to look for women while appointing their personnel. Women in the FGD suggested that women's organizations could support the ECN to find women who have the necessary computer skills, since many of these organizations have trained women in computers. Women in the FGD recommended forming a consultation group on Gender and Social Inclusion, inclusive of gender experts and ECN representative, with the stated purpose of coordinating and providing gender inputs in all areas of the election process.[15]

4. CA Voter Education Policy 2007

The CA voter education policy included a number of provisions for gender equality and social inclusion such as to design and deliver customized messages according to the type of audience in the voter education programme and to recruit a diverse workforce to enhance gender and social responsiveness of the programme.[16] It also declared that diversity based on language, region and caste should be ensured while selecting volunteers for voter education for ECN to be able to reach the various segments of Nepali society.[17]

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15 Focus Group Discussion with Civil Society Women Leaders for the *Gender Mapping in the Field of Elections*, April 21, 2010. See Annex 6 for the list of FGD participants.

16 Voter Education Policy for Constituent Assembly Election 2063 (2007), Annual Report, Election Commission Nepal, 2063/63 (2008) p.71.

17 Voter Education Policy for Constituent Assembly Election 2063 (2007), Annual Report, Election Commission Nepal, 2063/63 (2008) p.71.

5. Election (Crime and Punishment) Act, 2007

Although there is no gender equality or social inclusion reference in the Election (Crime and Punishment) Act, a legal provision exists that is very important from a gender perspective. Article 5 of the Act prohibits character assassination of candidates, family members and others.[18] Punishment for such a crime is provided as a fine of NRs. 10,000 up-to NRs. 50,000 and/or two years of imprisonment.[19] Such a legal provision is important in the context of Nepal where character assassination, especially of female candidates, is common during elections.[20]

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18 Article 5 of the Election (Crime and Punishment) Act 2007.

19 Article 21 of the Election (Crime and Punishment) Act 2007.

20 The participants of the FGD even shared that there were cases of male candidates being threatened of their wives' rape. Women are continually and specifically targeted for defamation during election campaigns, whether they are the candidates themselves or simply family member of the candidates.

6. CA Election Guideline, and Code of Conduct

The CA election guideline aimed to ensure that, where possible, 50 percent of staff in polling stations were women.[21] Every polling station had 3 to 12 polling staff (depending on the voter population), out of which women's involvement was made compulsory for two positions - one was to mark the fingers of voters, and the other was to manage the women's queue as well as to provide assistance to women voters.[22] The guidelines also provided considerations to improve social inclusion when appointing polling staff, and people with physical disabilities should also be mobilized in places with easy access for them.[23]

Codes of conduct were developed for government officials, political parties, media, observers and non-governmental organizations participating in electoral processes. To some extent, gender and social inclusion issues are addressed in these codes of conduct. For example, the political party code of conduct provided that the election campaigns should not promote hate against anyone based on their gender, religion, caste etc.[24] The code of conduct for media states that discriminatory languages or violence provoking messages should not be used in addition to the prohibition of the use of information which can potentially cause adverse effect upon the principles of gender equality and social inclusion.[25] The media code of conduct also stipulated that the media should play a vital role in actively encouraging the participation of women's and other marginalized social groups in the election process.[26]

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21   Constituent Assembly Election Guideline 2008, Election Commission Nepal p. 37.
22   Constituent Assembly Election Guideline 2008, Election Commission Nepal p. 31, Annual Report, Election Commission 2063/64 (2008), p.1.
23   Constituent Assembly Election Guideline 2008, Election Commission Nepal p. 37.
24   Constituent Assembly Members Election, Code of Conduct 2008, Election Commission Nepal, p.2.
25   Constituent Assembly Members Election, Code of Conduct 2008, Election Commission Nepal, p.16.
26   Constituent Assembly Members Election, Code of Conduct 2008, Election Commission Nepal, p.16.

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7. Political Party Bill:

A Political Party Bill is currently being drafted by the ECN. There are practices in some countries where quota measures are applied to promote women's representation in different levels of political parties. However, there has been no discussion in this line in Nepal. Besides calling for a 'provision to include women and Dalits in the executive level of the political parties,' as provided by the Interim Constitution, the Bill should go beyond this and propose a minimum quota for inclusion.

Participation in Drafting of the Electoral Legislations

There were no women on the drafting committees of the above-mentioned legislation or codes of conduct.[27] Consultations with women groups, however, were held to invite gender input on the codes of conduct.[28] Among the 9 different committees[29] formed for the overall coordination of the CA election, former commissioner Ms. Usha Nepal chaired three committees relating to security, media coordination, and material management.[30]

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27 Annual Report 2063/64 (2008), Election Commission Nepal p.69. Gender Mapping Matrix-legislation, p.1.

28 Annual Report, Election Commission Nepal 2064/65 (2008) p.45.

29 Security, media coordination, material management, ballot management, voter education, law drafting, guidelines, code of conduct and observation.

30 Annex 1 of the Annual Report 2008, Election Commission Nepal p.92.

> **GAP:**
>
> - Lack of women's participation in the policy and legislations drafting processes.

B. Voter Registration:

1. Voter registration for the CA election

The total number of registered voters for CA election was 17.6 million, consisting of 49.6 % female and 50.4 % male voters.[31] Whilst this figure appears to be gender balanced, the percentage of women voters should be seen in the context of a high number of males working outside their place of registration and the fact that according to the 2001 census reports women make up 51% of the population and men 49%.

2. Pilot Voter registration for the voters' list with photo project

In April 2010, the ECN implemented a pilot project in 5 districts for the voters' list with photo project, an initiative to update the voters' register. Out of total 34,569 voters registered in the pilot for voter list with photo, the percentage of total male and female registered voters is 52.7 % and 47.3 % respectively.[32] In order to take part in the voter registration process, voters are required to produce citizenship certificates. One key issue relating to this is the high proportion of women who do not have citizenship certificates. To help address this issue, the Ministry of Home established "fast track" desks for all citizens needing certificates for the registration process. The degree to which lack of citizenship certificates stopped women taking part in the registration process should become evident through the post-pilot survey that is taking place in June 2010.

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31 Election Commission, Nepal, *Constituent Assembly Election in Nepal-April 2008 At a Glance*, Kathmandu, Nepal, p.2.

32 Presentation on Voter Registration with Photograph Program, June 29, 2010, Election Commission Nepal.

3. Participation of women enumerators

1. CA Election

A special voter registration programme was carried out for CA election. Around 28,000 enumerators were mobilized drawing mostly from the teachers of the community schools[33] out of which there were 2925 women (13.1 %).[34] There is however, no data on how other marginalized groups such as Madhesis, Janjatis and Dalits were mobilized for enumeration. The ECN voter registration assessment undertaken in 2008/2009 to look into major problems identified with the voter registry for the CA election recommends inclusive policies that incorporate ethnicity, caste and gender in the new operational plan for voter registration.[35]

2. Pilot Voters' list with photo project

The recommendation from the voter registration assessment was followed up by incorporating a provision of ensuring at least 50 % women enumerators for voter registration in the 2010 guideline for pilot voters' list with photo project.[36] The enumerators involved were 58.6% women and

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33 Article 4 of the Voter Roll Act 2007 and Rule 6 of the Voter Roll Regulation 2007 provides that enumerators for voter registration can be hired from the government institutions or institutions under government control, or institutions run from government fund or from local level staff. Where not possible to draw staff from these institutions for enumeration involve community school teachers after consultations with Support Committees – Support Committees for Voter Education were established in central, regional and district level Annual Report 64/65 , p. 17.

