





# **Contesting Patriarchy:**

The gender gap and gender-based violence in Nepali politics and the Constituent Assembly election 2013

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International IDEA, NLS and GEOC

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## Acronyms

CA	Constituent Assembly
CPN-UML	Communist Party of Nepal-Unified Marxist-Leninist
FPTP	First Past The Post
GEOC	General Election Observation Committee, Nepal
IDEA	Institute for Democracy and Electoral Assistance
INGO	international non-governmental organisation
NC	Nepali Congress
NGO	non-governmental organisation
NLS	Nepal Law Society
PR	Proportional Representation
SPCBN	Support to Participatory Constitution Building in Nepal
UCPN-M	Unified Communist Party of Nepal-Maoist
UNDP	United Nations Development Programme

## Foreword

The *Gender Gap*, the difference between men and women's participation and representation in politics exists worldwide. Its roots are patriarchal attitudes, laws, practices, religions, cultures and educational systems, as well as economic inequality between men and women and the prevalence of violence against women, among other factors. Nepal has a long history of trying to address violence against women in all sectors, including politics.

The first Constituent Assembly (CA) election in 2008 was an historic milestone, a turning point, for gender equality in Nepali politics. As a result of the electoral system and some political parties' efforts to field more women candidates, women held thirty-three percent (33%) of the total seats in the CA. Unfortunately, the first CA was dissolved without promulgating the constitution resulting in the need to hold a second CA election in 2013. In the lead up to the 2013 election, there were political discussions about reducing the total number of seats in the CA, with a similarly reduced the number of seats allocated to proportional representation (PR). This was of concern to women because PR was the single critical factor responsible for increasing women's representation in the first CA. Although the number of seats was eventually restored to the original level, the nomination of less than 11% female candidates selected by parties to run in the first past the post (FPTP) competition and the cumulative outcome of only 29% women elected under PR and FPTP, proved that this concern was not unfounded.

The main objectives of this study were to: 1) solicit opinions and record the experiences of political leaders, voters and officials involved in the management of the electoral processes on several issues relating to the gender gaps and gender based violence in Nepali politics; 2) identify gaps in legal instruments and policies and provide future recommendations and, 3) observe the political and electoral environment in the electoral process. This report also builds upon the research conducted by International IDEA and South Asia Partnership International in first Constituent Assembly Election 2008 entitled 'Women Representation and Violence Exploring Constituent Assembly Election in Nepal'.

The Gender Gap report is based on surveys covering fifty-five (55) districts in Nepal's five development regions conducted by International IDEA/Nepal, Nepal Law Society and the General Election Observation Committee Nepal.

The results indicated that women as leaders and as voters are more vulnerable to various forms of violence during the election period than their male counterparts. This research has tried to analyze the participation of women voters and political party candidates in the CA elections and highlight the nature and frequency of violence against women candidates and voters during the election period.

We hope the information in the following pages will be useful for students, researchers, policy and decision makers, and all concerned about violence against women in Nepal.



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## Executive summary

The idea for this study on the gender gap and gender-based violence was conceived at a time when Nepal was on the verge of its second Constituent Assembly (CA) election, which was supposed to bring the country's derailed political process and stalled constitution writing back on track. With many negotiations dominating the political discourse, there was uncertainty about whether 33% representation of women in the second CA could be attained. The political discussion about reducing the number of seats in the CA, with a reduced number of seats allocated to proportional representation (PR), was of concern for women, because PR was largely responsible for increasing women's representation in the first CA. Although the number of seats was eventually restored to the original level, the nomination of less than 11% female candidates and the actual gender outcome of the 2013 election proved that this fear was not unfounded.

This research study was commissioned by the General Election Observation Committee, Nepal (GEOC), Nepal Law Society (NLS) and International IDEA, Nepal in the aftermath of the second CA election in November 2013 as an independent exercise, to compliment the GEOC's election observation. The aim of the study was to identify the gender gaps and barriers, both systemic and inherent to the electoral process, including gender-based violence, which undermine the ability of women to realise their full potential in politics in Nepal.

A survey was conducted, primarily of political leaders and voters, drawing on the GEOC's 2013 election observation. This survey covered 55 districts in Nepal's 5 development regions (Central, Eastern, Western, Mid Western and Far Western) and 3 ecological belts (the Terai, hills and mountains). For the purpose of this study, political leaders were defined as candidates in the 2008 or 2013 elections and other female political leaders who many not have received a ticket in the election, but who were active in their parties and were potential nominees for the Constituent Assembly under PR. This survey is the main source of data for the research study. The respondents to the survey consisted of a cross-section of female and male political leaders from the three largest

parties, namely, the Nepali Congress (NC), Communist Party of Nepal-Unified Marxist Leninist (CPN-UML) and Unified Communist Party of Nepal-Maoist (UCPN-M), as well as from the Madhesh-based parties (as one group<sup>1</sup>). A structured questionnaire was administered to a total of 128 respondents, of which 64 were women.

In addition, a voters' survey was conducted to complement the main survey with the political leaders, as well as qualitative in-depth interviews with selected officials of the Election Commission of Nepal and Nepal Police in December 2013 and January 2014. Key informant interviews were also conducted with selected officials directly supervising the election administration and security during the 2013 election in the five development regions. A focus group discussion and individual meetings were conducted with representatives of civil society organisations and the Nepal Women's Commission, as well as a few independent election experts.

Two separate research teams were mobilised for the survey. The survey of political leaders was conducted by a team of professionals (mostly women) with significant policy exposure and experience in gender issues. The voters' survey and the key-informant interviews were conducted by a group of research assistants.

## Key findings

The study sought the opinions of political leaders, voters and officials involved in the management of the electoral processes on several issues relating to the gender gaps and gender-based violence in Nepali politics. In discussing the representation of women in politics, the respondents referred to the 2008 election as a turning point in gender equality. However, they were mindful of the political chaos in the aftermath of the CA dissolution, which was marred by party and ideological interests, and in which the issue of gender equality was sidelined. The 2013 election was viewed as a necessary compromise to bring the democratic process back on track. The key findings of this research study are as follows:

- 1. Legal gaps are hindering women's equal participation in politics in Nepal:**  
There are many 'gaps' in the legal instruments in Nepal that govern women's representation in politics (e.g., the Interim Constitution 2007, Party Registration Act, Election Act and various policies), particularly their representation in the CA/Legislative Parliament. These gaps are posing a significant obstacle to the

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<sup>1</sup> Sadhbhawana Party, Sanghiys Sadhbhawana Party, Terai Madhesh Sadhbhawana Party, Terai Madhesh Loktantrik Party, Madhesi Jana-Adhikar Forum, Madhesi Jana-Adhikar Forum Loktantrik, Madhesi Jana-Adhikar Forum Republican, and National Madhesh Socialist Party.



participation of women in politics. How they are addressed (or not addressed) will impact on overall gender equality in the country, as well as on gender equality in politics now and in the future.

2. **The gains made towards gender equality in the 2008 CA election failed to lay a foundation for an inclusive political system in Nepal:** The historical achievement of 33% political representation of women in the 2008 CA (as a result of the mixed electoral system that was adopted) did not lay the foundation for a system of positive discrimination for women. It did not result in systemic changes for the implementation of a 33% quota for women across all government bodies and political parties. Except for in the CA, the policies and practices of government bodies and the political parties remained unchanged, despite the fact that the Interim Constitution mandated all to comply with its provision for 33% representation of women in all state institutions.
3. **Without a shift in the patriarchal attitudes and culture in Nepal, the PR quota cannot be implemented effectively:** The PR quota for women in Nepal is only implemented by the political parties because it is mandatory. The masculine culture and ‘business-as-usual’ attitude that are dominant within the political parties led to the distortion of the electoral system in the 2013 CA election (through the 10% flexibility negotiated with the Election Commission and freedom granted to the political parties to choose candidates from anywhere in the PR list), which dragged the mixed electoral system into controversy. Unless the political parties support the inclusion of women and implement the PR quota in good faith, inclusive political parties and an inclusive legislature and government are unlikely in Nepal.
4. **Lack of gender sensitivity within the political parties in Nepal is preventing women from influencing important decisions:** Involvement in political decisions is an important indicator of the empowerment of women in politics and gender equality within political parties. Lack of gender sensitivity and accountability among political parties is preventing women from participating in, and influencing, important political decisions within their parties and at the national level. The decision makers in politics are still mostly a few powerful men (the ‘old boys’ club).
5. **The limited networks of, and support for, female politicians in Nepal is hampering their success and political survival:** Female politicians have limited networks and support, although these are crucial for political success and survival. The survey found that 75% of female political leaders who responded to the

survey were pressured by their families to withdraw their candidacy in the 2013 election and that political parties gave only lip service in support of women and did not allocate any sizeable resources to the campaigns of female candidates. Furthermore, while women politicians were generally not considered newsworthy, news about their candidacy was reported when they were nominated against powerful opponents or when the news was negative.

6. **Character assassination and misogyny are used to undermine women in politics in Nepal:** Character assassination and misogyny are used to undermine women in politics, both within their parties and by their political opponents. Many people in Nepal still consider women who participate in politics and run for election to be of bad character.
7. **Lack of access to financial resources is hampering women's success and survival in politics in Nepal:** Financial resource constraints is the single most restrictive factor hindering women candidates in Nepal, as elections are highly contested and are becoming more expensive with the increasing use of muscle and money. Generally, women candidates lack access to, and control over, property and receive limited or no financial support from their family or party. Furthermore, the corporate sector (which is mostly dominated by men) does not see women as capable of winning or powerful enough to warrant contributing substantial funds to.
8. **The limited presence of female polling and security officers reflects a lack of gender sensitivity in electoral management and may discourage women from participating in politics in Nepal:** The limited presence of female officials as returning and polling officers as well as security officers made the election-day situation less women-friendly. It could be argued that this is discouraging women candidates, as well as some women voters, from participating in the election. It is also likely to discourage women candidates and voters from reporting gender-based violence. Likewise, technically difficult and confusing procedures and tools for filing candidacy for PR prevented a significant number of women politicians from participating in the 2013 electoral process.
9. **Psychological gender-based violence is rife in Nepali politics, but is not a punishable offence:** Almost 96% of female politicians interviewed were victims of psychological violence. While the implications of psychological violence on women in politics are real and far reaching, the perpetrators of such violence enjoy impunity as it is not a punishable offence in Nepal, unlike other forms of violence.

10. **Most female politicians vanish after losing an election:** Political parties provide no support to retain women in politics and they tend to disappear from the political scene after losing an election. The absence of mentoring mechanisms and support for new female politicians is one of the reasons why political parties have been unable to attract enough women.
11. **The failure of the Election Commission of Nepal to enforce the 33% representation of women (in the CA, not just as candidates) allowed the political parties to distort the PR system:** The Election Commission of Nepal was not strong enough to enforce its code of conduct and was not able to do enough to promote gender equality. It had the opportunity to negotiate for a 33% result (instead of just 33% candidacy) for women, at the time of '*badha adkau fukau*' (removing the constitutional obstacles) in preparation for the 2013 CA election. However, the Election Commission allowed the political parties to bargain for 10% flexibility, which availed them of the opportunity to change and manipulate the list of winning candidates under the PR system.
12. **The Nepal Police have limited capacity to deal with violence against women in politics:** The capacity of the Nepal Police (in terms of sensitisation, training, systems and human resources, particular female officers) to deal with violence against women in politics is limited, particularly in relation to invisible and psychological violence.

## Key recommendations

The following key recommendations are made to close the gender gaps and remove the barriers that limit women in Nepali politics from realising their full potential as politicians. They also suggest ways of creating an enabling environment for building the capacity of women in politics. A key concern is the persistent status quo attitude of the political parties regarding gender equality. The recommendations are formulated with this issue in mind. The following is a summary of the recommendations, with full detailed recommendations in Chapter 12.

**Recommendation 1:** Provide a clear legal framework for the mandatory proportional representation of women at all levels of politics by amending the gender-related provisions of the Interim Constitution 2007 to be clear and specific and other legislation (the Party Registration Act, Election Act and Local Election Act) to ensure gender equality and proportional representation. Such provisions must be included in the new constitution as an interim measure towards equal representation in due course of time.

**Recommendation 2:** The Election Commission should ensure electoral quality and integrity by reforming the PR system, improving the equality of the electoral system,

introducing a voter threshold for parties, and laying a systemic foundation for the equal representation of women.

**Recommendation 3:** Political parties should commit to gender equality by formulating internal gender policies, implementing the mandatory proportional representation of women at all levels of political organisation, and giving women leadership roles within the political parties.

**Recommendation 4:** The Election Commission of Nepal, civil society, the political parties, the media and women should join forces to empower women by addressing discrimination in the media, lobbying for change to the patriarchal mindset, supporting established female politicians, creating a positive image for women in politics, and ensuring women's visibility in election campaigns.

**Recommendation 5:** The political parties should create a supportive electoral environment for women in politics by adopting internal party quotas and supporting women candidates with campaign logistics and financial support.

**Recommendation 6:** The Election Commission of Nepal should create a supportive electoral environment for women in politics by ensuring that the electoral system is not distorted, ensuring that the electoral infrastructure and processes are gender sensitive, and simplifying candidacy filing procedures.

**Recommendation 7:** The political parties should create a safe space for women in politics by implementing a policy of zero tolerance of misogyny and gender-based violence, punishing the perpetrators, and encouraging women to report such incidents.

**Recommendation 8:** The Election Commission should work to reduce violence against women in politics by bringing psychological violence with the purview of the electoral justice mechanism, punishing the perpetrators of violence against women in politics, and collecting election observation data on women in politics.

**Recommendation 9:** The government should enact legislation to make psychological violence a crime.

**Recommendation 10:** The Nepal Police should be mobilised to raise awareness about violence against women in politics.

**Recommendation 11:** Women should unite to act against violence against women in politics by involving the Inter-Party Women's Alliance, youth leaders, and female politicians.

**Recommendation 12:** The Election Commission of Nepal should receive capacity building to enable it to implement its Gender and Inclusion Policy, including by putting in place appropriate structures for implementing the policy (e.g., formation of a Gender and Inclusion Coordination Committee), reviewing voter education materials to reflect the role of the Commission in preventing violence against women in politics and to promote free and fair elections, reviewing its preparatory training for election managers and actors to ensure that it is gender sensitive, and planning the field management of elections, which should include a plan for coordinating and recording violence against women in politics.

**Recommendation 13:** The Nepal Police should receive capacity building to enable it to create a safe and secure environment for women in politics, including by fielding female officers to all polling stations; providing all police officers with gender sensitive training with a special focus on recording, investigating and prosecuting violence against women in politics; ensuring that its electoral security management and response plan contains a sub-plan for violence against women in politics; and forming local community networks to monitor and report on violence against women in politics.

**Recommendation 14:** The Election Commission of Nepal should make electoral justice accessible to women in politics by institutionalising electoral dispute resolution (including the establishment of an Electoral Complaint Commission); establishing a simple electoral dispute resolution procedure with a timeframe for the delivery of justice; raising awareness about electoral justice mechanisms; establishing a mechanism to record incidences of violence against women in politics; and facilitating the formation of a working group of national and international long-term observers to monitor and report on violence against women in politics.

**Recommendation 15:** Women in politics should establish a mentoring mechanism to train, mentor and support women to stay in politics.

**Recommendation 16:** The political parties should set a retirement age for politicians and limit the term for key positions in political parties to allow new talent, including women, to move up to leadership positions.

# **Part I**

## **Introduction**

# Chapter 1

## Background

### Gender equality in politics

Gender equality in politics refers to the ability of women to participate equally with men in all aspects of public and political life. It is one of the main ways of ensuring women's empowerment, thereby increasing their decision-making power and ability to influence matters at home, in their communities and nation. The Nordic countries have emerged as the global leaders in gender equality and best performers in terms of women's political participation. A high proportion of women in politics have ensured choice and quality and more equal decision making in these countries<sup>1</sup>.

However the gap between men and women in political achievement and empowerment remains wide and no country in the world has yet achieved gender equality. As per the Global Gender Index 2013, women still have a long way to go – only 21% of political gender gaps have been closed in the world<sup>2</sup>.

Women around the world seem to experience something similar when they break into male-dominated sectors such as politics. Although female politicians in most developed countries have achieved some critical mass in politics, they continue to fight on so many fronts to be treated as equals<sup>3</sup>. Their sisters in developing countries, arguably, fare much worse; they struggle with multiple barriers of patriarchy to achieve a critical mass in politics and are not only forced to put up with insulting ideas about how they should behave, but also face gender-based violence regularly and sometimes even fear for their lives. Moreover, many women in politics around the world struggle to reconcile motherhood with an unpredictable political career.

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<sup>1</sup> World Economic Forum (2012) *The global gender gap report, 2013*. Geneva: World Economic Forum; the World Economic Forum has been quantifying the magnitude of gender-based disparities and tracking their progress over time since 2006. Available at: [www.weforum.org/reports/global-gender-gap-report-2013](http://www.weforum.org/reports/global-gender-gap-report-2013) (accessed 2 December 2014)

<sup>2</sup> *Ibid.*

<sup>3</sup> Hinsliff, G (2014) 'Who would be a woman in politics?' *The Observer* [online], 9 February 2014. Available at: <http://www.theguardian.com/politics/2014/feb/09/women-politics-female-politicians-rape-threats-patronising-comments> (accessed 20 June 2013)

Nepali women aspiring to a career in politics face multiple barriers imposed by patriarchy, the caste system and feudal norms, which are mutually reinforcing and are deeply embedded in all aspects of society. Although many positive policy changes have occurred, effective implementation of these changes, such as gender and social inclusion (GESI) policies, is lacking, signalling a lack of ownership of the gender agenda by male politicians. The conceptualisation of women as the 'weaker sex' continues to prevail within the institutions of Nepali politics, which, among other things, seems to prevent women from acquiring power and influence and progressing in politics<sup>4</sup>.

Women in politics in Nepal are more vulnerable to electoral violence than their male counterparts because of the prevailing patriarchal conditions. They often have to confront social stigma when they are victims of, or witness, electoral violence. Despite a 'culture of silence', 26% of the women candidates in the 2008 CA election came forward to share their stories of the violence faced during various stages of the nomination, campaigning and polling processes<sup>5</sup>.

## Women in Nepali politics

Historically, Nepali women in politics have faced all kinds of hurdles from a variety of sources, including family, society and institutions, both state and political. Apart from the discriminatory norms and behaviour within the political parties, women have struggled against discriminatory systems, practices, laws and institutions, as well as gender-based violence, which have limited their ability to attain power and influence in politics.

Nepal has undergone significant political transition in the last 25 years, including moving from a monarchy to a constitutional monarchy and, finally, to a federal republic after the People's Movement in 2006 (Jana Andolan II). Women and men both braved brutal suppression by the state in the people's movements (Jana Andolan I in 1990 and II in 2006) and have both contributed meaningfully to all political transitions. Nonetheless, the representation of women in politics in Nepal has always been dismally low. In the first democratic election after the promulgation of the democratic Constitution of 1990, only 8 women were elected to the 205 seats in the House of Representatives, despite electoral provision for at least 5% of members of parliament to be female. Likewise, a mere 3 women were nominated out of 60 seats in the National Assembly (upper house)

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<sup>4</sup> Malla-Dhakal, R (2013) 'Voting power.' *The Kathmandu Post*, 7 March 2013. Available at: [http://www.ekantipur.com/the-kathmandu-post/2013/03/07/related\\_articles/voting-power/246120.html](http://www.ekantipur.com/the-kathmandu-post/2013/03/07/related_articles/voting-power/246120.html) (accessed 19 June 2013)

<sup>5</sup> South Asia Partnership International; International IDEA (2008) *Women representation and violence, exploring Constituent Assembly Election in Nepal: Research report*. Lalitpur: South Asia Partnership



in the same year. There was a slight improvement in the 1999 parliament, with 12 women elected out of 205 in the lower house and 9 out of 60 in the upper house<sup>6</sup>.

A clear manifestation of positive change emerged in the aftermath of Jana Andolan II in 2006, with the inclusion of gender equality in the political agenda. This led to the introduction of a provision for a 33% quota for women in all organs of the state in the Interim Constitution of 2007 (a long overdue legal framework towards gender equality) and the adoption of a mixed electoral system for the first time in Nepal. The mixed electoral system consisted of First Past The Post (FPTP) seats from single-member constituencies and Proportional Representation (PR) seats considering the whole country as one constituency. As a result, the representation of women in the first Constituent Assembly (CA) (which also acted as a legislative-parliament) surged dramatically from 5.8 to 33% in the 2008 CA election. The 2008 election also produced a legislature that was much more inclusive in terms of the representation of different caste and ethnic groups, in contrast to previous legislatures, which were largely dominated by advantaged elite groups<sup>7</sup>. The gender outcome of the first CA election in 2008 raised a lot of hope among women and was considered the beginning of a new era of gender politics in Nepal.

The PR list was instrumental in increasing women's representation – 161 out of the total 197 women in the first CA were elected through the PR list system, with 30 being elected through the FPTP system and 6 nominated. This improved the political standing of women in terms of participation, not only in comparison to prior elections, but also in comparison to other countries. Only about a third of countries in Asia and the Pacific have similar quota systems to enhance women's participation in politics<sup>8</sup>. However, although women's representation jumped from 5.8 to 33% in the legislature, many respondents in the in-depth interviews and the focus group discussion felt that this increased number did not ensure women's meaningful involvement within the party and the government or women's capacity building for effective political leadership.

The gender outcome of the second CA election (2013) was disappointing, especially considering the expectations raised by the outcome of the first CA election, and despite

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<sup>6</sup> Tiwari, BN; Tropp, S (2009) *Nepal human development report 2009: State transformation and human development*. Kathmandu: UNDP. Available at: [http://www.np.undp.org/content/nepal/en/home/library/human\\_development/nepal-human-development-report-2009/](http://www.np.undp.org/content/nepal/en/home/library/human_development/nepal-human-development-report-2009/) (accessed 19 June 2013)

<sup>7</sup> Election Commission of Nepal; UNDP (2010) *Report on gender mapping in the field of election*. Kathmandu: UNDP. Available at: [http://www.np.undp.org/content/dam/nepal/docs/reports/UNDP\\_NP\\_Gender%20Mapping%20in%20the%20Field%20of%20Elections.pdf](http://www.np.undp.org/content/dam/nepal/docs/reports/UNDP_NP_Gender%20Mapping%20in%20the%20Field%20of%20Elections.pdf) (accessed 19 June 2013)

<sup>8</sup> Rajivan, AK (2010) *Power, voice and rights: A turning point for gender equality in Asia and the Pacific*. Delhi: Published for UNDP by Macmillan Publishers India Ltd. Available at: [http://www.undp.org/content/undp/en/home/librarypage/hdr/asia\\_and\\_the\\_pacific/humandevelopmentreport2010/](http://www.undp.org/content/undp/en/home/librarypage/hdr/asia_and_the_pacific/humandevelopmentreport2010/) (accessed 19 June 2013)

operating under the same legal framework. Although 162 women were elected through the PR list, only 10 won by direct election (FPTP) and 4 were nominated (at the time of writing, the decision on the remaining 4 seats under direct nomination is yet to be made). The total representation of women in the legislature of the second CA is, therefore, 29% and is not likely to attain 33%, even if all 4 remaining direct nomination seats are allocated to women.

The political process leading to the second CA election in 2013 was confusing, with frequent changes in the political discourse on total number of electoral seats and calls for an electoral threshold<sup>9</sup> and constituency delimitation, among other things. Men dominated the election nomination process and its outcome in terms of number and influence, despite the constitutional provision for 33% representation of women in CA candidacy. This raises doubts about the State's and the political parties' commitment to gender equality and serious questions about the legality and morality of disregarding this explicit constitutional provision. The 2013 election result has dented women's hard won political confidence and led to fear and loss of faith in the democracy among women in politics and women aspiring to a career in politics.

### **Significance of this study**

The persistent dismal representation of women in high-level political positions in Nepal and the reduced gender outcome of the second CA election are the function of many intended and unintended discriminatory provisions that work against women in politics in Nepal. Identification of the discriminatory provisions, processes and practices that are hindering women in politics from realising their full political participation and from making progress as political leaders is crucial. Gender-based violence (physical and psychological) is another issue that obstructs women's political success, as well as having far-reaching consequences in their lives<sup>10</sup>.

The reduced representation of women in the current legislature may have deeper implications. It will have a huge psychological impact on women in general and women in politics in particular and is likely to further discourage women from entering (or remaining) in politics. Secondly, the country is in the process of institutionalising democracy and needs support from every sector of society to do this, particularly from women, who constitute more than half of the voters in Nepal (50.77%)<sup>11</sup>. Thirdly, the

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<sup>9</sup> An electoral threshold refers to the setting of a minimum level of support or votes that a party needs to achieve representation or a seat in the particular house of parliament being elected.

<sup>10</sup> Malla-Dhakal, R (2012) 'Womonomics for growth and development.' *Empowerment Journal XII*, Ministry of Women, Children and Social Welfare, June 2012

<sup>11</sup> Election Commission of Nepal (2014) *Constitution Assembly election, 2013 result book*. Kathmandu: Election Commission Nepal

less than adequate representation of women is a huge loss to the State at a time when the country needs to optimise the use of its untapped human capital in every sphere, especially politics, to maximise its competitiveness<sup>12</sup>.

The recent gender outcome should not be taken lightly. It is indicative of many layers of soft and hard barriers to gender equality in politics emanating from the patriarchal mindset. It also indicates that the 'business-as-usual' attitude of political movers and shakers (usually men) in Nepal is not going to change easily. A female politician who the research team met with expressed the view that the 2013 election outcome has set women back some 10 years in terms of gender politics. She added that the political bosses will continue to 'milk' the participation of a large number of women in political movements, but will only rarely allow them any place in the political platforms established by such movements. Most of the women who participated in this study were cynical about the reduced number of seats for women in the CA after the 2013 election.

This study aims to identify the gender gaps and gauge the intensity of the barriers in terms of their role in preventing women from gaining power and influence in politics in Nepal. It also seeks to pinpoint the source of these barriers, in order to recommend targeted policy interventions to remove them. Moreover, the study seeks to assess the electoral process from a gender perspective and report on gender gaps in the overall election management, security, electoral dispute resolution, and other support processes, as well as on gender-based violence throughout the whole electoral cycle (pre, during and post-election). Addressing the gender dimensions of election politics will add value to the whole political process and have broad implications for the political participation of women in Nepali society.

## **Structure of the report**

This report is presented in three parts: Part I contains Chapters 1 and 2, which set out the background and research methodology. Part II (Chapters 3 to 11) presents the findings related to key areas – legal and policy instruments, the new political context, political barriers to gender equality (and the political will to overcome them), support for female politicians including financial support, violence against women in politics, election management, electoral security, electoral justice and emerging issues. Part III (Chapter 12) contains the recommendations towards increasing the number of women politicians and ensuring gender equality in politics in Nepal.

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<sup>12</sup> Malla-Dhakal, R (2012) 'Womenomics for growth and development'.

## Chapter 2

### Methodology

This study used a mix of qualitative and quantitative research methods. The two surveys on political parties and voters were conducted using quantitative methods. These were supplemented by qualitative methods such as in-depth interviews and a focus group discussion with the key informants.

The study also included a review of the legal and political frameworks related to gender in Nepal, including gender policies, and an extensive review of the literature. Media monitoring as part of Nepal's General Election Observation Committee's (GEOC's) election observations made for excellent comparison. The study also made use of South Asia Partnership International and International IDEA's research report, *Women representation and violence, exploring Constituent Assembly Election in Nepal*, as a benchmark, where applicable<sup>1</sup>. The idea was to document the changes, if any, using 2008 as the baseline. Measurement of change is critical to build a case for taking gender inequality seriously, to enable better planning and action, and to hold institutions (political and state) accountable for their commitment to gender equality. This study on the gender gap and gender-based violence in Nepali politics may serve as a baseline for other gender studies in the future.

#### Political leaders' survey

The study was conducted primarily as a survey of a cross-section of political leaders in Nepal (candidates contesting the 2008 or 2013 election and female political leaders who many not have received a ticket in the election, but who were active in their parties and were potential nominates for the Constituent Assembly under PR). Hence, the study team used purposive random sampling and selected political leaders, both male and female, from the three largest political parties – the Unified Communist Party of Nepal-Maoist (UCPN-M), Nepali Congress (NC), and Communist Party of

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<sup>1</sup> South Asia Partnership International; International IDEA (2008) *Women representation and violence, exploring Constituent Assembly Election in Nepal*.

Nepal-Unified Marxist-Leninist (CPN-UML) – and the Madhesh-based parties (as one group<sup>2</sup>) contesting the second CA election in 2013. The study team selected these four groups based on their knowledge of the study population and the purpose of the study as providing a reasonably representative sample for the study.

A total of 128 respondents were selected to take part in the survey, of which 64 were women. A structured questionnaire was administered in a face-to-face interview, which had the same content and focus as the survey. The interviews were conducted in December 2013 and January 2014 by five professionals with a background in journalism, women's studies, law and research.

The female political leaders, the main focus of this study, were selected from the pool of candidates nominated to contest the election under the FPTP and PR lists in the 2008 or 2013 election and other political women leaders who may not have received a ticket in the election, but who were active in their parties and were potential nominees for the Constituent Assembly under PR. Out of the total 64 female political leaders selected for the survey, half (32) were FPTP candidates and the other half were from the PR list. Furthermore, each group of 32 was composed of an equal number (8) of female leaders from the four political party groups (NC, UCPN-M, CPN-UML and Madhesh-based parties). The sample thus selected is believed to be reasonably representative of the larger population.

The study team felt that there was a need to understand the perception(s) of male political leaders about gender equality in politics. Unlike the female candidates, male candidates were selected to take part in the survey based on their years of experience in active politics (20 years or more and less than 20 years). Out of the 64 male political leaders selected for the survey, half (32) came from the '20 years or more group' and the other half came from the 'less than 20 years group'. Furthermore, each group was composed of an equal number (8) of male leaders from the four political party groups (NC, UCPN-M, CPN-UML and Madhesh-based parties) (see Annexes 3 and 7).

### **Voters' survey**

A voters' survey covering Nepal's five development regions (Central, Eastern, Western, Mid Western and Far Western) and three ecological zones (Terai, hills and mountains) was also conducted in January 2014 to complement the political leaders' survey. A total of 142 respondents above 18 years of age (71 male, 69 female and 2 third gender)

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<sup>2</sup> Sadhbhawana Party, Sanghiys Sadhbhawana Party, Terai Madhesh Sadhbhawana Party, Terai Madhesh Loktantrik Party, Madhesi Jana-Adhikar Forum, Madhesi Jana-Adhikar Forum Loktantrik, Madhesi Jana-Adhikar Forum Republican, and National Madhesh Socialist Party

were selected randomly. Face-to-face interviews were conducted with the selected respondents using a structured questionnaire that focused on the same key issues as the questionnaire used for political party leaders (see Annexes 4 and 7).

### **Interviews with Election Commission and Nepal Police**

In-depth interviews were conducted with three officials and commissioners of the Election Commission of Nepal and senior officials of the Nepal Police, the primary election security providers. A semi-structured questionnaire developed for each group was administered to guide the interviews. Interviews were also conducted with selected officials directly supervising the election administration and electoral security in the five development regions. Three districts were selected from each development region, covering the three ecological zones. The same questionnaire developed for these two groups (Election Commission of Nepal and Nepal Police) was administered to their respective counterparts in the districts who were directly involved in the election management and security in November 2013. In addition, interviews with selected key-informants, both men and women, were also carried out. The interactions with key informants helped validate the information and provided new insights into the research study (see Annexes 5 and 8).