34 Annual Report, Election Commission Nepal 2063/64 (2008) p.13.

35 Nepal Voter Registration Assessment 2008/2009, Election Commission Nepal p. 19.

36 Guideline to Implement Voter Education Programme on Voter list with Photograph, p.5.

41.3 % men.[37] However, overall involvement of women including other jobs in the project is only 28.6%, while it is 71.4% for men.

FGD participants reiterated that enumerators have to be locally based due to linguistic and cultural issues and that women from local NGOs, and different groups could be mobilized for voter registration. The women leaders in the FGD also expressed their willingness to provide support to ECN in such efforts at a central as well as district level. This would be advantageous as women's groups would have pre-established district networks and district based offices. The response from women fits neatly in the ECN's intention of seeking support from civil society organizations, as expressed in the ECN Strategic Plan.[38]

Gaps:

● Low participation of women for voter registration in CA especially considering the Nepali context where women are more comfortable being approached by a woman enumerator.

● No data on mobilization of other marginalized groups for CA voter registration such as Madheshis, Dalits and Janjatis etc.[39]

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37 Data received from ECN on June 7, 2010.

38 Strategic Plan 2009, Election Commission Nepal, p.2.

39 The Chapter 2 on Voter Registration of the ECN Annual Report 2064/65 (2008) does not provide for data on registered voter registration as well as data for enumerators mobilized during CA election.

C. VOTER EDUCATION/CIVIC EDUCATION

1. Women's participation as volunteers for voter education/voter educators

The Voter Education Policy for the CA election called for ensuring inclusion while involving the voter education coordinators and volunteers for voter education.[40] The data in the CA election reports record that 8,500[41] to 10,000 voter educators were mobilized for voter education programs, however, in absence of sex disaggregated data, it is not possible to say how effectively the inclusive policy was implemented in mobilizing women and other marginalized groups. Apart from voter education volunteers, voter education coordinators were appointed from among the VDC secretary and ward secretary in each municipality. In total 4,721 coordinators were mobilized. Also, 240 supervisors for voter education were appointed from government official non gazette first class rank. However, there is no sex disaggregated data of the coordinators and supervisors mobilized.[42] Although the CA voter education policy calls for including wherever possible persons from different communities to reach diverse communities with different languages, regions and groups at the local level, there is no specific data on how this was policy was implemented.[43]

Gaps:

- Lack of reporting on the implementation of the decision to ensure at-least 50 %participation of women voter educators.

- Absence of data by gender and other marginalized group.

- Lack of gender training for women and men voter educators.

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40 Voter Education Policy for Constituent Assembly Election 2063 (2007), Annual Report, Election Commission Nepal, 2063/64 (2008) p.71.
41 Annual Report, Election Commission Nepal 2064/65 (2008) summary page.
42 Annual Report, Election Commission Nepal 2063/64 (2008) p.21.
43 Annual Report, Election Commission Nepal 2063/64 (2008) p.71.

An ECN respondent shared an incident where he had to hire a woman from a nongovernmental organization when efforts to find a woman from within government affiliated institutions proved unsuccessful.

2. Participation of female voters in voter education programs

It was expressed in interviews with ECN officials that there were a large number of female voters who participated in voter education programs. However, there is a lack of data to support this observation. According to the annual report post CA election, due to the high rates of illiteracy in many parts of the country, a majority of people in the villages did not feel they would gain anything by voting, and questioned why they should vote at all. This posed a significant challenge to the voter educators.[44]

Gap:

● Participation of women and other social groups in voter education programmes not recorded.

One interviewee shared that a large number of women participated in lok dohari (folk song) due to its engaging and festive nature. Another interviewee said that he spoke with both women and men after the 'lok dohari' to see if the messages were understood. It was found that both women and men were very clear about what was being said regarding the election process. The women leaders in the FGD also said that lok dohari, street drama, was one of the most popular methods to impart voter education. They also shared that lok dohari could be popular among people in hills and not in terrain. The women also said that women from Madheshi and Muslim communities, however, would

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44 Annual Report,, Election Commission Nepal 2064/65 (008) p.22.

feel more comfortable in a setting exclusively for women.[45] The FGD participants also shared that it was difficult to get access to Muslim women in districts such as Banke, Rautahat, Kapilbastu, Simra and Siraha and significant efforts had to be put into place to ensure their participation in voter education programs.

3. Voter Education Materials

1. For the CA election

Voter education materials for the CA election were developed by the ECN for face-to-face voter education training, which was a pivotal component of the voter education strategy, as well as print and electronic medium, posters, radio jingles, TV spots and *lok dohari*.[46] In accordance with the CA Voter Education Policy 2007,[47] which specified that 'designing of the voter education should consider targeting marginalized groups', the voter education materials were significantly improved from those used in the previous elections. For example, some education materials such as the posters were developed in 17 different languages and women and other marginalized groups were included in the materials.

2. For the voter list with photo pilot project.

A range of voter education materials were developed for the voters' list with photo pilot project, including posters, leaflets and radio messages.

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45 UNIFEM supported different groups of women from Madesh, Muslim, disabled, youth and returnee migrant communities to organize voter education campaigns in the CA election and it was found that they were very well received by women in broader Nepali society. A FGD participant said that in Rautahat (tarai district, central region) and Banke (tarai district, mid western region) women ran away when approached to participate in voter education training. Madhesh and Muslim women's group organized a women only voter education campaign to ensure that women could participate in large numbers, feeling free to ask questions about and understand better the CA elections.

46 Annual Report,, Election Commission Nepal 2063/64 (2008) p.72.

47 Annual Report,, Election Commission Nepal 2063/64 (2008) p.71.

These materials were not sufficiently developed from a gender perspective, the posters being a good example of this. Despite including illustrations of women in the poster design, they were not typically depicted in active roles. They were mostly portrayed as voters, standing behind men. At a later stage, a voter education calendar was developed that had a much stronger gender balance which is a positive step forward. However, the imagery could still further benefit from a stronger social inclusion perspective, featuring women and men from the tarai and mountain demographics, not just the hill populations

Gaps:

- Lack of consultation on voter education materials from gender and social inclusion perspective involving women or gender experts.
- Lack of systematic plan on voter education targeting women and other marginalized groups
- Sign language was not made part of the voter education in CA election.

ECN interviewees and the FGD participants shared that there is a very limited understanding among voters about how their vote can actually impact on their lives, as well as how to select their representatives and hold them accountable. The FGD participants felt that such understanding was even less prevalent among women. Therefore, it was suggested that a comprehensive civic education program needs to be developed that targets women and other marginalized groups. Over the longer term, successful civic education programs could be used to increase political participation in diverse areas of governance across a broad cross-section of society.

D. ELECTORAL DISPUTE RESOLUTION

A mechanism was established to address CA election disputes called 'Implementation of Code of Conduct and Dispute Resolution Mechanism' at

the central and district level.[48] There was no women's representation in the mechanism at the central and district level.[49] In terms of complaints, a total of 305 different complaints were filed to the dispute resolution mechanism, out of which 91 were relating to political parties, 55 relating to government of Nepal, 28 relating to the media and 130 complaints relating to different issues.[50] The Annual Report (post CA election) does not include any information on complaints brought by women or any gender related complaints that the mechanism received and addressed. The SAP-I survey report on 'women representation and violence in CA election' states that out of the total women candidates (CA election) interviewed 26 percent of them said that they faced violence and harassment, however, there is no evidence of women reporting the violence in this mechanism or anywhere else. This could be due to the reason that women did not know of existence of this mechanism and/or they did not believe that the mechanism would address their problems. The FGD with women leaders for the gender mapping suggested that if such mechanism would involve women sufficiently, it will promote women's access to such mechanisms.

Gaps:

- Lack of wider information on the dispute resolution mechanism.

- Lack of information regarding who and where to report disputes.[51]

- Lack of understanding of 'disputes'-violence and threats –faced by women in terms of indirect threats (directed towards family members etc.) and threats from the immediate family (often with the aim of convincing the woman to withdraw her candidacy).[52]

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48 Annual Report,, Election Commission Nepal 2064/65 (2008) p.46.

49 In the central level, the Dispute Resolution Mechanism was coordinated by the Election Commissioner and inclusive of members from Attorney General, Secretary- Ministry of law, Justice and Parliamentary Affairs, Secretary- Election Commission Nepal, and government attorney. In the district level, under the coordination of chief election commissioner a five member Dispute Resolution Mechanism was consisting of DEOs, Chief District Officer, and District Police Officer. Source: Annual Report,, Election Commission Nepal 2064/65 (2008) p.46.

50 Annual Report,, Election Commission Nepal 2064/65 (2008) p.48.

51 Inputs from International IDEA, June 2010.

52 Inputs from International IDEA, June 2010.

F. ELECTORAL CAMPAINGN

1. Candidacy for Women in Nepal's parliamentary elections

Candidacy for women in Nepal improved after the 1990 Constitution stipulated that all political parties must ensure that at least 5 % candidates in the elections to the House of Representatives (the Lower House) were women, and at least three women in the Upper House.[53] The political parties stuck to the quota in all elections and did not field any more women than required by the law, demonstrating the importance of electoral legislation and quotas in addressing gender gaps, particularly in post conflict countries. The representation of women was 2.4%, 3.9% and 6.3% in the parliaments of 1991, 1994 and 1999 respectively.[54]

Political parties often fail to field a higher number of women candidates because the representation of women in the parties themselves remains low. Only 12.4 % and 10.4 % of the executive level of the major political parties, in central and district level respectively, are women.[55] The table below shows the nominal increase in women's candidacy, has improved by only 3.7% for direct elections in the past 18 years.

Election candidates by years/Sex
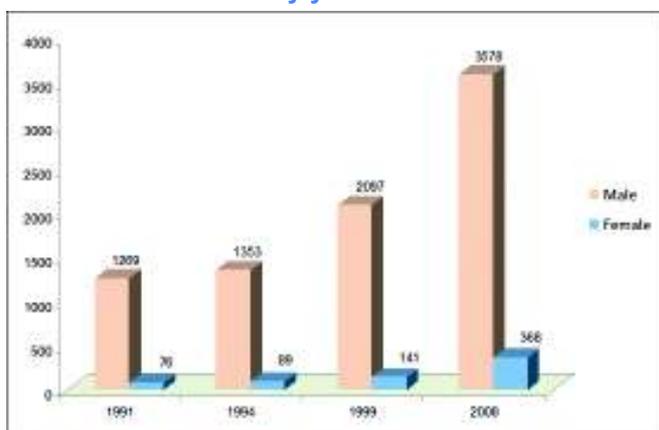
Source: Report on Women's Participation in Politics 2009, UNIFEM and Samanata

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53 Article 114 of the Constitution of the Kingdome of Nepal 1990. The Constitution also ensured seats for 3 women out of 35 national assembly members, Article 46 (b) of the 1990 Constitution.

54 Kaare Vollan-International Expert on Electoral Systems, July 2010.

55 Renaissance Society Nepal and UNIFEM 'Women's Political Participation, Empowerment and Inclusion,' Survey Report and Strategic Action Plan Kathmandu, Nepal p.51 and 54.

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During the CA election, political parties raised the issue of not being able to field enough capable female candidates.[56] To address this issue, United Nations Population Fund (UNFPA) and WAPDCCA published a book named 'who is who' of Nepali women which included information of potential women who could contribute in national and international decision making. Likewise, UNIFEM and Jagaran Nepal also published the names of 1000 women who were considered potential candidates for CA election.[57]

2. Women's candidacy in local level elections

Reservation for women at the local level was also ensured in the 1997 Local Governance Act. This stipulated that one seat must be allocated for women in each ward of the VDC and in the municipality itself. As a result 100,000 women candidates participated in the 1997 local election out of which 37,000 women were elected to VDC and municipality level. In fact, before 1997, women had only achieved a rate of 0.5 % representation at the level of local government.[58] The figures reveal, however, that only a small proportion of women were elected (289 women VDC head in 3,913 VDCs) to an executive level position. Until now, no woman has been elected as municipality chief, or District Development Committee president. The figures for the representation of women in VDCs,

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56 The eligibility criteria required for CA election candidate was- a Nepali citizen, at least 25 years of age, not criminalized under criminal law and not acquiring any position of benefit. Guideline 15 of the Election Commission Guidelines, 2008, Election Commission Nepal p. 10.

57 UNIFEM and Jagaran Nepal 'Women Leaders' 2008, Kathmandu, Nepal.

58 National Democratic Institute, Report on Increasing Women's Political Participation USAID, Cooperative Agreement, 2002.

municipalities, DDCs following the implementation of this legislation were 7.7 %, 6.7 % and 19.5 % respectively.[59]

3. Violence and Discrimination against Female Candidates:

Violence against female candidates, especially character assassination, is a common issue in Nepal. Prior to the CA election women candidates raised this issue, and consultations were held by women's organizations calling for greater protection of female candidates. According to the South Asia Partnership International Report on the 2008 CA election, female candidates were threatened to withdraw their candidacy. As mentioned in the electoral dispute resolution mechanism section, 26 %of all women candidates surveyed conceded that they had faced violence during the election campaign. The perpetrators of violence were mostly men - political party cadres and security personnel.[60] In Nepal's current political climate, the biggest challenge for political parties is to make politics violence free, peaceful and inclusive - for women in particular. [61]

At the FGD a participant said "I was nominated from Saptari district and I had some horrible experiences during campaigning and I realized that I experienced those problems only because I was a woman. I had heard about man, muscle and money issues, however, participating in the CA election I directly experienced this. I was not supported by my own party. Political cadres did not want to come to my campaigning because I could only give them simple dal bhat (rice and dal), whereas the male candidates have masu, bhat and aila (meat, rice and alchohol) for them. I was asked "why are you standing in the election if you don't have money?" Based on my experience it seems you should only get

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59 National Democratic Institute, Report on Increasing Women's Political Participation USAID, Cooperative Agreement, 2002.

60 South Asia Partnership International and International Idea, 2008, Women Representation and Violence, Exploring Constituent Assembly Election in Nepal, Kathmandu, Nepal, SAP I and International Idea.

61 South Asia Partnership International and Oxfam Novib, Exploring Gender Gaps in Politics, Participation and Policies, Analytical Report, 2009 SAP I, Kathmandu, Nepal p.8.

involved in politics if you can afford it. The political party also did their best to de-motivate me so that I didn't accept the nomination. The general attitude was that women lack capacity so why should they be given opportunity where party may win."

Gap:

● Insufficient discussions among key stakeholders on protecting women candidates from violence against women in politics including concrete measures for protection.

2.2 Voting Period

A. Voter turn out

The ECN recorded the number of men and women voting on election day for the CA election. The voter turnout data for men and women in the 2008 CA election was 50.4 %and 49.6 %respectively.[62] Despite the general assumption that more women participated in the CA election due to the high migration of men outside the country, the data still shows that more men than women voted in the CA election.