### **Focus group discussion with women's rights group**

A focus group discussion was conducted with a group of civil society representatives actively involved in the area of women's rights, including representatives of the Women's Commission. The group's past and current work includes the capacity development of women in politics and policy advocacy at the national level, encompassing a range of ethnically diverse issues across all ecological zones. Most of the participants of the focus group discussion were also associated with civil society organisations involved in advocacy activities directed at maintaining the 33% quota for women in politics. A semi-structured questionnaire was used to guide the discussion (see Annexes 6 and 8).

### **Data management**

As soon as the survey was finished, the completed questionnaires were verified, checked and edited. The cleaned and coded information was entered into the CS Pro program (The Census and Survey Processing System). The CS Pro data was converted into SPSS (Statistical Package for the Social Sciences) software for processing. The generated output tables were converted into Excel format. The qualitative information collected through the in-depth interviews and focus group discussion was analysed further using a checklist of indicators developed earlier.

## **Limitations and constraints**

The political context suddenly changed in the aftermath of the 2013 election with the UCPN-M party trailing in the polls. This not only shifted the overall political power balance, but also posed a risk to political stability, with the UCPN-M alleging systemic vote rigging. In this context, securing time for interviews with political leaders was difficult. The political context not only affected the time schedule of the study, but also delayed the whole process of the study. Given this issue, the research team had to make some adjustments to the sample size at the last minute, without affecting the aim and purpose of the study and while maintaining the statistical significance of the sample. The team also reviewed the list of interviewees and switched a few candidates. This required adjustments to the data management of the survey.

## Part II Findings

There has been a marked improvement in women's representation in politics in Nepal over the last decade. A gradual paradigm shift and women's emancipation is evident in the changing attitude of the average women, as well as that of society (although slow). Many positive legal provisions have been put in place. Despite these efforts, the number of women elected in the 2013 CA election fell short of expectations. The journey toward equality, in general, and political equality, in particular, seems long and the end point very distant. It is, therefore, pertinent to ask: what invisible barriers are preventing women's progress in politics in Nepal? This Part presents the findings of the study on gender gaps and gender-based violence in the 2013 CA election in Nepal.



## Chapter 3

### Legal and policy instruments

This chapter identifies the cracks in the legal instruments and in the political and electoral processes in order to inform policy advocacy for gender equality. In particular, it looks at the Interim Constitution 2007 and the various electoral laws and policies that relate to gender equality.

#### Interim Constitution 2007

The direct consequence of a number of gender and ethnic inclusion provisions in the Interim Constitution 2007 was a surge in the representation of women, as well as that of other marginalised caste/ethnic groups, in the Constituent Assembly (legislature parliament) in the 2008 election. Articles 13 and 21 of the Interim Constitution guarantee women's rights to equality and social justice. Likewise, Article 33 (d) directs the state to bring about inclusive, democratic and progressive state restructuring to address the concerns of women and backward groups<sup>1</sup>. However, sadly, these provisions are not enforced and necessary budgets to support their implementation are seldom allocated.

Article 63, Part 7 of the Interim Constitution requires the Election Commission to ensure proportional representation on the basis of the principle of inclusion while selecting candidates for direct election. It also mandates that 33% of all candidates (through both the FPTP system and PR system) for election of the CA/Legislative Parliament be women<sup>2</sup>. Furthermore, Article 63 also states that at least one-third of each

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<sup>1</sup> Government of Nepal (2007) *The Interim Constitution of Nepal 2063 (2007)*; First Amendment, 2063, 14 March 2007; Second Amendment, 2064, 13 June 2007; Third Amendment, 2064, 28 December 2007; Fourth Amendment, 2070 BS [original authorized translations] ... Eighth Amendment, 28 May 2010. Available at: [http://www.lawcommission.gov.np/index.php?option=com\\_remository&Itemid=17&func=fileinfo&id=163&lang=en](http://www.lawcommission.gov.np/index.php?option=com_remository&Itemid=17&func=fileinfo&id=163&lang=en) (accessed 19 June 2014)

<sup>2</sup> *Ibid.*, Part 7, Article 63, Clause 5

of the party's candidates (in the FPTP and PR lists taken together) should be women<sup>3</sup>. However, this provision is not specific and directive and, therefore, is perceived not to be mandatory. Moreover, there is no compulsion to nominate women members for the 26 seats in the legislature set aside for nomination by the Interim Constitution.

In the section on 'Political Parties', the Interim Constitution mentions (Part 18, Article 142 [3c]) that, to register as a political party with the Election Commission of Nepal, a party should meet certain conditions, one of which is to include in the registration application a provision for the inclusion of members of neglected and oppressed groups, including women and Dalits, in the executive committees at the various levels of the political party<sup>4</sup>. However, the Interim Constitution does not provide further guidelines or a mandatory minimum quota in this regard.

Article 142 (Part 18) of the Interim Constitution states that parties should follow the inclusive principle in nominating women members at various levels of their executive committees. It also states that parties that are seen to discriminate against women shall not be registered<sup>5</sup>. However, little attention is paid to the implementation of this provision and there is little information regarding a mechanism to look into whether or not discrimination has been committed by a party or a complaint mechanism.

### **Members of Constituent Assembly Election Ordinance 2013**

The Election Ordinance 2013 is a mirror of the Election Act 2007. It is considered more progressive than the Interim Constitution in ensuring the representation of women and other marginalised groups in the Constituent Assembly as it provides for quotas in terms of results, not only candidacy as in the Interim Constitution. However, only the quota under the PR system (not under FPTP) was made binding by the Election Ordinance.

The PR quotas are binding on political parties and they had to observe these when nominating their candidates, as well as when selecting their winning candidates once the results were known and seats allocated. The law introduced a 'selection' process regulating the way the seats won in the PR list system could be filled. Normally, the procedure for filling seats in a closed list system is from the top of the candidate list. However, the parties were allowed to select the winning candidates after the election from anywhere on the list, complying with the same quota rules as when setting up the

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<sup>3</sup> *Ibid.*

<sup>4</sup> *Ibid.*, Part 18, Article 142, Clause 3c

<sup>5</sup> *Ibid.*, Part 18, Article 142 (4)

list, with 10% flexibility in both directions. This meant that a party winning 100 seats could select between 45 and 55 women to fill these seats<sup>6</sup>.

Among other things, the Election Ordinance requires parties to consider the principle of inclusion while nominating candidates under the FPTP system and to ensure at least one-third of the total number of candidates fielded are women under the FPTP and PR systems together, in the spirit of Interim Constitution 2007.

Similarly, the Election Act 2007 stated that, in the FPTP race, political parties "must pay proper attention to the representation of oppressed groups, poor farmers, labourers, and the disabled". But the law did not include any specific guidelines on this and, as a result, this provision was not enforced<sup>7</sup>.

The Interim Constitution contains a directive that parties that are seen to discriminate against women in giving membership shall not be registered by the Election Commission. However, the Election Ordinance and the Election Commission of Nepal's policies do not contain specific provisions for implementing this constitutional directive. The Election Commission Act does, however, make provision for the compulsory proportional inclusion of women as Commission members or staff, although only one female Commissioner was appointed in 2013.

### **Election Commission's Gender and Inclusion Policy**

The Gender and Inclusion Policy of the Election Commission was launched in September 2013. Among other things, it contains a provision for forming a Gender and Inclusion Coordination Committee and a Gender and Inclusion Unit in order to enforce gender policy, principles and goals, as per the spirit of the Interim Constitution<sup>8</sup>. However, the Committee and the Unit are yet to be formed. According to the Election Commission officials who the research team spoke with, there is some increase in awareness among the officials, but no organic linkage between policy and action has been achieved. This policy will be discussed later in the section on election management.

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<sup>6</sup> Butenschon, NA; Vollan, K (2011) *Electoral quotas and challenges of democratic transition in conflict ridden societies*. A Nordem special report, Norwegian Centre for Human Rights, September 2011. Available at: <http://www.jus.uio.no/smr/english/about/programmes/nordem/publications/electoral-quotas-and-the-challenges-of-democratic-.html> (accessed 3 December 2014)

<sup>7</sup> Levit-Shore, S (2008) *Observing the 2008 Nepal Constituent Assembly election*. Atlanta, GA: Carter Center. Available at: [http://www.cartercenter.org/resources/pdfs/news/peace\\_publications/election\\_reports/FinalReportNepal2008.pdf](http://www.cartercenter.org/resources/pdfs/news/peace_publications/election_reports/FinalReportNepal2008.pdf) (accessed 3 December 2014)

<sup>8</sup> Election Commission of Nepal (2013) *Gender and Inclusion Policy* [unofficial translation]. Available at: <http://aceproject.org/ero-en/gender-and-inclusion-policy-nepal-2013> (accessed 28 June 2014)

## Comprehensive Peace Accord 2006

The Comprehensive Peace Accord 2006<sup>9</sup> includes a provision prohibiting gender-based violence, which both parties to the accord (the Seven Party Alliance<sup>10</sup> and UCPN-M) agreed to abide by. Article 7.6, 'Rights of Woman and Child', contains a specific provision to protect the rights of women and children and to prohibit all types of violence against women<sup>11</sup>.

## National Action Plan on Gender-Based Violence 2010

The National Action Plan on Gender-Based Violence 2010 specifies the measures to be adopted to curb gender-based violence of any form, be it domestic or public. Some measures are preventive in nature and require the concerned agencies to develop and implement a code of conduct at all levels and to set up effective complaint management, response and monitoring mechanisms for complaints about gender-based violence. The plan also strives to work with men and boys to prevent violence against women and girls<sup>12</sup>.

## Gaps

Despite the existence of a constitutional framework and many laws and policies on gender equality, the disappointing results for women in the second CA election in 2013 prompted speculation and analysis of the underlying causes. The findings of this study show many gaps in gender equality. Firstly, the vague constitutional provisions allowed room for different interpretations. Such indicative provisions can only work when mainstream political actors understand the essence of, and believe in the need for, gender equality in politics. Only under such conditions can spontaneous commitment in good faith help translate constitutional provisions into reality.

Secondly, the various electoral ordinances and laws have failed to sufficiently capture the spirit of the constitutional provisions to interpret them as mandatory in terms

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<sup>9</sup> Nepal (2006) *Comprehensive peace accord concluded between the Government of Nepal and the Communist Party of Nepal (Maoist)*, 21 November 2006. Available at: [http://id.cdint.org/content/documents/Comprehensive\\_Peace\\_Agreement\\_of\\_2006.pdf](http://id.cdint.org/content/documents/Comprehensive_Peace_Agreement_of_2006.pdf) (accessed 3 December 2014)

<sup>10</sup> The coalition of the seven Nepali political parties seeking to end autocratic rule: Nepali Congress, Nepali Congress (Democratic), Communist Party of Nepal (Unified Marxist-Leninist), Nepal Workers and Peasants Party, Nepal Goodwill Party (Anandi Devi), United Left Front and People's Front.

<sup>11</sup> Article 7.6, Comprehensive Peace Accord 2006

<sup>12</sup> Government of Nepal (2009) *National plan of action for 'Year against gender based violence, 2010'*. Kathmandu: Government of Nepal, Office of the Prime Minister and Council of Ministers, 25 November 2009. Available at: <http://www.saarcgenderinfobase.org/includes/showFile.php?id=30> (accessed 3 December 2014)

of ‘results’, rather than just ‘candidacy’. Such clear and specific interpretation by the electoral ordinances and laws would have compelled all mainstream political parties to abide by them, irrespective of their support for gender equality in politics. Thirdly, proactive policies such as the gender inclusion policy of the Election Commission, while commendable, can only be implemented effectively with the backing of proactive and clear electoral laws.

Many respondents to the survey, both male and female, expressed the view that, while the Election Commission is supportive of gender equality, it missed an opportunity to enforce gender equality in the 2013 election. Others thought that the Commission did take some steps to enforce gender equality, but did not do enough. Electoral experts recommend that election laws should be reviewed to close all loopholes and make future elections ‘result focused’ to ensure 33% representation of women, as provided for in the Interim Constitution.

## **Electoral reform**

Nepal opted for a reformed electoral system for the Constituent Assembly elections in 2008, consisting of a mixed system of First Past The Post and Proportional Representation. Nepal has 240 electoral constituencies and each elects one member to the CA through FPTP<sup>13</sup>. A total of 335 seats are allocated to the PR list and are elected through a single electoral constituency using one nationwide ballot. The PR list helped achieve the unprecedented gender outcome in 2008 election.

In the aftermath of the Comprehensive Peace Accord, the mixed electoral system worked well in 2008. All parties selected their candidates in good faith and the electoral quotas were largely accepted as a way of ensuring inclusion in the CA<sup>14</sup>. Much of the literature on electoral systems shows that, if used by parties in good faith, PR lists can promote the advancement of female politicians and allow voters the space to elect women candidates, while still basing their choice on policy concerns rather than gender<sup>15</sup>.

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<sup>13</sup> Bylesjö, C; Kandawasvika-Nhundu, RA; Larserud, S (2010) *Electoral system and quotas in Nepal*. Lalitpur: International IDEA, 2010. Available at: [http://www.idea.int/resources/analysis/electoral\\_s\\_quotas\\_nepal.cfm](http://www.idea.int/resources/analysis/electoral_s_quotas_nepal.cfm) (accessed 3 December 2014)

<sup>14</sup> Rikkila Tamang, L (2014) ‘Need for change.’ *The Kathmandu Post* [online], 9 January 2014. Available at: [http://www.ekantipur.com/the-kathmandu-post/2014/01/09/related\\_articles/need-for-change/257992.html](http://www.ekantipur.com/the-kathmandu-post/2014/01/09/related_articles/need-for-change/257992.html) (accessed 20 June 2013)

<sup>15</sup> See: Ace Practitioners’ Network (nd) *Electoral material. Gender, minorities and election* [online]. Available at: <http://aceproject.org/about-en/practitioners2019-network> ; Ace Practitioners Network is an electoral knowledge network that provides information relating to all aspects of election and facilitates interaction with practitioners of electoral management from all over the world.

Unlike in the 2008 election, the implementation of the PR list system proved difficult in 2013. This caused a lot of frustration and anguish among many party leaders and cadres, leading to some party splits. Many accused the party leaders of nepotism, corruption and undermining the agreed criteria while selecting candidates. Although, many countries around the world use a mixed electoral system (FPTP and PR), unlike Nepal, other PR systems require the contesting parties to provide the order of the candidates in a closed list before the election to prevent manipulation after the seats are won. The challenges of implementing the electoral quota in Nepal are further analysed in Chapter 5 in the section on 'Electoral Quota and Nomination of Women'.

The gender outcome and the process leading to the 2013 CA election dragged the mixed electoral system into controversy. Ironically, this is the same system that was praised in the 2008 election. Students of electoral science and civil society alike questioned why there was a different outcome under the same legal framework? The 2008 CA election was an historic achievement in terms of social inclusion and gender in Nepal, particularly in terms of the political representation of women (which was 33% in the resulting CA). However, political analysts are of the view that the 2008 achievement was not able to lay a strong foundation for the institutionalisation of gender equality in Nepal. Although, the Interim Constitution mandated all government agencies and the political parties to comply with the minimum quota provision, systematic compliance did not follow, except in the CA elections. The policies and practices of most government entities are pretty much the same, even today.

## Chapter 4

### Gender consequences of the new political context

#### Political transition after dissolution of the first CA

The political context in Nepal changed significantly after the dissolution of the CA in May 2012. New political mechanisms and processes emerged to cope with the situation, which effectively sidelined the issue of gender equality in politics. The much needed gender reform seemed even more distant and elusive. Although the CA elected in 2008 had made substantial achievement in this area, the sudden demise of the CA checked this momentum and affected progress profoundly. The long period of transitional politics that followed further complicated the situation and enabled political leaders (mostly male) to evade initiatives that were yet to be institutionalised<sup>1</sup>. The ‘more important’ task of bringing the derailed political and constitutional process back on track overshadowed the ‘less important’ gender agenda and, hence, did not make it to the attention of the men who controlled the powerful transitional political mechanisms, such as High Level Political Committee (HLPC). The consensus to create an interim election government in March 2013 ended the protracted political stalemate and was received by all with a sigh of relief.