B. Women Staff in Polling Booths

The CA election guidelines called for involving 50 %women volunteers (where possible) in the polling booths.[63] Altogether 108,000 polling staff were mobilized for the CA election. There is no sex disaggregated data of the polling staff mobilized. Interviewees for this report, stated that some of the polling stations were totally run by women, but there is no supporting data for this.[64] The CA election guidelines include a provision to provide training for polling staff.[65] A major cascaded training programme took place

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62 Constituent Assembly Election Results, 2008 p. 13.

63 Constituent Assembly Election Guideline 2008, Election Commission Nepal p. 37.

64 The Annual Report 2064/65 (2008) do not provide for this information.

65 Constituent Assembly Election Guideline 2008, Election Commission Nepal p. 41.

before the CA election which culminated in the training of approximately 44,000 polling and counting staff required to implement the CA election. This training did not include a specific gender component.

C. Polling Station Arrangements:

A number of initiatives were taken by the ECN to make polling booths gender friendly and accessible to people with special needs. These special arrangements included separate voter queues for men and women. The visually impaired, people with disabilities, elderly, pregnant, and mothers with new born babies were given priority in casting their vote and were even allowed to have a companion help them by voting on their behalf.[66] The placement of ballot boxes at a lower height, especially for people of short height or with a disability,[67] and the locating of polling booths on the ground floor for easy wheelchair access were two other initiatives employed.[68] The queues of men and women were also arranged so that they could be managed by a man and a woman respectively.[69] The polling stations were arranged not more than 5 km away (return) from the voters, taking into consideration that voters do not have to spend a night away from home in the process. [70] The polling booth monitoring checklist for the polling officers included the monitoring of assistance provided to pregnant women and people with disabilities.[71] Women in the FGD shared

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66 Constituent Assembly Election Guidelines 2008, Election Commission Nepal p. 58.
67 Constituent Assembly Election Guidelines 2008, Election Commission Nepal p. 45
68 Constituent Assembly Election Guidelines 2008, Election Commission Nepal p. 45.
69 Constituent Assembly Election Guidelines 2008, Election Commission Nepal p. 44.
70 Annual Report, Election Commission Nepal 2063/64 (2008) p.1.
71 Constituent Assembly Election Guidelines 2008, Election Commission Nepal p. 65.

that the separate queues made women feel more comfortable, suggesting that mixed lines may discourage women from participating in voting.

Gap:

- There is no information in regards to monitoring of the polling booth from a gender perspective as required by the CA guideline.[72] The Annual Report published post CA election does not include this information.

D. Security Officers:

Over 150,000 security personnel were deployed by the government to manage the security of polling locations across the country.[73] In the CA election, security personnel from the Nepal Army, Nepal Armed Police and Nepal Police were mobilized. The exact percentage of female and male service and security personnel mobilized for the CA election is not known. Due to the low percentage of women's representation in Nepal's security sector, it is probable that the representation of female security personnel was low. Mobilizing female security personnel can play an important role in helping to create a women-friendly electoral environment, as well as helping change perceptions and attitudes towards women by showing them as positive role models in a traditionally male dominated profession.

Gaps:

- No data of security personnel by sex.

- Lack of policy provision to encourage women security personnel in election security.

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72. Constituent Assembly Election Guidelines 2008, Election Commission Nepal p. 65

73. Constituent Assembly Election in Nepal-April 2008 at a Glance, Election Commission Nepal.

E. Election Observation and Monitoring

Altogether 60,000 national observers from 148 national organizations and 783 international observers from 30 international organizations observed the CA election.[74] The ECN guidelines for national observers provide that in nominating observers organizations should make it as inclusive as possible.[75] The ECN annual report, however, does not provide any gender disaggregated data. The CA election observation report of the Carter Centre and the European Union made gender observations in terms of women's participation as voters and electoral staff. The Election (Crime and Punishment) Act 2008 mandates election monitoring by the electoral staff.[76]

Gaps:

- Lack of data on election observers by sex, both in terms of the national and the international observers.
- Lack of policy provision or practice to encourage observers to use a gender checklist for election observation.
- National and international observers are not encouraged to ensure gender equality in their teams.
- Findings of election observation from a gender perspective not included in the Commission's post election reports.
- The rights, responsibilities and work procedure of the election monitoring staff established in the Act [77] do not, as yet, have any gender considerations. Monitoring reports framework do not include monitoring by gender.

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74 Annual Report, Election Commission Nepal, 2064/65 (2008) Summary (b).

75 Election Observation Guidelines, 2008, Election Commission Nepal p. 4. The criteria for eligibility of a national observer was to be a Nepali citizen, completed standard 10, above 18 years of age, have taken part in election orientation and not a member of a political party

76   For the first time in the electoral history of Nepal, special class government officials were appointed to monitor the CA election. Annual Report, Election Commission Nepal 2064/65 (2008) Summary (b).

77. Annual Report 2008, Election Commission Nepal, Annex 61, p. 248.

2.3 Post Voting

A. Election Results, Assessment and Research

The election results of the CA election were satisfactory from the perspective of gender and social inclusion, due to the quota system that was used, particularly when compared to past elections where no more than 7 %of elected representatives in the parliament were women. The election results included sex disaggregated data, apart from this, only sporadic data based on sex is provided in the post election reports,[78] which include the ECN annual report, the ECN Constituent Assembly at a Glance leaflet and the Constituent Assembly brochure.

The table below shows percentage of women's representation in parliamentary elections:

Year	1991	1994	1999	2008			
Groups				FPTP	List of PR	Appoointees	Total
Number of Seats	205	205	205	240	335	26	601
Women	5	8	13	30	161	5	196
Percent Women	2.4	3.9	6.3	12.5	48.1	19.2	32.6

Source: Kaare Vollan, 2010.

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78. The annual reports do not provide for sex-based voter turn out data, though it is published district wise in a different publication (election results).

Group	Representation	Each group-50% women
Madhesi	31.2	
Janjanti	38.8	
Dalit	13.0	
Backward Region	30.2	
Others	30.2	

Source: *Constituent Assembly Election in Nepal - April 2008 at a Glace, Election Commission Nepal.*

Gaps:

- Absence of overall gender and social inclusion assessments of the election.

- Insufficient post election reporting on the implementation of various decisions regarding gender and social inclusion.

- Although data has been collated by the ECN, it is not shared in the major reports such as annual report or the website, eg. data of voter turnout is recorded by district and sex, however, total voter turnout by sex is not recorded and shared.

Chapter - 3 | Gender Issues in the Election Management Body

This chapter examines gender sensitivity of the Election Commission of Nepal as an institution, atboth the central and district level. The areas within the institution's framework that the mapping examines are its institutional policies, the representation of women, its gender mainstreaming echanism, training and capacity needs of personnel and the working environment.

3.1 Institutional Policies:

The institutional policies and legislation discussed in this section are a) the Interim Constitution 2007 and the Election Commission Act 2007, and b) the ECN five-year strategic plan (2009-2013) and the action plan for the implementation of the strategic plan 2009.

A. The Interim Constitution 2007 and the Election Commission Act 2007:

Both the Interim Constitution 2007 and the Election Commission Act 2007 do not provide for any affirmative action to promote women's representation in the Commission. A positive example of legislating to address a gender gap of an institution can be taken from the Chapter for the Human Rights Commission (HRC) in the Interim Constitution (2007). This chapter provides for the promotion of greater diversity in the HRC and specifically includes increasing the representation of women.[79]

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79 The Chapter for Human Rights Commission in the Interim Constitution provides for ensuring diversity including women's representation in the Human Rights Commission.

In interviews with ECN, the commissioners and senior level officers expressed that one seat out of 5 commissioners should be reserved for a woman and that the seat left vacant after the departure of former commissioner Usha Nepal should be occupied by a woman.

Gaps:

- No reference to gender equality and social inclusion in the legislations.

- Lack of affirmative action to promote representation of women in the Commission level.

B. The Strategic Plan (2009-2013) and Action Plan for the Implementation of Strategic Plan 2009;

Although the five-year year strategic plan of the ECN provides for making election staff more inclusive,[80] it does not specifically have an objective or target for this.

Gap:

- The strategic plan and the action plan do not address gender and social inclusion issues comprehensively.

3.2 Representation of Women in ECN

The representation of women at the ECN was assessed at the commission and secretariat level, as well as in its district offices.

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80   Strategic Plan 2009, Election Commission Nepal p. 6.

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Representation of Women in the Commission					
Designation	Total	Women		Men	
		Number	Percentage	Number	Percentage
Commissioner	3	0	0%	3	100
Total	3	0	0%	3	100%

Source: Administration Section, March 2010

The Interim Constitution made a provision to appoint five commissioners in the Election Commission of Nepal including a chief election commissioner, but does not state that any of these should be women. So far, Ms. Usha Nepal has been the first and only woman commissioner (2006-2008). At present, there is no woman commissioner at the commission level.

In the interviews with Commissioners and ECN officials, it was expressed that finding suitable women for the role of Commissioner is not an issue, and that the position left vacant after Ms. Nepal's departure should be occupied by a woman. However, many of the interviewees expressed that despite the availability of capable women for the role of commissioner, a deep-rooted patriarchy in Nepali society poses a challenge in promoting women in that position, unless there is a provision binding the authority to nominate women, it will be difficult to see women in the commission. It was also shared by the interviewees that not having women in the 'Constitutional Council' that nominates commissioners is another reason for the absence of women in the commissioners' offices. One interviewee also opined that women's participation at the Commission level should not be a token gesture, and that the new Constitution in the making is an opportunity for securing the proportional representation of women in the Commission.[81]

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81 Women rights advocates have also included this demand in the women's agenda for the new constitution, submitted before the CA in 2009. It was clear from the interviews that that ECN desired the inclusion of more women in the Commission at all levels.

S.N.	Designation	Class	Total	Women		Men	
				No.	Per.	No.	Per.
1.	Secretary	-	1	0	0	1	100
2.	Joint Secretary	Gazetted-I	3	0	0	3	100
3.	Under Secretary	Gazetted-II	5	0	0	5	100
4.	Deputy attorney General	Gazetted-II	1	0	0	1	100
5.	Section Officer	Gazetted-III	9	1	9	8	91
6.	Account Officer	Gazetted-III	2	0	0	2	100
7.	Senior computer	Gazetted-II	1	0	0	1	100
8.	Computer Engineer	Gazetted-III	1	0	0	1	100
9.	Computer Officer	Gazetted-III	4	1	25	3	75
10.	Total	-	27	2	74	25	92.6

Representation of Women in Gazette Level

Source: Administration Section, March 2010.

Women's participation in ECN at the officer or gazette level is only 7.4 %. The ECN draws officers for its secretariat from the government, where women's participation is also low at only 12.7%.[82] ECN officers interviewed believed that the ECN is not an attractive institution for women or men due to a lack of career development opportunities. It was further suggested that the ECN needs to develop a policy to provide attractive career development opportunities, such as the potential for promotion, study abroad opportunities, competitive salaries and access to national and international forums for training/capacity building.

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82 Nepal Kitab Khana, Harihar Bhawan, April 2010.

Representation of women in non gazette level

S.N.	Designation	Class	Total	Women		Men	
				No.	Per.	No.	Per.
1.	Computer Typest Operator	Nog Gazetted-I	8	2	0	6	0
2.	Nayab Subba	Nog Gazetted-I	18	4	17	14	83.33
3.	Accountant	Nog Gazetted-I	6	2	33.3	4	67
4.	Telephone Operator	Nog Gazetted-I	1	1	100	0	0
5.	Khardar	Nog Gazetted-II	9	2	22.2	7	78
	Total		42	11	26%	31	74%

Source: Administration Section, March 2010.

Representation of women at Assistant level

S.N.	Designation	Class	Total	Women		Men	
				No.	Per.	No.	Per.
1.	Light Vehicle Driver	-	14	0	0	14	100
2.	Office Helper	-	26	7	27	19	73
3.	Total	-	40	7	17.5%	33	82.5%

Source: Administration Section, Eelction Commission Nepal (March 2010)

The percentage of women employed at gazette and assistant levels is higher than that in other parts of the commission, standing at 26 % and 17.5% respectively. Compared to the percentage of men employed at the same level, however, the figures are still much lower. It can also be seen that the percentage of women employed decreases sharply the higher the position.

S.N.	Designation	Class	Total	Women		Men	
				No.	Per.	No.	Per.
1.	District Election Office	Gazetted-III	26	2	8	24	92.3
2.	Section Officer	Gazetted-III	19	1	5.2	18	95
3.	Account Officer	Gazetted-III	17	0	0	17	100
4.	Computer Operator	Nog-Gazetted-I	53	4	7.5	49	92.4
5.	Nayab Subba	Non-Gazetted-I	55	0	0	55	100
6.	Lakhapal	Non Gazetted-I	24	0	0	24	100
7.	Officer Helper	-	51	3	6	48	94.1
	Total	-	245	10	4%	235	96%

Representation of women and Men in District Election Office

The participation of women at the district level is only 4 %. As of April 2010, were two women DEOs, one in Bhaktapur and one in Rasuwa District. In the interviews with the DEOs, they felt that the major concern with regard to gender sensitivity in elections is the participation of women in the various aspects of an election and the fair representation of women as andidates.[83]

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83 It was suggested by the DEOs that capacity building for women and implementing concrete legislative measures among others should be undertaken to promote increased levels women's participation in electoral processes. This should be done in addition to working together with the community to address the gender gap in the various aspects of the electoral system.

Report on Gender Mapping in the Field of Elections, 2010

In the interviews it was also shared that, when it comes to posting women to a district, there tends to be a mindset that women will not be fit to take up a post outside Kathmandu Valley or in remote centers. It was also shared that whilst only a few women have ever expressed an inability to take such posting due to genuine reasons (usually the demands of a young family), a culture has none the less developed in which it is naturally assumed that women DEOs cannot and should not be sent to a district. Decisions for women's postings at the district level are strongly influenced by this culture. It was also shared in the interviews that the organizational culture lowers morale and hinders the career development of many capable officers.

In the CA election there were 2 returning officers and 4 female district election officers who worked in challenging situations. It was shared by the ECN officers that these officers functioned very effectively. Data shows the percentage of cancelled ballets were less in the areas where these women were in charge.

Gaps:

- Lack of women's representative in the Commission level

- Low representation of women officers in the both the central and district secretariat of the Commission

- Lack of plan to promote women and other marginalized groups at all levels of the Commission.

3.3 Gender Mainstreaming Mechanisms in ECN

There is a lack of any gender mainstreaming mechanism at the ECN. Encouragingly, despite the absence of a formal mechanism for gender mainstreaming, many gender sensitive decisions were made in the CA election. An important contributing factor for this is likely to have been

the political environment surrounding the CA election, where issues of gender and social inclusion were highly advocated and lobbied for. T A formal mechanism is essential to systematically promote t gender equality in the institution and throughout its work.