#### Increased number of political parties

In the 2008 election, there were 75 registered political parties, of which 54 contested the election and 25 were elected. The 25 elected parties later split to 33, increasing the number of parties in the CA<sup>2</sup>. In the second CA election in 2013, the number of contesting political parties increased to 122, although only 30 made it to the CA.

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<sup>1</sup> Malla-Dhakal, R (2013) ‘Business as usual.’ *The Kathmandu Post*, 3 February 2013. Available at: [http://www.ekantipur.com/the-kathmandu-post/2013/02/03/related\\_articles/business-as-usual/244878.html](http://www.ekantipur.com/the-kathmandu-post/2013/02/03/related_articles/business-as-usual/244878.html) (accessed 19 June 2013)

<sup>2</sup> Election Commission of Nepal; UNDP (2012) *Electoral violence mitigation assessment (EVMA) report*. Kathmandu: UNDP. Available at: [http://aceproject.org/ero-en/regions/asia/NP/electoral-violence-and-mitigation-assessment-nepal/at\\_download/file](http://aceproject.org/ero-en/regions/asia/NP/electoral-violence-and-mitigation-assessment-nepal/at_download/file)

In the 2008 election, 369 (9.4%) women candidates, out of a total of 3,946 candidates, from 54 political parties contested the direct election (FPTP system) for 240 seats. Thirty women candidates won their seats under the FPTP system, which amounted to 12.5% of the 240 CA seats.

In 2013, with the number of contesting political parties surging to 122, the number of women candidates contesting the FPTP increased to 667 (or 10.88%), out of a total of 6,126 candidates. However, the surge in number of women candidates did not result in an increased number of women winning their seats. Only 10 out of the 240 directly elected seats and 162 out of the 335 on the PR list went to women<sup>3</sup>. The decision on the 4 seats under direct nomination has (at the time of writing) not yet been made.

The dismal outcome of the FPTP election is intriguing. Some election analysts, including some Election Commission officials, are of the view that distortion of the electoral system is one of the reasons for the dismal gender outcome<sup>4</sup>. Some are also of the view that the fragmentation of political parties into many parties fragmented women candidates along political lines; this is particularly true for the UCPN-M and the Madhesh-based parties. In this context, non-participation of rebel fringe parties in the electoral contest actually prevented many electable women candidates from entering the race<sup>5</sup>.

In fact, the 10 winning women who secured seats in the new CA through FPTP in 2013 represent the three major political parties: the NC, CPN-UML and UCPN-M. Out of these 10 women, 6 were from the NC, 3 from the CPN-UML and 1 from the UCPN-M; none were from the Madhesh-based parties. In the 2008 election, the UCPN-M was the largest contributor to the CA with 24 out of the 30 winning women candidates. Of the remaining women who won seats in the CA in 2008 through FPTP, two were from the NC, one from the CPN-UML and three from the Madhesh-based parties. This indicates that there may be some correlation between the fragmentation of parties and the gender outcome, although this is yet to be tested empirically.

The fragmentation of political parties did not affect the representation of women through the PR list system. Although the reservation of seats for women under the PR system was one of the contributors to the resulting 162 seats for women in the 2013 CA, implementation of the PR system was not as smooth in 2013 as it was in the 2008 election. The 10% flexibility the parties bargained for was used against women candidates. If it were not for the Election Commission's stand to allocate 50% of PR seats to women candidates, the overall gender outcome of the 2013 election would have been even worse<sup>6</sup>. In addition, parties that won an odd number of seats

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<sup>3</sup> Election Commission of Nepal (2014) *Constitution Assembly election, 2013 result book*.

<sup>4</sup> In-depth interviews with officials of the Election Commission of Nepal, January 2014

<sup>5</sup> Focus group discussion with women's rights group, January 2014

<sup>6</sup> In-depth interviews with Election Commission of Nepal officials, January 2014



allocated more seats to male leaders almost invariably. This tendency is very telling of the limited understanding of the majority of political leaders of why a country needs gender equality. In instances where party leaders do understand the need for gender equality, these leaders are yet to take any initiative to turn rhetoric into reality.

Electoral experts like Kare Vollan are of the view that the introduction of an electoral threshold can filter out the parties unlikely to garner adequate votes and, thus, abolish the chaotic political culture (the sheer number of parties can cause complications and confusion among voters)<sup>7</sup>. Hence, it can be argued that an appropriate threshold can have a positive impact on the overall representation of women as only serious political parties are likely to remain in the race and the number of women in such parties is usually relatively more substantial. It is assumed that if a threshold was introduced a critical mass of female politicians would automatically enhance the nomination rate for women in each party.

### **Maoist split and non-participation in election**

Political party splits can have deep ramifications in a fragile situation, particularly from an electoral and gender perspective. These ramifications are worse if the splinter faction defies the election<sup>8</sup>. As discussed above, the Maoist split did indeed prove detrimental in terms of the gender outcome of the second CA election in 2013, as the breakaway party contained a significant number of politically-strong women<sup>9</sup>.

The meeting with the women's rights group and other key informants, both men and women, confirmed that the non-participation of the splinter CPN-Maoist in the election is one of the main reasons for the poor show in terms of reaching 33% women's representation in 2013. This reveals an important fact regarding the gender commitment of the main political parties, especially the NC and CPN-UML, as their gender outcome percentage in 2013 was not much different from that in 2008. Political observers believe that if the political bosses of the big parties are given free reign the parties are likely to go backwards in terms of gender equality. If their past actions are anything to go by, it appears that gender is not considered an important issue by the main political parties, which lends credence to the view that 'gender inclusion' in Nepal is an act of compulsion, not choice. The civil society group that the research team met with expressed a similar view and feared that the 2013 election outcome will lead to further deterioration of the situation for women in politics and greater inequality<sup>10</sup>.

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<sup>7</sup> Spotlight News Magazine (2013) *KUSL: Debate on elections results* [online], 27 December 2013. Available at: <http://www.spotlightnepal.com/News/Article/KUSL-Debate-on-Elections-Results> (accessed 19 June 2013). In this round table organised by Kathmandu University School of Law and Nepal Constitution Foundation, expert Kare Vollan comments on Nepal's electoral system and the recent CA election in 2013.

<sup>8</sup> Election Commission of Nepal; UNDP (2012) *Electoral violence mitigation assessment (EVMA) report*.

<sup>9</sup> In-depth interviews with election experts, December 2013

<sup>10</sup> Focus group discussion with the women's rights group, January 2014

## Civil society activism to maintain 33% women's representation

The political decision to reduce the number of seats in the new CA to 491 alarmed women's groups. The allocation of 240 seats each to both the FPTP and PR electoral systems and another 11 to be nominated by the cabinet on the basis of political agreement<sup>11</sup> was perceived as likely to have profound gender implications. Women predicted not only fewer women candidates than in 2008, but less than 33% in the new CA as the result of the reduction of the number of seats under the PR list, which was largely responsible for increasing women's representation in the first CA.

The concern of women was not solely about the number of seats, but also about the commitment of the male-dominated political parties to actually implement the constitutional provision for 33% representation in good faith. Female politicians and civil society groups felt that, given the dominant masculine culture and attitudes within the political parties, there was no reason to believe that the political parties would be proactive in ensuring a 33% election outcome for women in the 2013 CA election.

Given this context, organisations concerned with women's right and the election scrambled to discuss ways to ensure at least 33% women's representation in the second CA. They organised themselves into various groups to monitor the related political discussions, decisions and actions.

Many civil society organisations forged alliances with the National Women's Commission and supportive donors and convened a series of meetings of the 'Active Working Group on Women's Political Empowerment' to discuss the upcoming election. The initial outcome of this group's work was a one-page draft titled 'Nepali Women's Non-Negotiable Demand for the Upcoming CA Elections'.

The National Women's Commission subsequently convened a meeting to discuss the elections, which was attended by 100 representatives of civil society organisations, media representatives, activists, advocates, and National Women's Commission members and staff. The outcome of this meeting was a 'Memorandum on Women's Rights', the final copy of which was submitted to the Chair of the Interim Government, High Level Political Committee, Election Commission and the Presidents of all the political parties, as well as the media<sup>12</sup>.

With the assistance of UN Women, the National Women's Commission subsequently produced a zero Draft 'Women's Charter of Demands', which was extensively

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<sup>11</sup> For a record of events, see South Asian Terrorism Portal; Institute for Conflict Management (nd) *Nepal timeline 2013*. Available at: [www.satp.org/satporgtp/countries/nepal/timeline/index.html](http://www.satp.org/satporgtp/countries/nepal/timeline/index.html) (accessed 13 June 2014)

<sup>12</sup> National Women's Commission (2013) *Memorandum on women's rights*. (Unpublished memorandum submitted to Chair of the Interim Government)

disseminated to major political parties, civil society organizations and the media<sup>13</sup>. To ensure continuation of the momentum, the National Women's Commission held regular meetings on the elections and women's participation. These meetings were coordinated by different women's civil society organisations on a rotational basis.<sup>14</sup> Among the many gender agendas discussed during these meetings, lobbying to maintain the 33% outcome for women topped the list. The group tried to organise a media and information campaign with the aim to sustain the pressure to maintain the 33% quota (in the CA and the political parties) and to educate voters to make informed choices.

Bowing to the demands of the fringe parties, including the CPN-M, the decision was made to increase the number of seats under the PR system to 335 to make the CA more inclusive<sup>15</sup>. Subsequently, the President approved the Constituent Assembly Member Election (First Amendment) Ordinance 2070 BS (2013 AD), which confirmed that the new CA would have 601 members, as recommended by the Government<sup>16</sup>.

Despite the concerted efforts of civil society organisations, including the Women's Commission, and the restoration of the PR list seats to the original level, the gender outcome of the second CA election could not meet the same level as in 2008. Women's advocacy to ensure 33% representation of women in the CA, not just candidacy, has again hit the wall. Even today, when the issue is raised, the expression on most male political leaders' faces clearly reads, "C'mon, what more do you want?"<sup>17</sup> What the political male leaders do not seem to understand is that 172 female members in the CA sounds good until you remember there are 403 male members in the CA. Women may have come a long way, but they still have a very long way to go before they have an equal share of the real power. In this context civil society actors and women in politics should rethink their approaches strategically and consolidate their efforts for effective lobbying and advocacy, while building the capacity of women leaders to be more competitive.

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<sup>13</sup> National Women's Commission; UNWOMEN (October 2013) *Zero draft: Women's charter of demands*. (Unpublished draft report submitted to major political parties and other key stakeholders)

<sup>14</sup> Focus group discussion with women's rights group, January 2014

<sup>15</sup> Pathak, B (2013) 'The election to Constituent Assembly II – Voice of the voiceless people of Nepal'. *The Transcends Media Service* [online], 28 October 2013. Available at: <https://www.transcend.org/tms/2013/10/elections-to-constituent-assembly-ii-voice-of-the-voiceless-people-of-nepal/> (accessed 2 December 2014)

<sup>16</sup> For a record of events, see: South Asian Terrorism Portal; Institute for Conflict Management (nd) *Nepal timeline 2013*. Available at: [www.satp.org/satporgtp/countries/nepal/timeline/index.html](http://www.satp.org/satporgtp/countries/nepal/timeline/index.html) (accessed 13 June 2014)

<sup>17</sup> Focus group discussion with women's rights group, January 2014. The participants of the focus group discussion expressed frustration about the lack of gender sensitivity among male leaders and their attitude towards the implementation of quota for the women in politics. They said that if it was not for the legal compulsion the male leaders would gladly do away with the quota.

## Chapter 5

### Political barriers: Political will and the rules of the game

There is a popular belief in Nepal that a traditional group of leaders continue to control the major political parties. Many reports and publications on Nepali politics conclude that Nepali political parties have been weakened by a lack of internal party democracy and transparency.<sup>1</sup> Women and marginalised groups, including Dalits, in the mainstream political parties find it hard to push their agendas and get their messages across.<sup>2</sup>

The influence of entrenched party leaders in pre-selection competitions is seen as preventing young and qualified candidates from being nominated by the parties, including those from disadvantaged groups and women.<sup>3</sup> Merit-based selection and inclusiveness within parties is, therefore, undermined, even after the Interim Constitution made inclusiveness a requirement for political party registration.<sup>4</sup> If these trends persist, gender inclusive parties, legislature and government in Nepal is unlikely.

#### Comparison of gender policies of political parties

Most of the political parties in Nepal do not have a separate gender policy. However, some gender concerns have been included in party statutes, policy documents and political manifestos. It must be noted that manifestos are just a declaration of political

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<sup>1</sup> Dahal, DR (2008) *Inner party democracy in Nepal: Problems and preferences*. Paper presented at a seminar organized by Friedrich-Ebert-Stiftung, CELCAR and SM College, Pokhara, November 2008. Available at: [http://www.nepaldemocracy.org/civic\\_education/Inner%20Party%20Democracy%20in%20Nepal.pdf](http://www.nepaldemocracy.org/civic_education/Inner%20Party%20Democracy%20in%20Nepal.pdf) (accessed 19 June 2013); Levit-Shore, S (2008) *Observing the 2008 Nepal Constituent Assembly election*. Atlanta, GA: Carter Center. Available at: [https://www.google.com.np/webhp?sourceid=chrome-instant&ion=1&espv=2&ie=UTF-8#q=Levit-Shore%2C+S+\(2008\)+Observing+the+2008+Nepal+Constituent+Assembly+election](https://www.google.com.np/webhp?sourceid=chrome-instant&ion=1&espv=2&ie=UTF-8#q=Levit-Shore%2C+S+(2008)+Observing+the+2008+Nepal+Constituent+Assembly+election) (accessed 3 December 2014)

<sup>2</sup> Lawati, M (2012) 'Ethnic politics and the building of an inclusive state.' In von Einsiedel, S; Malone, D; Pradhan, S (2012) *Nepal in transition: From people's war to fragile peace*. New York: Cambridge University Press, p 140

<sup>3</sup> Malla-Dhakal, R (2012) 'Womenomics for growth and development.'

<sup>4</sup> Interim Constitution (2007), Article 142: "(b) the constitution or the rules of the political party must provide for election of office bearers of the party at all levels at least once in every five years; (c) there should be a provision for the inclusion of members from neglected and oppressed groups including women and Dalits in the executive committees at various levels."

intent and are prepared with elections in mind; they are not binding on a party in any way.

This study reviewed the statutes and manifestos of the three largest political parties and the Madhesh-based parties from a gender perspective. Given the vast differences between the Madhesh-based parties, generalisations may not be an accurate reflection of their level of gender sensitivity. It will be interesting to draw comparisons between their gender policies and practices to understand the less than satisfactory gender outcome in the 2013 CA election.

All of the political groups compared for this study support at least 33% representation of women at all levels of state structures. Furthermore, the UCPN-M set the bolder target of equal (50%) participation. The Madhesh-based parties also generally aim to increase the participation of women to 50%. Regarding the representation of women in local bodies, the CPN-UML is the only party that has the clearly stated goal in their policy document of 50% participation of women. In relation to citizenship, the UCPN-M proposes that the name of both parents be required for citizenship, while the CPN-UML is fine with citizenship under either of the parent's name. Although the NC has not spelt out their preference on the issue, they propose elimination of all laws that are discriminatory to women. The NC's proposal can be argued as far reaching as it would include all laws relating to women, including laws related to representation, economic and citizenship matters.