The ECN interviewees felt that simply having one person as a gender focal person is not the solution, and has not been effective when undertaken in the government sector. They were of the opinion that gender is often not the primary responsibility of that focal person and therefore, is never prioritized. Additionally, the nominated focal person is rarely in a decision making position where they could influence the outcome of key processes. It was also suggested that a gender unit should be created and should be staffed by both men and women. Gender should not be regarded as a women's-only domain. One interviewee stated that although everyone seems to believe in the importance of gender equality, in practice gender issues are often not taken into account.

Gaps:

- Lack of a formal mechanism to mainstream gender and social inclusion in the work of ECN.

- Generally, gender is considered to be a women's issue and not an issue that affects both sexes, and one that both men and women needs to be responsible for.[84]

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84 An interviewee shared that invitations for gender related programs from organizations are usually forwarded to a woman officer, showing lack of interest or concern for gender issues across the broader organization.

3.4 Training and Capacity Building

Training and capacity building efforts for ECN personnel are sporadic and often focused solely on technical aspects of an election.[85] Furthermore, training on gender sensitivity is not accorded a high priority. Recently, a gender-related Building Resources in Democracy, Governance and Elections (BRIDGE) training was organized for ECN officers and other government officials in March 2010[86] and was much appreciated by the participants. More than a dozen BRIDGE training events have been organized. The participation of women in the training has been less than 9 %.[87]

The interviewees shared that relevant gender training is urgently needed for the officers to effectively apply gender equality initiatives in their own departments and roles.[88] An ECN staff member stated that non-officers get very limited opportunities to take part in training events, and that these opportunities also need to be provided to non officers. Some interviewees expressed that when nominating personnel for training, it is often envisaged that a woman cannot go because she has a small child, or that she may not be able to speak English. These attitudes hinder the possibility of considering women for training in overseas.

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85 While there is a plan to involve 10 percent of employees in training and study programs, research and observation-related election management in or outside the country on a yearly basis, such plans should also reflect a strong commitment to encourage the participation of women and people from socially excluded groups employed in the Commission.

86 The BRIDGE and Gender training was organized by N, UNDP ESP, IFAS and Idea International.

87 **Source:** Bridge Centre at ECN.

88 Sometimes bridging the gap between acquiring knowledge and applying it to the work environment seems to be a problem. This situation arises when the necessary training is not provided consistently enough for these issues to be understood.

3.5 Monitoring and Reporting Mechanism

There is currently no monitoring and evaluation unit in the ECN. Data of ECN staff is not recorded in a way that accounts for gender representation or levels of social inclusion. Likewise, data coming from the districts has yet to be systematized.[89] Although data is collated by sex, often the figures are not consolidated and used in the annual reports. A good example of this is the voter turnout data which is found by district and sex in the Publication on 'CA Election Results,' however consolidated data by sex is not given in the ECN annual reports.[90] Voter registration data by sex is only found in the 'CA election at a Glance' brochure and not in the annual reports.

Gaps:

- Monitoring tools do not consistently include a gender and social inclusion component.

- Essential synthesized data has not been consistently presented or made available in major reports such as the Annual Report.

3.6. Gender Sensitive Work Environment

The female interviewees from ECN raised some issues with regard to an enabling working environment for women. They were happy with the male officers who are helpful and friendly, however, not having relevant mechanisms in place, such as a gender focal point and sexual harassment policy created difficulties for them. They said that they often found it

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89 It took some effort for the gender mapping initiative to organize the data to account for gender in its reporting. Sadly, organizing data that accounted for levels of social inclusion was not practically possible in the mapping timeframe, as it required the categorization of Nepal's various castes and ethnicities.

90 Important data such as voter registration, voter turnout by gender and social inclusion is also not included in the Annual reports.

uncomfortable approaching male officers with their problems and there are very few women officers to whom they can go to with any problems they are facing. There was also a shared a concern that the facilities within the ECN, such as the toilets, were not gender friendly.

An interviewee shared that when she has to repeatedly go to an officer with her issues, she fears being judged and therefore prefers not to go rather than address the problem. Another interviewee said that in her opinion officers do not trust women in the non officer level and therefore, they are often ignored when it comes to involving them in different committees established by ECN or with other responsibilities.

Gaps:

- Lack of a mechanism for women to help address the problems and concerns of female members of staff

- Lack of sexual harassment policy and a complaint mechanism

- Unhygienic and unequipped toilets

Participants Gender and Elections BRIDGE module training, Kathmandu, March 29-31, 2010.

Chapter - 4 | Recommendations and Conclusion

This chapter includes recommendations on each step of the (A) electoral cycle and (B) institutional framework-election management body, together with the conclusion.

A. Electoral Cycle

i. Policy and legislations

- **EC Act and ECN Strategy**: Include special measures the ECN strategy to ensure at least 50 %women enumerators, voter educators and polling staff in electoral activities,building on the gender sensitive decisions made for the CA election. Ensure diversity among women and inclusion of different marginalized groups in the laws. When revising the EC Act, clearly state the goal of gender equality and social inclusion in the preamble. The ECN strategic plan and its action plan should be revised to incorporate gender objectives and activities.

- **Electoral System/ Laws in the New Constitution**: Provide technical expertise and guidance to the CA in formulating an electoral system, which includes a legal provision to ensure substantial representation of women in decision making, building on the achievement of the CA election.

- **Political Party Bill:** Propose in the new draft of the Political Party Bill a provision to promote women's representation at all levels of political parties as a criteria eligibility for registering political parties to

contribute for greater representation of women in national decision making.

● **Codes of Conduct:** All codes of conduct (eg. for civil society, observers, the media etc.) should be revised to include more emphasis on gender and social inclusion issues. Discuss and develop a standard code of conduct/or checklist specifically applicable to various stakeholders. Include provisions in electoral policies that also encourage national and international stakeholders to be inclusive in observation teams.

● **Electoral Guidelines:** Include in the electoral guidelines, monitoring, evaluation and reporting of electoral processes from gender and social inclusion perspective including data generation and sharing.

● **Drafting of Legislation:** Ensure fair women's representation and sufficient consultation with women's groups and stakeholders while formulating electoral policies and legislation.

ii. Voter Registration

● **Involvement of Women:** Ensure an equitable representation of women in all positions needed for the implementation of the voter list with photograph project. For example, at least 50 % of the enumerators should be women, ensuring diversity among the women selected and the inclusion of different marginalized groups.

● **Recruitment:** Advertise positions in newspapers, encouraging women and other marginalized groups to apply. The Gender and Social Inclusion Group (CSICG) and women's organizations at the central and local level should be consulted to help facilitate female candidates to apply. Wherever possible, positions should be hired from the local population to ensure linguistic, religious and cultural sensitivity.

● **Voter Registration Assessment:** Carry out a gender and social inclusion assessment of the different elements of the 2010 voter list with photograph pilot project to ensure that gender considerations are taken into account.

● **Data Collation and Management:** Record data for all aspects of the voter registration project according to sex and social group. Ensure the software used for the project has this capacity and include disaggregated data in the ECN's annual report.

● **Gender Training for Enumerators:** Incorporate gender and social inclusion training using BRIDGE participatory methodology for the enumerators to help ensure greater gender responsive voter registration.

iii. Voter Education/Civic Education

● **Voter Education Material:** Design gender sensitive voter education materials targeting women and other marginalized groups. Ensure that the materials do not reinforce stereotypical roles for either women or men.

● **Voter Education Manual:** Develop voter education manual for staff involved in voter education activities, for example, voter educators and enumerators, incorporating information important from a gender perspective, including special arrangements for pregnant women, voters with small children, and persons with special needs.