*Table 1. Comparison of key gender policies of political parties*

Area	Nepali Congress	CPN-UML	UCPN-M	Madhesh-based parties
State structure and public service	At least 33% participation	At least 33% participation	Equal participation	Initially 33% participation (with the goal of 50%)
Policies and programmes	Inclusive representation to be ensured at all levels	Guarantee of minimum one-third participation		Inclusive participation
Local government	At least 2 women to be selected from local level as regional representatives	Ensure 50% representation in local bodies	Equal participation	Inclusive participation (aiming for 50%)
Economic matters and citizenship	Elimination of laws that are discriminatory to women	Equal rights over paternal property Citizenship through mother or father	Rights over parental property and economic access Names of both man and woman required for ownership and citizenship	
Reproductive and health	Right to safe motherhood and reproductive health	Right to reproduction	Right to reproduction and divorce vested in women	
Special programmes	All types of violence against women and children shall be brought to an end	Women's access to education and employment ensured Provide compensation against all kinds of discrimination	Women, family and juvenile courts shall be formed Create environment for women to pursue professional careers	Access to education

## Representation of women in political parties

The representation of women in political parties is an important issue as it is the precursor to the representation of women in parliament and the cabinet. The Interim Constitution has made the inclusion of women (and members of other neglected groups) at various levels of the political parties a precondition for registering a political party with the Election Commission<sup>5</sup>. However, this provision has not been implemented effectively in the absence of a mandatory minimum quota. This has led to a varied level of inclusion of women in the political parties' central committees, and women are often included only in the lower echelons, as per the party leadership's convenience. In fact, the vague legal frameworks in Nepal allow male dominated political parties to interpret the rules to their own advantage.<sup>6</sup>

*Table 2. Representation of women in the central committees of political parties*

Party	Total	Female	%	Source
Nepali Congress	80	17	21.79	SPCBN
CPN-UML	116	21	13.10	SPCBN
UCPN-M	236	31	13.95	SPCBN
Madhesh parties (cumulative)	97	15	10–15	Party sources

The current political hold of women across all parties, including in the Nepali Congress, which claims to be more democratic than the other parties, continues to be dismal. Likewise, gender equality within a party such as the UCPN-M, which claims to be a revolutionary party that supports equality for women, is still a long way off. Many years after the end of the civil war, the women who fought alongside men for 10 long years are still demanding 33% representation in the UCPN-M's central committee<sup>7</sup>. After the 7th General Convention, and following pressure by the Maoist women leaders, a decision was made to increase women's representation from 13.95% to 23% in the Central Working Committee. However, at present, women's representation hovers around 13%<sup>8</sup>. The gender disparity in terms of quantity and quality is reflected in the organisational structures of all mainstream political parties and women's representation

<sup>5</sup> Interim Constitution of Nepal, 2007, Part 18, Article 142

<sup>6</sup> During the in-depth interviews with electoral experts, January 2014, interviewees expressed the view that the Election Commission of Nepal can do a lot to ensure representation of women in political party by using the provision in the Interim Constitution of Nepal 2007 while registering political parties.

<sup>7</sup> Malla-Dhakal, R (2013) 'Voting power.' *The Kathmandu Post*, 7 March 2013.

<sup>8</sup> United Nations Development Programme (2013) *Women participating in the Federal Democratic Republic of Nepal: 26 questions and answers*. Kathmandu: Support to Participatory Constitution Building in Nepal (SPCBN), UNDP Nepal, p 34. Available at: [http://www.ccd.org.np/publications/Women\\_Participating\\_IN\\_FDR\\_Nepal\\_ENG.pdf](http://www.ccd.org.np/publications/Women_Participating_IN_FDR_Nepal_ENG.pdf) (accessed 3 December 2014)

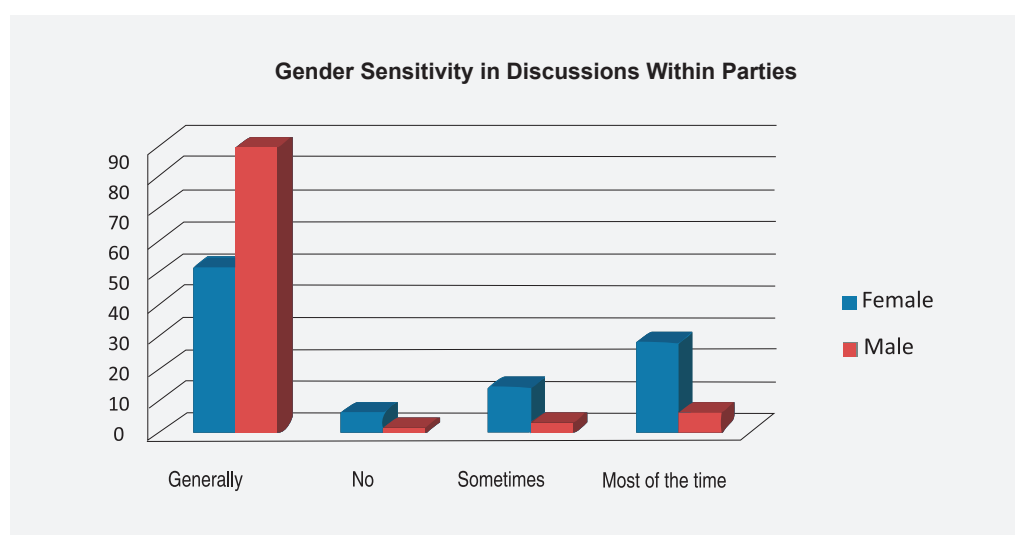
in the executive committees of parties is around 15%, on average<sup>9</sup>. The key issue seems to be the status quo attitude within the main political parties. Although quotas help transform the system, they are not the whole answer. Entrenched attitudes don't change overnight.

The quality of the environment within a political party can either encourage or discourage women's active participation in politics, which is also directly linked to the long-term capacity building of women in politics. In this context, this study attempted to understand the overall gender-friendliness within parties using various indicators. The answers received from the respondents must be understood in the context of the survey, which includes the social background that respondents come from, their level of education, and their understanding and definition of 'gender sensitivity'.

### Gender sensitivity in discussions

When asked about gender sensitivity in discussions within their political parties, 51.6% of women politicians said that they felt that discussions are generally gender sensitive, while 28.1% said that discussions are sensitive most of the time, but not always. Disaggregated by political party, the perspective varied a little – only 43.8% of women politicians from both the NC and CPN-UML thought that there is gender sensitivity in discussions, as opposed to 56 and 62.5% of women politicians from the UCPN-M and Madhesh-based parties, respectively. Many of the respondents further added that those who are most gender sensitive in discussions are different in their actions.

*Figure 1. Gender sensitivity in discussions within political parties*



<sup>9</sup> Author's calculation using the numbers from Table 2: Representation in central committees of political parties



*Table 3. Existence of gender sensitivity in discussions in your party (%)*

Female respondents	Yes	No	Sometimes	Most of the time	Total (N)
NC	43.8	12.5	18.8	25.0	16
CPN-UML	43.8	12.5	12.5	31.3	16
UCPN-M	56.3			43.8	16
Madheshi	62.5		25.0	12.5	16
Female total	51.6	6.3	14.1	28.1	64
Male respondents					Total (N)
NC	100.0				16
CPN-UML	100.0				16
UCPN-M	56.3	6.3	12.5	25.0	16
Madheshi	100.0				16
Male total	89.1	1.6	3.1	6.3	64

Contrary to the female response, 89% of male political leaders thought that discussions within their party are always gender sensitive. The response of UCPN-M male respondents was different – only 56% said that discussions are gender sensitive.

### Does your party have a gender policy?

Most of the mainstream political parties do not seem to have a separate written gender policy. However, attempts have been made to integrate gender concerns into the party statutes and policy documents. Hence, respondents were a little confused when asked about this. About 40% said there is one, while a little over half of both male and female respondents said that it is largely a verbal understanding.

*Figure 2. Existence of a gender policy in parties*

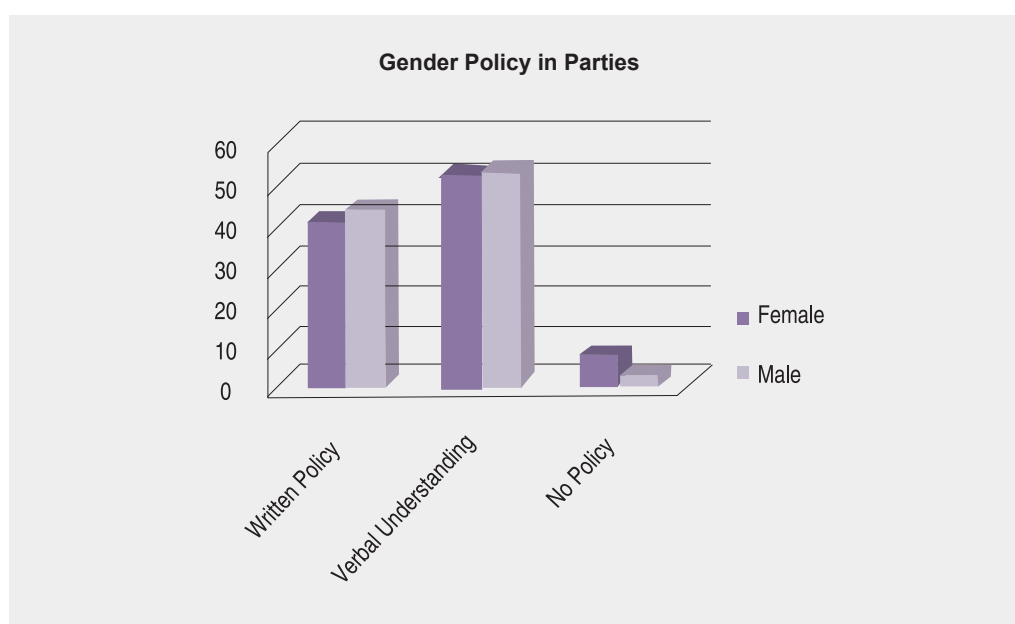
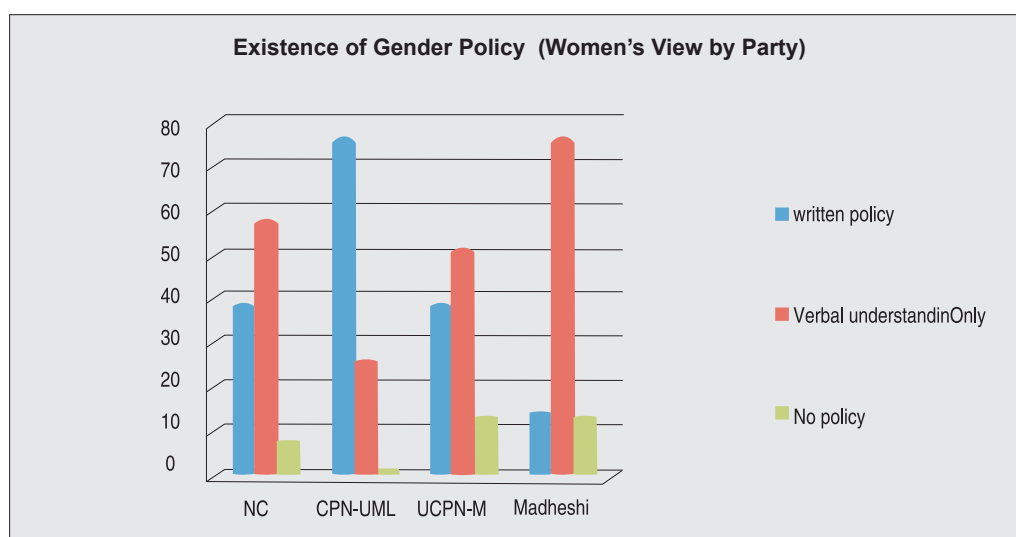




Figure 3. Existence of a gender policy in parties (women's view)



Although there is no significant difference between the responses of men and women in terms of the total, the responses of women politicians are different by party. Fewer respondents from Madhesh-based parties, the UCPN-M and NC (male and female) reported having a written gender policy, whereas a large majority of women respondents (over 70%) from Madhesh-based parties said that it is only a verbal understanding. Perhaps the different responses by parties are indicative of their respective party situations.

Table 4. Does your party have a gender policy? (%)

Female respondents	Yes, Written policy	Verbal understanding only	No policy	Total N
NC	37.5	56.3	6.3	16
CPN-UML	75.0	25.0		16
UCPN-M	37.5	50.0	12.5	16
Madheshi	12.5	75.0	12.5	16
Female total	40.6	51.6	7.8	64
Male respondents				
NC	43.8	56.3		16
CPN-UML	81.3	12.5	6.3	16
UCPN-M	37.5	56.3	6.3	16
Madheshi	12.5	87.5		16
Male total	43.8	53.1	3.1	64

### Appointment of women to decision-making positions

The majority of respondents to the survey, both men and women, acknowledged the existence of discrimination against women in appointment to decision-making positions.

About 16% of female respondents acknowledged that there is discrimination against women relating to the appointment to decision-making positions and a further 22% said that there is extensive discrimination against women. Some men also supported the claim of female respondents. This finding is supported by the fact that there are no women at the top echelons and only a few in the central committees of the main political parties<sup>10</sup>.

Figure 4. Discrimination against women in appointment

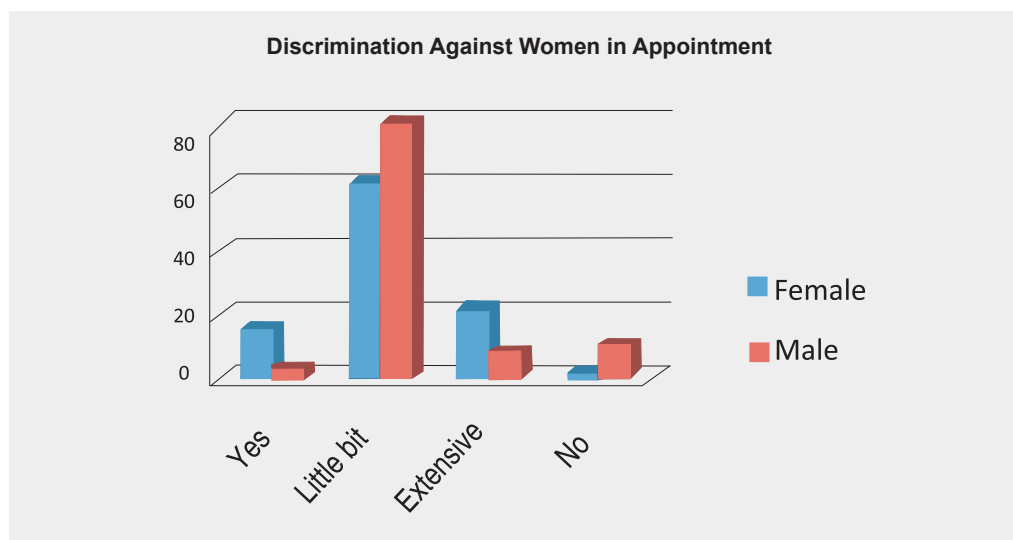
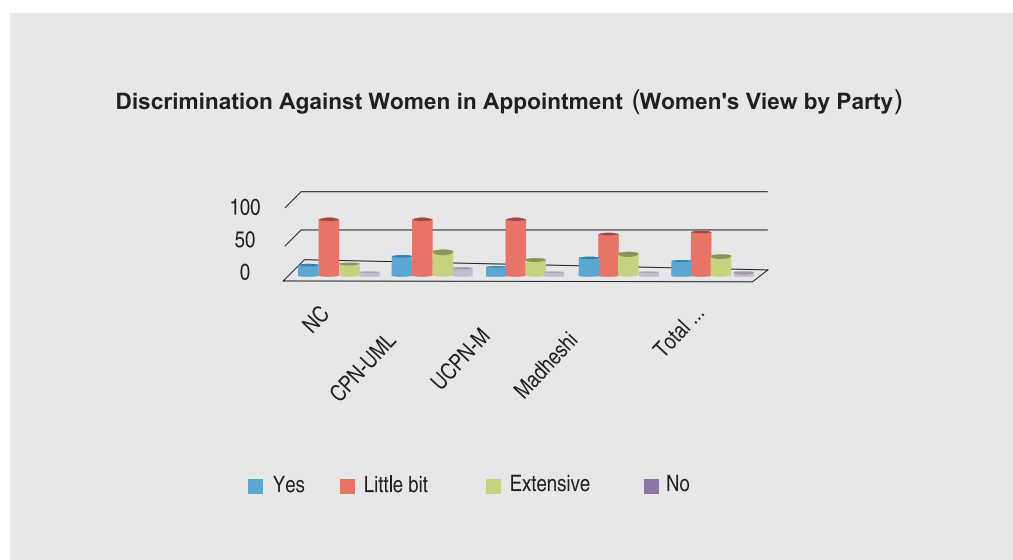


Figure 5. Discrimination against women in appointment (women's view)



<sup>10</sup> See websites of NC (<http://www.nepalicongress.org/index.php?linkId=26>); CPN-UML (<http://www.cpnnuml.org/content/the-central-committee.html>); and UCPN-M (<http://ucpnmaoist.org/Pages.aspx?page=activities#>)

*Table 5. Discrimination against women in appointment (%)*

Female respondents	Yes	Little bit	Extensive	No	Total No.
NC	12.5	75	12.5		16
CPN-UML	25	38	31.25	6.25	16
UCPN-M	6.25	75	18.75		16
Madheshi	18.8	56	25		16
Female total	15.6	61	21.875	1.5625	64
<b>Male respondents</b>					
NC		75		25	16
CPN-UML		75	18.75	6.25	16
UCPN-M	6.25	88	6.25		16
Madheshi	6.25	81	6.25	6.25	16
Male total	3.13	80	7.8125	9.375	64

Although women politicians across the four political parties unanimously agreed that there is discrimination against women in appointment to decision-making positions, their responses differed a little by parties, as shown in Figure 5. It must be noted that over 30% of women from the CPN-UML claimed that the discrimination is extensive in their party. Interestingly only about 12% of women from NC claimed the same.

### **Involvement in decision-making processes**

Political parties seem to employ a variety of mechanisms to make decisions, depending on the nature and importance of the decision. Most of the decisions are made during formal discussions, but some are made in informal discussions. A few are made through discussions among a few top leaders.

*Table 6. How decisions are made within the party (%)*

Female respondents	Formal discussion	Informal discussion	Top leaders' discussion	Committee formation	Total (n)
NC	100.0	25.0	25.0		16
CPN-UML	81.3	37.5	6.3		16
UCPN-M	100.0	18.8	12.5	6.3	16
Madheshi	81.3	37.5	12.5		16
Female Total	90.6	29.7	14.1	1.6	64
<b>Male respondents</b>					
NC	81.3	56.3	43.8		16
CPN-UML	87.5	43.8	43.8		16
UCPN-M	81.3	25.0	12.5		16
Madheshi	100.0	56.3	31.3		16
Male Total	87.5	45.3	32.8		64

Involvement in political decision making is an important indicator of the political empowerment of women and gender equality within a political party. Women are seldom part of important political decision-making mechanisms in Nepal, particularly

at the national level. Such mechanisms are almost invariably comprised of a few powerful males, which indicates the presence of a gender-biased masculine political culture in Nepal. Many respondents of the focus group discussion and in-depth interviews referred to the ‘old boys club’<sup>11</sup>.

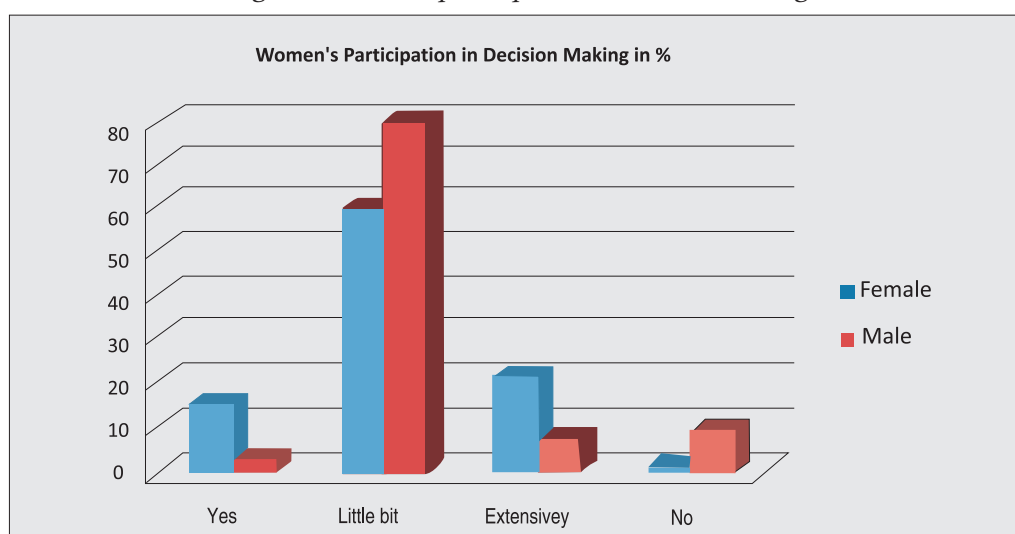
## Participation in decision making

*Table 7. Participation in decision making (%)*

Female respondents	Yes	Little bit	Extensively	No	Total N
NC	12.5	75	12.5		16
CPN-UML	25	38	31.25	6.25	16
UCPN-M	6.25	75	18.75		16
Madhesh	18.8	56	25		16
Female total	15.6	60	21.875	1.562	64
Male respondents	Yes	Little bit	Extensively	No	Total N
NC		75		25	16
CPN-UML		75	18.75	6.25	16
UCPN-M	6.25	88	6.25		16
Madhesh	6.25	81	6.25	6.25	16
Male total	3.13	80	7.8125	9.375	64

The survey showed that women’s participation in party decision-making is less than satisfactory. Over 60% of women and around 80% of men admitted that the participation of women in party decision making is limited. However, over 9% of men overall (25% from NC and 6.25% each from the CPN-UML and Madhesh-based parties) thought that women do not participate in political decisions at all. It should be noted that the cultural definition of ‘participation’ may vary in Nepal. Interestingly the responses of women politicians by political party varied significantly, indicating differences between the parties.

*Figure 6. Women’s participation in decision making*



<sup>11</sup> Participants of focus group discussion and in-depth interviews, January 2014, strongly felt that a handful of senior political leaders have been making important decisions without attempting to understand popular views on the issues.

## **Electoral quota and nomination of women**

Electoral quotas are important to ensure women's inclusion in the legislature. Experiences of other countries show that the PR list system makes it more likely for representatives of minority groups and women to be elected. Voting behaviour in Nepalese society is more likely to be in favour of males, as, culturally, women are seen as weak and not considered 'leaders'<sup>12</sup>. The adoption of a PR electoral system is a good way of ensuring that the legislature includes both men and women.

## **Implementation of electoral quota**

Nepal's experiment with the electoral quota in the 2008 CA election is considered a historic achievement in terms of the political representation of women (33%). However, the 2013 election was not as successful in achieving a gender balance and led to the questioning of the integrity of the system. In fact, the integrity and effectiveness of a mixed electoral system lies in the good faith with which it is implemented.

The Election Law in Nepal introduced a 'selection' process that allows the political parties to select the winning candidates after the election from anywhere on the PR list with, a 10% flexibility in terms of fulfilling the quota for women in both directions, as opposed to the normal procedure of filling the seats from the top of a closed list. This provision conferred a lot of control on the party leadership, allowing them more scope to reward loyalty and punish independence, while significantly decreasing the transparency for voters.

In Nepal, political parties are mandated to include 50% women on the closed list of candidates for the PR list. However, in 2013, the parties were accused of bias in the selection of candidates for the list. The parties also reportedly misused the flexibility provided by the legal provision to allocate 10% less seats to women almost invariably. If true, this defeats the purpose of using a mixed electoral system and undermines the spirit of inclusion.

The nomination of women was also affected by technical mistakes made during the filing of candidacy. One of the Election Commission officials informed the research team that almost 90% of the total 302 disqualified candidates under the PR list electoral system were women, owing to procedural and technical lapses. In addition, a substantial number of the women nominated were not registered on the voter roll, while some were fielded under both the PR and the FPTP electoral systems<sup>13</sup>.

The participants from the women's rights groups were outraged that budding women politicians from all parties were not given a chance. They emphasised that, while the

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<sup>12</sup> In-depth interview with Election Commission of Nepal official, January 2014

<sup>13</sup> In-depth interview with official of Election Commission of Nepal, January 2014

quota system is a much-needed approach to address gender parity, it is only an interim measure which must be continued until a minimum semblance of gender balance is attained<sup>14</sup>. Most women the study team spoke to seemed clear that the mixed electoral system and quotas are important as a means of reaching the ultimate goal, which is the holistic development of women as leaders who are able to compete with men in politics.

Electoral experts believe that the 2008 election and the transitional period that followed did not lay the foundation for institutionalising the mixed electoral mechanism with systemic development. They pointed out that most of the political parties' and government entities' policies and practices are pretty much same, even though the Interim Constitution mandated all to comply with 33% representation. Regarding the differences in the outcome of the implementation of the electoral quota in 2008 and 2013, experts feel that the parties did not know much about the mixed electoral system in 2008, which means they did not know how it worked or how it could be manipulated and, hence, complied in good faith – unlike in 2013.

### **Nomination of women for direct election**

The political parties in Nepal have always been reluctant to provide election tickets to women. In the 2008 CA elections, only 368 female candidates out of the total 3,946 candidates were nominated to contest the election under FPTP – a meagre 9.5% of total candidates. Out of these 368 women, only 30 were elected through the FPTP system, constituting 15% of total women CA members<sup>15</sup>. In the 2013 CA election, the number of women candidates nominated to contest the FPTP almost doubled to 667, which is nearly 11 % of the total 6,126 candidates<sup>16</sup>. However, this increase in number did not result in an increase in the number of women winning the election, which dropped to 10.

Although the Interim Constitution calls for proportional representation on the basis of the inclusive principle in selecting candidates for direct election, the political parties seem to consider the provision as non-binding on FPTP. Women leaders claim that the nomination for the FPTP in 2013 was not fair. There are accusations and complaints, indicating that all was not well.

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<sup>14</sup> The representatives of the women's rights group (in the focus group discussion, January 2014) felt that quotas as an interim measure to increase the participation of women should be implemented in good faith.

<sup>15</sup> Election Commission of Nepal (2008) *Constituent Assembly election report, Jestha 2066 (2008 AD)*. Kathmandu: Election Commission of Nepal

<sup>16</sup> Election Commission of Nepal (2014) *Constituent Assembly election 2013 results book (September 2014)*.

## Implementation of 33% quota for women when nominating candidates

The survey asked respondents whether or not their parties met the 33% target when nominating women. The majority response of both men and women was ‘no’. The participants in the focus group discussion also felt that women were not done justice in this regard.

Figure 7. Perception of fulfillment of 33% quota for women in political parties

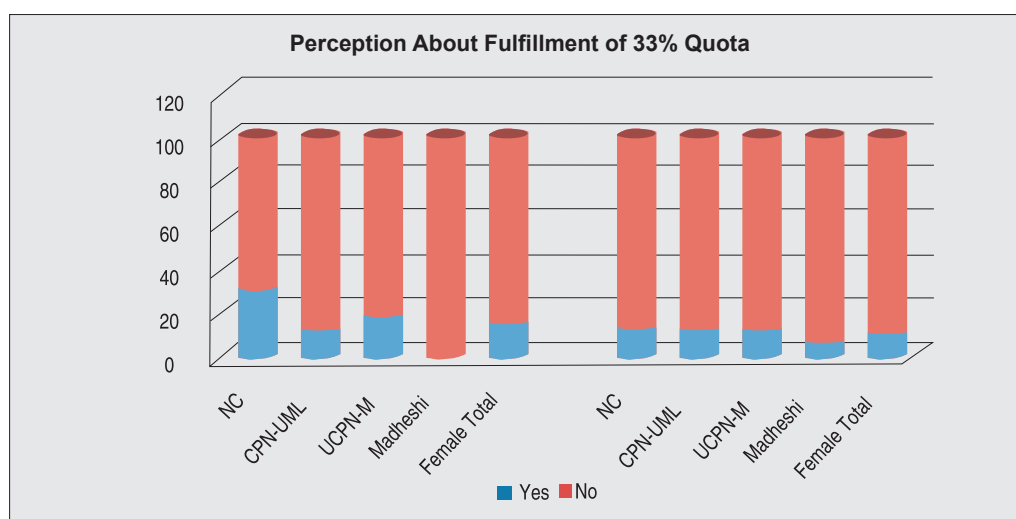


Table 8. Party fulfilled 33% quota for women? (%)

Female respondents	Yes	No	Total N
NC	31.3	68.8	16
CPN-UML	12.5	87.5	16
UCPN-M	18.8	81.3	16
Madheshi		100.0	16
Female total	15.6	84.4	64
Male respondents	Yes	No	Total N
NC	12.5	87.5	16
CPN-UML	12.5	87.5	16
UCPN-M	12.5	87.5	16
Madheshi	6.3	93.8	16
Male total	10.9	89.1	64

Political observers are of the view that the quota is just ‘window dressing’ on the part of senior male political leaders, who, by and large, do not consider ‘gender’ an issue<sup>17</sup>. In addition, popular beliefs held by many include that women are fielded in constituencies where the party is weak or where the party has a secret deal to let the opposition candidate win<sup>18</sup>.

<sup>17</sup> In-depth interviews with the Election experts, December 2013

<sup>18</sup> Focus group discussion with the women’s rights group, January 2014

## Satisfaction with process of nomination of women

The majority of women (68.8%) and men (59%) expressed dissatisfaction with the nomination process. Interestingly, 91.2% of women expressing dissatisfaction were from the Terai ecological belt. Women political leaders who had won the direct election in 2008 confided that they were undermined and pressured by their party not to contest and, in some cases, powerful men were nominated instead<sup>19</sup>. The reluctance of political parties to nominate women candidates is a crucial factor that denies women's participation in governance. However, civil society groups (both men and women) also felt that some women leaders who had the right connections and the capability to contest the election chose the safety of PR.<sup>20</sup>

Figure 8. Satisfaction with nomination of women

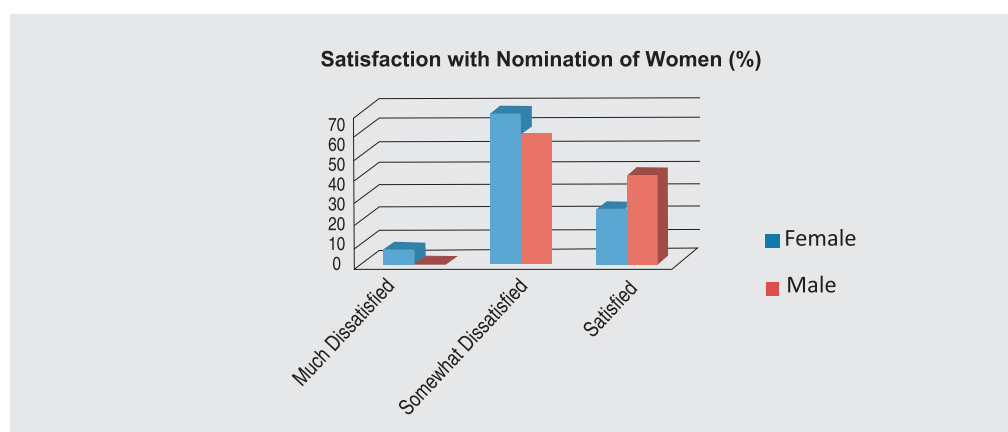
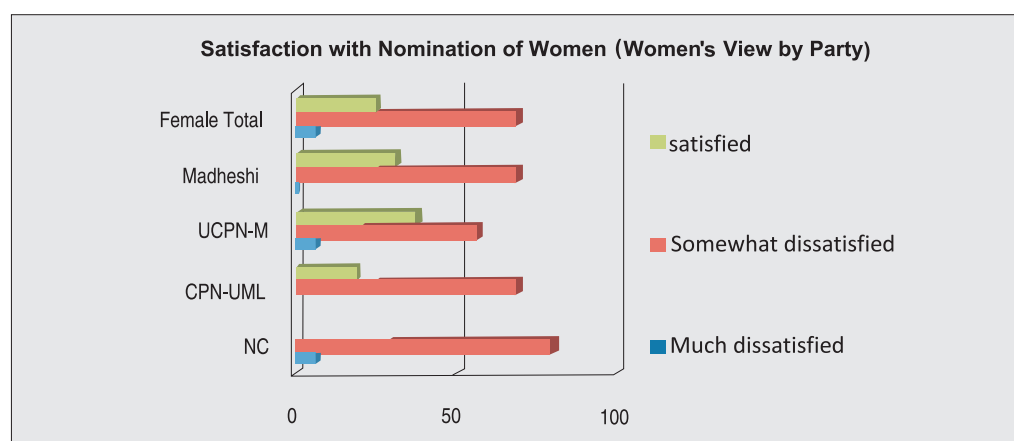


Figure 9. Satisfaction with nomination of women (women's view)



<sup>19</sup> Apart from responding to the survey questionnaire, many women politicians shared their experiences of the CA election 2008 and related them to that of the 2013 CA election (conducted in December 2013).