● **Solicit Input and Feedback from Relevant Stakeholders:** Consult with relevant stakeholders such as the 'GSICG' and on the development of voter education materials both from gender and social inclusion viewpoint and incorporate inputs. Involve the GSICG and other relevant groups in the promotion of voter education messages and the distribution of voter education materials among their networks at both the central and local level.

● **Voter Education Support Committee:** Involve women's organizations as members of the Voter Education Support Committee in central and district level established for the voter list with photograph project.

● **Civic Education:** Include information in civic education programmes for women that emphasize the importance of voting, the role of representatives and how representatives could be held accountable by their constituents.

● **Testing and Post Testing Voter Education Campaigns:** Ensure women are involved in any pre and post testing of voter education materials to help ensure specific voter education needs of women are addressed. Identify the most popular methods of voter information dissemination, taking into account factors of gender and social inclusion. Use specific voter education to cater for different communities. For example *lok dohari* may not be interesting to women in a Madheshi community.

● **Systematic Data Collection:** Ensure systems are established and maintained to record data of voter educators and participants who attend voter education programmes according to sex and social group.

iv. Electoral Campaign

● **Consultation with Political Parties:** Prior to elections, consult with political parties to encourage greater support for women and other representatives from marginalized groups for election campaigning, especially banning harassment, character assassination and discrimination against candidates.

● **Reporting and Taking Action Against Harassment:** Encourage reporting of harassment and discrimination by widely disseminating information of legal mechanisms to women's groups. Ensure women's participation in dispute resolutions and other justice mechanisms to improve women's access. When incidents are reported, take prompt action and establish positive examples of complaints being investigated and addressed.

● **Involve Media:** Publicize in the media the legal provisions for the punishment of character assassination and make it part of civic education campaigns. Encourage the media to report cases of gender related discriminatory practices or violence.

● **Monitoring of Violence and Discrimination:** Involve women in complaint mechanisms to promote greater access of women. Include a gender component in the monitoring and reporting framework.

v. Training and Capacity Building

- **Gender Training:** Continue to roll out the BRIDGE gender and elections training programme for ECN staff, involving other stakeholders where relevant. Incorporate gender training in the regular training programs for electoral managers and staff for different activities carried out in the electoral cycle, eg. polling and counting training.

- **Gender Training Materials:** In support of other specific gender training programmes and components on gender in other training activities, identify and translate additional BRIDGE and other relevant materials.

- **Trainers on Gender and Election:** Develop a pool of trainers (at least 10) on Election and Gender from government and civil society focusing on electoral cycle to be mobilized for training organized by ECN. Conduct a Training of Trainers (TOT) for the potential trainers.

- **Gender and Elections Training for Other Stakeholders:** Hold gender and elections training for key stakeholders, for example, a workshop for female CA members.

- **Systematic Data Collection:** Ensure systems are established and maintained to record disaggregated participant training data.

vi. Voting

- **Voter turn-out:** Provide data for voter turn-out, polling staff, observers and security personnel mobilized (sex and social group). Such data should be published in the ECN website and annual report post-election.

- **Polling Booth Arrangements:** Along with providing direct access for pregnant women, elderly, and people with disabilities in the polling stations, consider providing water for mothers and children, as well as a space to rest.

- **Monitoring Framework:** Develop a monitoring report format for Polling Officers with a section to report on observations relating to gender and social inclusion.

vii. Observation

- **Election observation:** Encourage national and international observers to develop and use a gender and social inclusion checklist for observations. Include any interesting findings in the ECN annual report published post election.

- **Reporting Format for Observation:** Develop a report format for observers to include observations from a gender perspective.

- **Research:** Carry out an assessment of absentee voters from a gender and social inclusion perspective.

viii. Post Voting

- **Gender Assessment:** Include gender assessments in the post election assessments and share analysis in the annual report and the ECN website.

- **Women's participation:** Increase women's participation in post-polling work such as vote counting, assessments and archiving.

- **Sharing data:** Consistently share data according to gender and social group from all electoral processes in post election reporting.

B. Institutional Framework

i. Establish Consultative Body on Gender

- **Consultative Group:** Form a Gender and Social Inclusion Consultative Group (GSICG) comprising of gender experts, and women and men representing marginalized groups, to seek input and other support on how to identify strategies to encourage women and other groups to participate more in the electoral process and give feedback in relation to issues of gender and social inclusion.

ii. Policy and Legislations/Strategy

● **Gender and Social Inclusion Strategy:** Develop gender equality and social inclusion strategy.

● **ECN Act and Strategy:** Revise the Act and the strategy to promote participation of women in the organization including reflecting a commitment to achieve gender equality and social inclusion as one of its goals. As ECN is responsible for drafting legislations relevant to the Commission, such provisions should be included in the draft before submission to the Parliament.

● **Sexual Harassment Policy:** Adopt a policy against sexual harassment in the workplace to prevent and protect victims of harassment.

● **Involve CSICG:** Involve the CSICG/women's organizations as a key source for gender inputs in the drafting/revising of ECN policies, strategies, electoral laws, as well as in the development of voter or civic education materials.

iii. Representation and Participation of Women in the Commission

● **Increase Women's Representation within the Secretariat:** Increase the number of women employed at all levels within the ECN Secretariat, particularly at the management level. Incorporate policy provisions that attract qualified and dynamic women and men by providing opportunities for career development. Efforts should be made to increase women's participation in district election offices, through appropriate incentives. The feasibility study planned on formation of an election management core team should take into consideration gender and social inclusion issues. Involve women in non officer level in the in committees formed for different interventions and seek their inputs from gender perspective

● **Women Commissioners:** A legal provision is crucial to improve women's representation at the commissioner level. ECN should send

a proposal to the CA to incorporate a special measure to ensure that at least 2 out of 5 commissioners should be women. In addition, ECN may consider revising the recommendations sent to the CA to incorporate these provisions.

iv. Gender Mainstreaming Mechanism

● **Establish a Gender and Social Inclusion (GSI) Unit:** A GSI Unit should be established including a male and a female officer headed by a senior officer (preferably the Head of the Administration Department). Gender balance within the GSI is important to ensure that gender is considered and treated as an issue that relates to both sexes, and is one that is best addressed by both men and women. The GSI Unit should be established immediately to ensure that the new voter registration work incorporates gender and social inclusion in the planning phase.

● **TOR for GSI Unit:** Develop a TOR for the GSI Unit and positions in the Unit, incorporating gender and social inclusion as the primary responsibility of the Unit. Ensure the scope of the TORs involves the GSI Unit and its staff working with different departments for gender and social inclusion inputs.

● **Training for GSI Unit:** Develop expertise on gender and social inclusion of the GSI Unit through training and capacity building.

v. Training and Capacity Building

● **Gender Training:** Gender training should be considered a core training component for all ECN staff, including non-officer level positions.

vi. Gender sensitive environment/facilities

● **Hygienic Toilets:** All staffs within the ECN have the right to clean and hygienic toilets. Women have specific sanitary needs and toilets should be equipped with the necessary facilities.

● **Access to Information for Women in ECN:** Ensure relevant information dissemination on gender issues for all staff within the ECN. This can be through the GSI Unit and in the longer term through the ECN's information centre.

vii. Gender disaggregated data:

● **Data:** Priority needs to be given with the ECN in all departments to the establishment of systems to collate, record, monitor, analyze and update data for all activities ranging from recruitment and the keeping of personnel records to specific electoral activities as outlined above throughout this chapter.

Conclusion:

From the perspective of gender equality, the 2008 Constituent Assembly election in Nepal made marked progress. The political and social environment was one in which gender and social inclusion was among the most advocated issues in post-conflict Nepal. Gender sensitive decision makers and officials in the ECN together with other stakeholders contributed to this progress, most significantly through the establishment of a quota system that ensured that at least 33% of elected Constituent Assembly members would be women. The ECN is to be commended for this. Sustaining these initiatives, however, will be a challenge unless it is supported by the institutional policies, mechanisms for implementation along with the employment of skilled personnel that have a sound understanding of gender and social inclusion issues.

The lack of realization among policymakers of the implications of gender inequality and social exclusion on society and the nation as a whole exists as a significant challenge. Therefore, there is a genuine concern, especially among women's groups, that the gain of 33 % female Constituent Assembly members in the last election will not be sustained unless positive action is taken. In this context, women are advocating for legal remedies to bridge the gender gap in decision making as well as other areas. The ECN, as a body created to promote democratic elections has a strong role in guiding policymakers to ensure an inclusive electoral system, especially in the context of constitution making. Together with this effort the ECN should continue its initiatives to adopt more gender sensitive measures both institutionally and in support of specific electoral events to make sure that the elections in Nepal are truly democratic involving the full participation of women and other marginalized groups.

The ECN should now focus on institutionalizing the good practices it has already established with regard to gender, addressing the gaps identified in this report and implementing the recommendations. This will enable the ECN to become a model of good practice in promoting gender equality and social inclusion as an organizational value and norm, reflecting the broader national need.

Annex 1:   Matrix and Electoral Cycle

Annex 2: Refrences-Gender in the Field of Elections

1.   Election Commission, Nepal, 2008, Constituent Assembly Election Guideline, Election Commission,Kantipath, Kathmandu, Nepal

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10.   Election Commission, Nepal, 2008, Constituent Assembly Code of Conduct, Election Commission, Kantipath, Kathmandu, Nepal

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15.   South Asia Partnership International and International Idea, 2008, Women Representation and Violence, Exploring Constituent Assembly Election in Nepal, Kathmandu, Nepal, SAP I and International Idea.

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20.   UNIFEM and Jagaran Nepal, 2008, 'Women Leaders', Kathmandu, Nepal.

21.   UNIFEM and Pro Public, 2009, Gender Recommendations for the New Constitution

22.   United Nations, 2004, Women and Elections, Guide to promoting the participation of women in elections, New York.

Annex 3: List of Interviewee

1. Mr. Tulashi Prasad Gautam, Under Secretary, ECN, Kathmandu

2. Mr. Dhruba Prasad Dhakal, Under Secretary, Planning, Training and Research Department, ECN, Kathmandu

3. Ms. Laxmi Pandey Gautam, Section Officer, DEO, Lalitpur

4. Mr. Shyam Sundar Sharma, Joint Secretary, ECN, Kathmandu

5. Mr. Rajendra Sharma, Joint Secretary, ECN, Kathmandu

6. Hon'ble Mr. Neel Kantha Uprety, Acting Commissioner, ECN, Kathmandu

7. Hon'ble Mr. Dolakh Bahadur Gurung, Commissioner, ECN, Kathmandu

8. Mr. Maheshraj Timsina, Section Officer, Administrative Section, ECN, Kathmandu

9. Mr. Rishiraj Bhushal, Voter Registration Section, Section Officer, ECN, Kathmandu

10. Mr. Komal Prasad Dhamala, Section Officer, ECN, Kathmandu

11. Ms. Shanta Nepal, Section Officer, Planning, Training and Research Section, ECN, Kathmandu,

12. Sewa Adhikari, DEO Rasuwa, ECN, Kathmandu

13. Bhagwan Lal Shrestha, Section Officer, ECN, Kathmandu

14. Mr. Shanti Ram Bimali, Focal Point, International Idea, ECN, Kathmandu

15. Ms. Rukhmani Adhikari, Coordination Section, ECN, Kathmandu

Annex 4: List of FGD Participants (Women in ECN)

1. Ms. Shova Thapa, Nayab Subba, Election Commission Nepal, Kathmandu

2. Ms. Laxmi Aryal, Telephone Operator, Election Commission Nepal, Kathmandu

3. Ms. Punyawati Poudel, Lekhapal, Election Commission Nepal, Kathmandu

4. Ms. Bhumila Shrestha, Lekhapal, Election Commission Nepal, Kathmandu

5. Ms. Radha Gharel, Lekhapal, Election Commission Nepal, Kathmandu

6. Ms. Dan Kumari Nepali, Office Assistant, Election Commission Nepal, Kathmandu

7. Ms. Pramila Pode, Office Assistant, Election Commission Nepal, Kathmandu

8. Ms. Sabitri Ghimire, Office Assistant, Election Commission Nepal, Kathmandu

9. Ms. Bimala Nepali, Office Assistant, Election Commission Nepal, Kathmandu

10. Ms. Indira Gautam, Office Assistant, Election Commission Nepal, Kathmandu

11. Ms. Kamala Thapa, Office Assistant, Election Commission Nepal, Kathmandu

12. Ms. Shanta Ghimire, Kharidar, Election Commission Nepal, Kathmandu

13. Ms. Gita Bhattaria, Kharidar, Election Commission Nepal, Kathmandu

Annex 5: List of FGD Participants (Women Leaders from Civil Society)

1. Ms. Seema Khan, President, National Muslim Women Welfare Society, Kathmandu

2. Ms. Rama Dhakal, General Secretary, National Dalit Women's Association, Kathmandu

3. Advocate Bishnu Basyal, Member, Forum for Women, Law and Development, Kathmandu

4. Ms. Tika Dahal, Chairperson, National Disabled Women's Association Kathmandu

5. Advocate Ranju Thakur, President, Videh Foundation Kathmandu

6. Ms. Renu Sijapat, Member, Feminist Dalit Organization, Kathmandu

7. Ms. Anita Ghimire, Member, National Disabled Women's Association, Kathmandu

Annex 6: Data on CA election 2008-Gender Mapping in the Field of Elections

	Men	Women	Total	Remarks
Voter Registered	50.4%[91]	49.6%[92]	17.6 million	
Voter turn out	50.4%[93]	49.6%[94]	63%	
Enumerators for voter registration	89%	13%	28,000[95]	
Volunteers for Voter educators			8500-10,000[96]	No sex disaggregated data
Polling Center Volunteers			108,000	No sex disaggregated data (3-12) polling staff deployed depending on voter's population) 20,890 polling boths established in CA election

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91 Constituent Assembly Election in Nepal- April 2008 At a Glance, Election Commission Nepal.

92 Constituent Assembly Election in Nepal- April 2008 At a Glance, Election Commission Nepal.

93 Election Results, Election Commission Nepal 2008.

94 Election Results, Election Commission Nepal 2008.

95 Annual Report 2063/64 (2008), Election Commission Nepal.

96 Annual Report 2063/64 (2008), Election Commission Nepal.

	Men	Women	Total	Remarks
Observers	-	-	148 national orginazations 60,000 observers 30 organazations 758 international observers	No sex disaggregated data
Security personal	-	-	150,000	No sex disaggregated data
Candidates for CA election in FPTP	90.7%	9.3%		
Candidates for CA election in PR				
Percentage of elected in FPTP	98%	12%		
Percentage of CA	77%	33%		
No. of PP participated			75	
No. of PP who won seats in FPTP			9	
No. of PP who won seats in PR			25	
Total Human Resource Mobilized for CA			2,34,000	No sex disaggregated data
Voter education materials			24 different types in 17 language	
Total cost for CA election			28 million	Cost per one voter US $ 2
Distance to polling booths		Two way - 5km		

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Electoral Support
Project