<sup>20</sup> Focus group discussion with the women's rights group, January 2014



*Table 9. Satisfaction with the nomination of women (%)*

Female respondents	Much dissatisfied	Somewhat dissatisfied	Satisfied	Total N
NC	6.3	81.3	12.5	16
CPN-UML	12.5	68.8	18.8	16
UCPN-M	6.3	56.3	37.5	16
Madheshi		68.8	31.3	16
Female total	6.3	68.8	25.0	64
Male respondents				
NC		43.8	56.3	16
CPN-UML		81.3	18.8	16
UCPN-M		50.0	50.0	16
Madheshi		62.5	37.5	16
Male total		59.4	40.6	64

In the 2013 election, the total female candidacy amounted to 35.39% (FPTP 11% and PR 49.4%). The total number of women elected under FPTP and PR category was 172 out of 575 seats, which amounts to 29.9% representation in the CA. The final figures for women's representation in the CA 2013 will be known only after the 26 seats to be filled by the cabinet are made public.

The study findings indicate that there is a serious lack of political commitment to implement the quota for women, which is the main reason why the result of the 2013 election, in terms of representation of women, was less than that for 2008. Moreover, the political parties bargained for the flexibility to make changes to the PR list up to 10% and used this flexibility to undermine women's representation. Some male electoral experts speculate as to whether or not this is due to a lack of ownership of the 'parachuted' (not home grown) change, which only targeted an immediate change in the number of women representatives<sup>21</sup>. Unfortunately, most political parties and leaders do not consider gender equality in politics to be an issue.

Political polarisation on measures such as the 'electoral threshold' and lack of political commitment to gender reform further weakened the implementation of the quota for women. Moreover, discussions with various groups, namely, political party leaders, voters, and experts, reiterated the assumption that there are differences in the understanding of terms such as 'barriers' and 'quotas' by male and female political actors. It appears that the provision of quotas and the implementation, thereof, is seen as long overdue and a welcomed change by women in politics, while the same is understood as a compelled necessity by most powerful male political actors, who keep looking for opportunities to negotiate or relax the provision.

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<sup>21</sup> In-depth Interview with election experts, December 2013

## Chapter 6

### Support for female politicians

Women in politics are more vulnerable than their male counterparts in the prevailing patriarchal conditions in Nepal. It is believed that they are generally resource poor and have scant support networks for political activities. The survey tried to gauge the various support systems generally available to women.

#### General support

The general assumption is that women politicians are supported by their families, communities and political parties in their political careers, just like men, particularly given the recent policy emphasis on gender equality in social, professional and political spheres. The survey tried to test this assumption against reality.

#### Family

Surprisingly, women in politics in Nepal are least supported by their families. Contrary to expectation, 75% of women in politics reported being pressured by their families to withdraw from the electoral contest, while almost 55% of women contesting the election received no help from family members with their campaign. This finding of the study is actually a reflection of the cultural and social barriers that woman in politics face every day, in addition to other challenges.

*Figure 10. Support for female candidates from family (2013 election)*

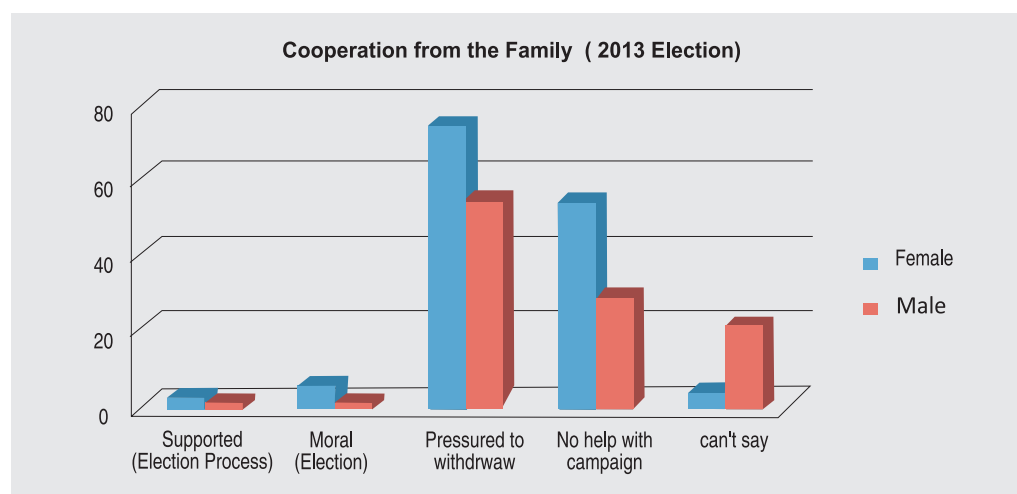


Table 10. Support for female candidates from family (2013 election) (%)

Female respondents	Supported in election process	Moral support	Pressured to withdraw	No help with the campaign	Can't say	Total N
NC		12.5	81.3	56.3	6.3	16
CPN-UML	6.3	6.3	87.5	50.0	6.3	16
UCPN-M			75.0	50.0		16
Madhesh	6.3	6.3	56.3	62.5	6.3	16
Female total	3.1	6.3	75.0	54.7	4.7	64
Male respondents						
NC			56.3	18.8	37.5	16
CPN-UML	6.3	6.3	68.8	25.0	18.8	16
UCPN-M			43.8	37.5	25.0	16
Madhesh			50.0	37.5	6.3	16
Male Total	1.6	1.6	54.7	29.7	21.9	64

During the survey, respondents were also asked a few subjective questions, such as who they thought is responsible for reducing violence against women in politics. While many thought that all actors (the state, political parties, Election Commission, civil society, communities, and family, etc.) are responsible in their own way, some strongly felt that the family has a more important role to play. A few women leaders of Terai origin shared their predicament resulting from extreme lack of family support during the election. One respondent from Rautahat shared how joining politics broke her home: “My husband was against my candidacy, which sadly ended our marriage.”<sup>1</sup> She described how she was pressured and threatened to withdraw her candidacy and, when she refused to comply, the family disagreement culminated in a row that ultimately ended in divorce.

## Political parties

Women reported meagre support from their respective political parties – only 36% of women contesting the election said that they were helped by their party with campaigning. However, the support varied by political party, ranging from 25% to almost 50%. Election experts and some sympathetic male political leaders confided that political leaders hardly allocate resources to women, providing only lip service support<sup>2</sup>. Apart from the issue of resources, 55% of women in politics complained that they were fielded against strong male opponents. This claim was also supported by an equal percentage of men and highlighted in the national daily newspapers immediately after the nominations were made public<sup>3</sup>.

<sup>1</sup> Survey respondent from Rautahat, Nepal, December 2013

<sup>2</sup> In-depth Interview with Election Commission Nepal officials, January 2014

<sup>3</sup> GEOC (2013) *Media monitoring (as part of election observation)*, November 2013. (Unpublished study report commissioned by GEOC/NLS and IDEA)

Figure 11. Support for female candidates (2013 election) (women's view)

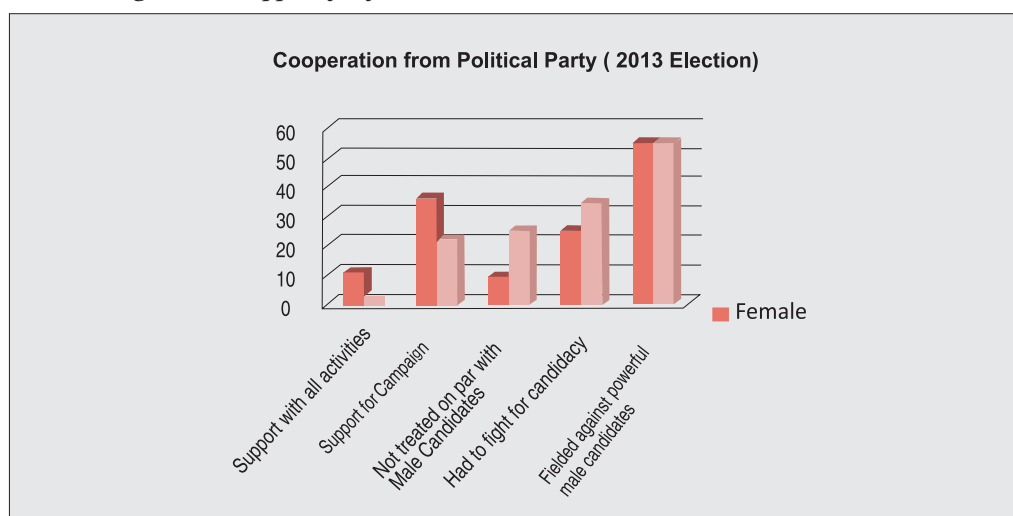


Figure 12. Support for female candidates (2013 election) (women's view by party)

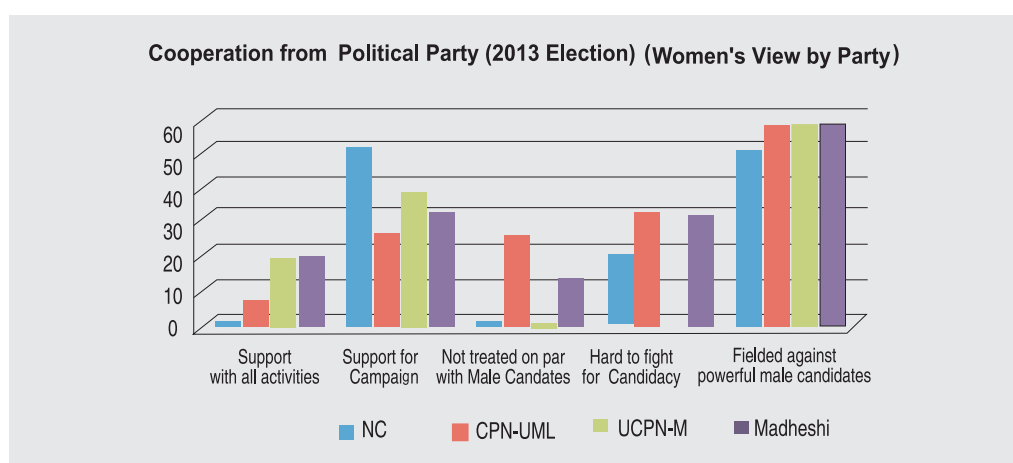


Table 11. Support for female candidates from political party (2013 election) (%)

Female respondents	Support in all activities	Support for campaign	Not treated on par with male candidates	Had to fight for candidacy	Fielded against powerful male candidates	Total (n)
NC		50.0		18.8	50.0	16
CPN-UML	6.3	25.0	25.0	31.3	56.3	16
UCPN-M	18.8	37.5		18.8	56.3	16
Madheshi	18.8	31.3	12.5	31.3	56.3	16
Female total	10.9	35.9	9.4	25.0	54.7	64
Male respondents						
NC		18.8	18.8	31.3	62.5	16
CPN-UML	12.5	18.8	31.3	31.3	50.0	16
UCPN-M		37.5	43.8	18.8	31.3	16
Madheshi		12.5	6.3	56.3	75.0	16
Male total	3.1	21.9	25.0	34.4	54.7	64

Some eye-catching headlines were ‘*Women, new faces pitted against heavy-weight*’ and ‘*Sweet promise and rude behaviour for women*’<sup>4</sup>. Some media articles went on to speculate about a tacit agreement behind major parties fielding women candidates against heavyweights in rival parties.<sup>5</sup> In addition, about 25% of women said they had to fight for their ticket. Among them, about 19% were from the NC and UCPN-M each, while 31% belonged to CPN-UML. These findings are also in conformity with the findings of the 2008 IDEA and the South Asia Partnership International’s study<sup>6</sup>.

Increasingly, female politicians have begun to break the culture of silence against the party leadership in relation to discrimination against them<sup>7</sup>. Although this signals an important change, in that women will no longer remain silent when discriminated against, women as a group continue to lack access to power within their parties, as well as in national politics. The truth is that women face multi-faceted and multi-layered political barriers and problems in getting nominated and elected in Nepal.

## Media

Very few women politicians were happy with the support they receive from the media. Over 45% claimed that women’s news was not published, while a little over 20% complained that only negative news about women was published by the media. Only a small percentage of women politicians belonging to the NC and CPN-UML reported receiving a little support from the media. The majority of men (64%) also thought that the media were not interested in publishing news relating to women political leaders.

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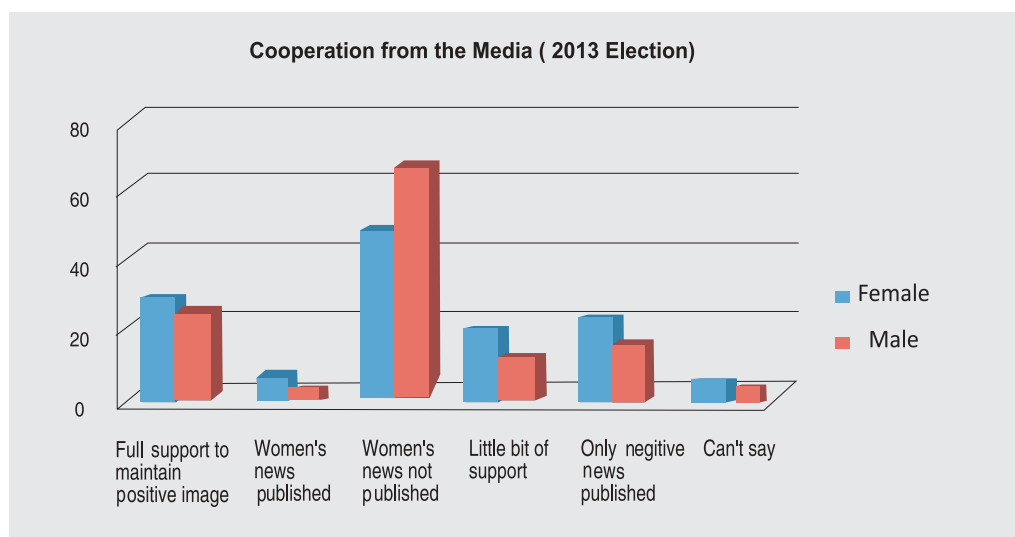
<sup>4</sup> GEOC (2014) *Media monitoring report, January 2014*. (Unpublished study report commissioned by GEOC/NLS and IDEA)

<sup>5</sup> *Ibid.*; for example, the NC fielded a woman candidate in Siraha-5 against Pushpa Kamal Dahal; the CPN-UML fielded a woman candidate in Chitwan-4 and Banke-3 against NC President Koirala; the NC fielded a woman candidate in Sarlahi-4 against CPN-UML Chairman Khanal; the UCPN-M fielded a woman candidate in Kailali-6 against NC leader Sher Bahadur Deuba; the NC fielded a woman candidate in Kathmandu-2 against CPN-UML leader Madhav Kumar Nepal; the NC and CPN-UML both fielded women candidates in Sunsari-3 against Bijay Kumar Gachhadar; the UML fielded a woman in Morang-7 against Bijaya Gachhadar.

<sup>6</sup> South Asia Partnership International; International IDEA (2008) *Women representation and violence, exploring Constituent Assembly Election in Nepal: Research report*. Lalitpur: South Asia Partnership

<sup>7</sup> *Ibid.*

Figure 13. Support for female candidates from the media (2013 election)



During the survey, many female respondents recounted their dissatisfaction with the media (print, audio and video). A political candidate belonging to a Dalit community in the Terai was abused verbally and physically by people from her community after she was nominated. She tried to seek the support of the media, but they would not listen to her. There are many more stories that remain unknown to people, because the media, which is bound by the Election Commission's code of conduct and which is responsible for the wide dissemination of information on such acts of discrimination, refuses to report such incidents. This finding shows the lack of access of women in politics to the media, particularly those coming from marginalised communities. It also begs the question whether or not women are considered 'newsworthy' by the media?

Table 12. Support for female candidates from the media (2013 election) (%)

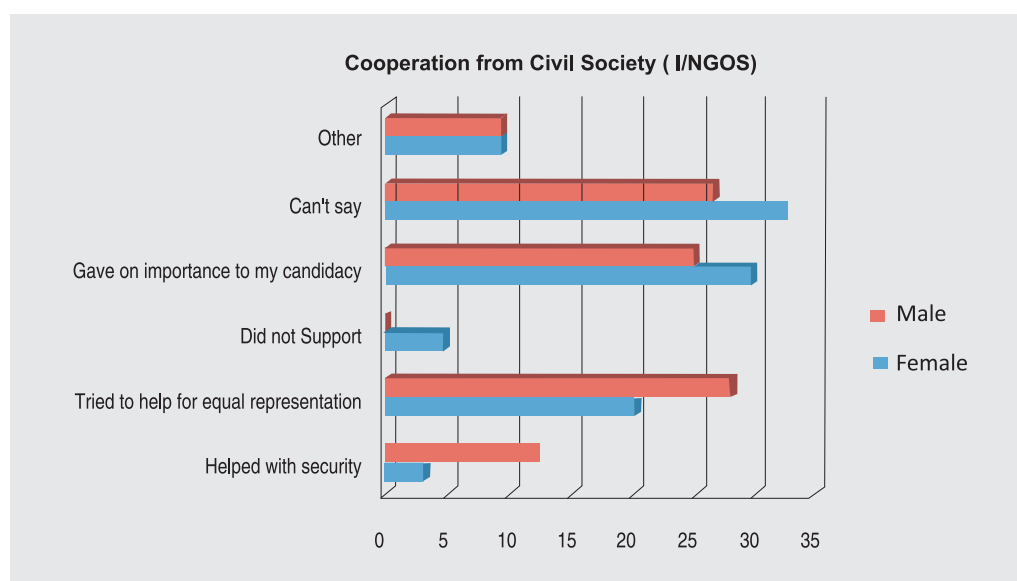
Female respondents	Full support to maintain positive image	Women's news published	Women's news not published	Little bit of support	Only negative news published	Can't say	Total N
NC	12.5		62.5	25.0	25.0		16
CPN-UML	18.8		56.3	31.3	6.3	6.3	16
UCPN-M	50.0	25.0	25.0		25.0		16
Madheshi	31.3		37.5	18.8	25.0		16
Female total	28.1	6.3	45.3	18.8	20.3	1.6	64
Male respondents							
NC	6.3	6.3	75.0	6.3	18.8	6.3	16
CPN-UML	43.8		50.0	6.3	12.5		16
UCPN-M	25.0		62.5	12.5	25.0		16
Madheshi	18.8		68.8	18.8	6.3		16
Male total	23.4	1.6	64.1	10.9	15.6	1.6	64

Independent media monitoring as part of the GEOC's election observation supports this finding and found that news relating to women running for election rarely made it to print. The total number of cumulative news items covering women in the pre-election period was 64, while in the post-election period it dropped to 46.<sup>8</sup> Many female journalists claim that women candidates were given coverage in the media only when they were competing against powerful male leaders. This indicates that women are not considered newsworthy by the media.<sup>9</sup>

## Civil society and I/NGOs

Overall, the survey found that, contrary to popular belief, female politicians do not receive substantial support from civil society organisations or I/NGOs, except for the ones working on women's political rights issues. Only about 20% of female politicians claimed to have received some help from civil society organisations with advocacy for equal representation, while a very small percentage (3%) claimed that they had received help with security. However, almost 30% of female respondents thought that civil society organisations did not place importance on their candidacy. In addition, over 32% of women respondents (from all four parties) chose not to say anything about this issue.

Figure 14. Support for female candidates from civil society organisations and I/NGOs (2013 election)



<sup>8</sup> GEOC (2013) *Media monitoring (as part of election observation)*, November 2013.

<sup>9</sup> In-depth interview with electoral experts, December 2013, which also included a few journalists, male and female, who expressed the view that women politicians are not given space in the media unless they make the story 'juicy' to make it sell.

*Table 13. Support for female candidates from civil society organisations and I/NGOs (2013 election) (%)*

Female respondents	Helped with security	Tried to help for equal representation	Did not support	Gave no importance to my candidacy	Can't say	Other	Total N
NC		37.5		25.0	18.8	18.8	16
CPN-UML	12.5	18.8		37.5	18.8	12.5	16
UCPN-M		12.5	6.3	37.5	37.5	6.3	16
Madhesh		12.5	12.5	18.8	56.3		16
Female total	3.1	20.3	4.7	29.7	32.8	9.4	64
Male respondents							
NC	6.3	62.5		12.5	12.5	6.3	16
CPN-UML	6.3	12.5		37.5	18.8	25.0	16
UCPN-M	31.3	31.3		31.3	12.5		16
Madhesh	6.3	6.3		18.8	62.5	6.3	16
Male total	12.5	28.1		25.0	26.6	9.4	64

It must be noted that civil society organisations in Nepal are believed to be powerful, both in terms of resources and influence. The fact that women candidates received little support from civil society organisations reinforces the fact that female politicians have limited networks to support their political activities. More importantly, the responses uphold the hypothesis that women are least likely to have influential patrons, which are crucial for political survival and success<sup>10</sup>. Where they do have support or patrons, women are likely to be confronted with character assassinations and social stigma from society. Despite these odds, the number of women participating in national politics, both as candidates and voters, is increasing significantly.

### Campaign financing

Money is essential for the electoral process and campaigning. Lack of financial support can affect a candidate's electoral campaign, particularly of a woman, as women generally have less access to resources of their own in Nepal. Access to resources can affect a woman's capacity to run as a candidate, campaign and be elected.

The issue of access to campaign finance has emerged as a debilitating factor for women candidates in low-income countries all over the world. This is particularly true in Nepal, where women are not only resource poor compared to men, but also lack equal property rights in terms of both access to, and control over, property. Few women who have access to property also have enough control over the property to dispose of it to finance an election campaign (which is normal practice for men).

<sup>10</sup> Election Commission of Nepal; UNDP (2012) *Electoral violence mitigation assessment (EVMA) report*.



The Election Commission Code of Conduct was specific about political financing regulations, which, if observed, could have helped provide resource-poor women candidates with some degree of a level playing field. Sadly, implementation of political financing regulations has always been less than satisfactory and the brunt is mostly born by women in politics, as elections in Nepal are highly contested and are increasingly becoming expensive. The use of ‘muscle and money’ in an election is an increasing trend<sup>11</sup>, and it takes resources to buy both. Women usually depend on external resources to fight often unmatched election contests.

Against this backdrop, the research tried to evaluate the sources of financial support received by female candidates during the 2013 election. The survey responses indicate that financial resource constraints are one of the single most limiting barriers for women candidates in Nepal.

## Family

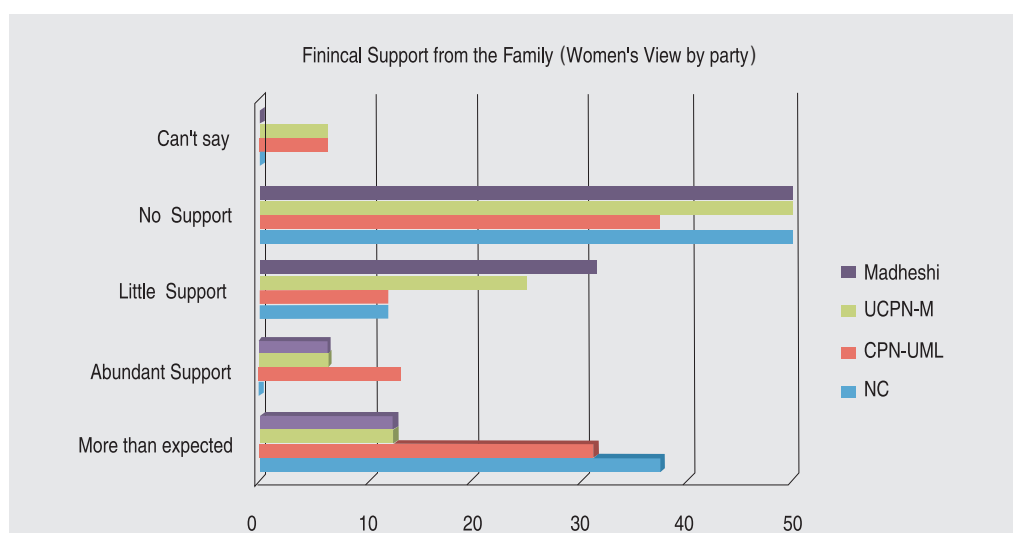
The majority of women (47%) received no financial support from their family, while 23% said that they did receive some support although the level of support is not clear. In contrast 61% of men thought that women received ‘more than expected’ financial support from their families. However, some women politicians (37% NC, 31% CPN-UML and 12% UCPN-M) reported that they received “more than expected” support from their families. Only a few would not comment on the issue.

*Table 14. Financial support for female candidates from family (2013 election) (%)*

Female respondents	More than expected	Abundant support	Little support	No support	Can't say	Total N
NC	37.5		12.5	50.0		16
CPN-UML	31.3	12.5	12.5	37.5	6.3	16
UCPN-M	12.5	6.3	25.0	50.0	6.3	16
Madheshi	12.5	6.3	31.3	50.0		16
Female total	23.4	6.3	20.3	46.9	3.1	64
Male respondents						
NC	87.5				12.5	16
CPN-UML	50.0			37.5	12.5	16
UCPN-M	56.3		6.3	18.8	18.8	16
Madheshi	50.0	6.3	12.5	12.5	18.8	16
Male total	60.9	1.6	4.7	17.2	15.6	64

<sup>11</sup> *Ibid.*

Figure 15. Financial support for female candidates from family (2013 election)



## Political party

Women leaders contesting the election said they received some financial support from their respective political parties. Some 20% claimed that they received as much as male candidates. However, 36% said they received less than the male candidates. Among them, the majority of respondents belonged to the NC (43.8%) and CPN-UML (50%). When asked the same question, interestingly, 70% of male leaders candidly said that women candidates received much less support than male candidates. This finding indicates that women may not have been given correct information about the financial support provided to other party candidates.

Figure 16. Financial support for female candidates from political party (2013 election)

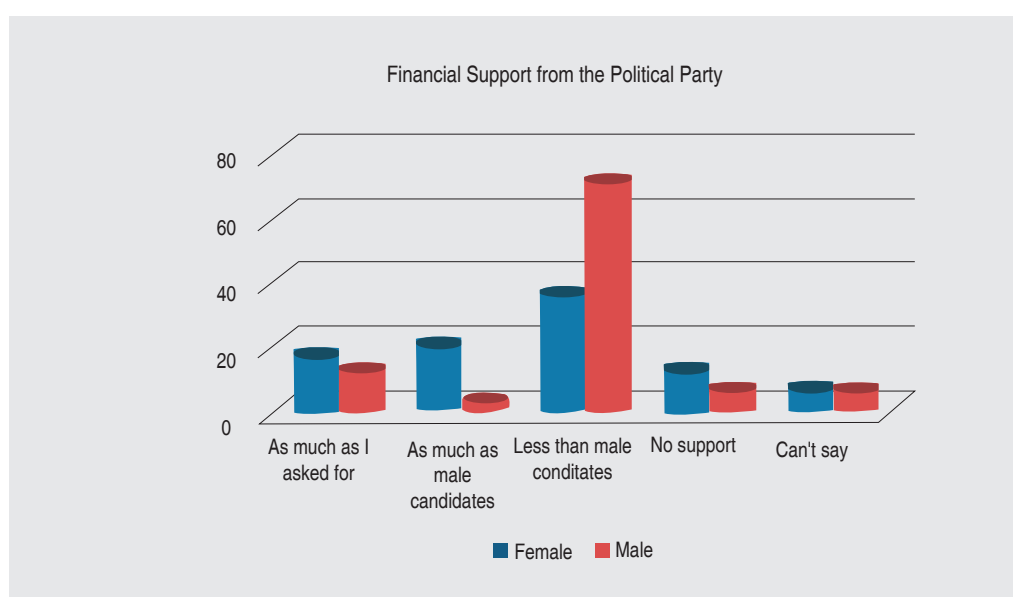


Figure 17. Financial support for female candidates from political party (2013 election)  
(women's view)

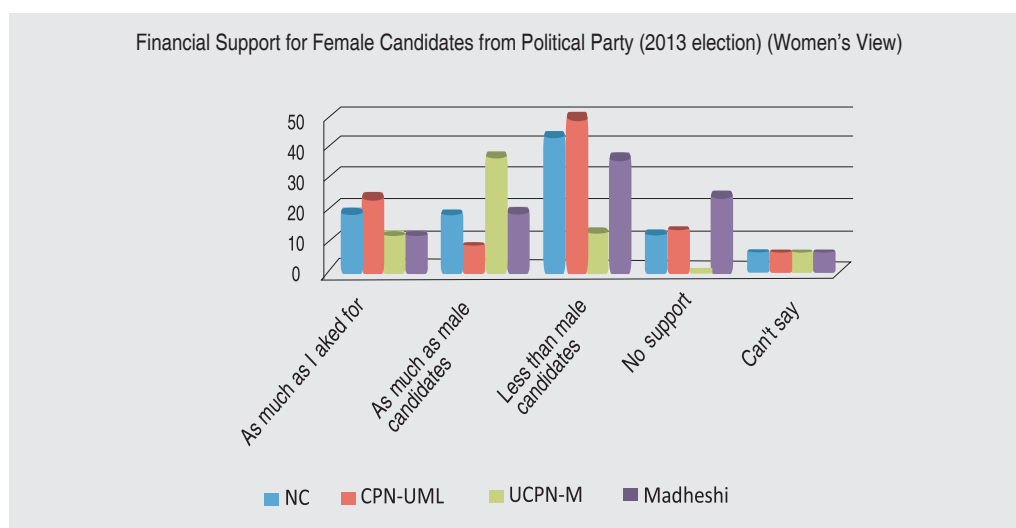


Table 15. Financial support for female candidates from political party (2013 election) (%)

Female respondents	As much as I asked for	As much as male candidates	Less than male candidates	No support	Can't say	Other	Total N
NC	18.8	18.8	43.8	12.5	6.3		16
CPN-UML	25.0	6.3	50.0	12.5	6.3		16
UCPN-M	12.5	37.5	12.5		6.3	31.3	16
Madhesh	12.5	18.8	37.5	25.0	6.3		16
Female total	17.2	20.3	35.9	12.5	6.3	7.8	64
Male respondents	As much as I asked for	As much as male candidates	Less than male candidates	No support	Can't say	Other	Total N
NC	12.5		81.3	6.3			16
CPN-UML	6.3	6.3	81.3			6.3	16
UCPN-M	25.0		43.8	6.3	25.0		16
Madhesh	6.3	6.3	75.0	12.5			16
Male total	12.5	3.1	70.3	6.3	6.3	1.6	64

## Other contributions

Both men (76.6%) and women (75%) said that contributions from private individuals were the major source of finance for women leaders. This question does not actually give a clear picture as to whether or not such contributions were enough to run the campaign. More importantly, the issue should be understood in a social context in which the majority of business houses and individuals do not see women as winners or powerful. In addition, the survey showed that the corporate contribution, which is believed to form the largest part of any political financing, was insignificant. This finding also does not mention anything about the volume of private and corporate contributions. Hence, the percentage contribution should be understood in relative terms.

Figure 18. Financial support for female candidates from other sources (2013 election)

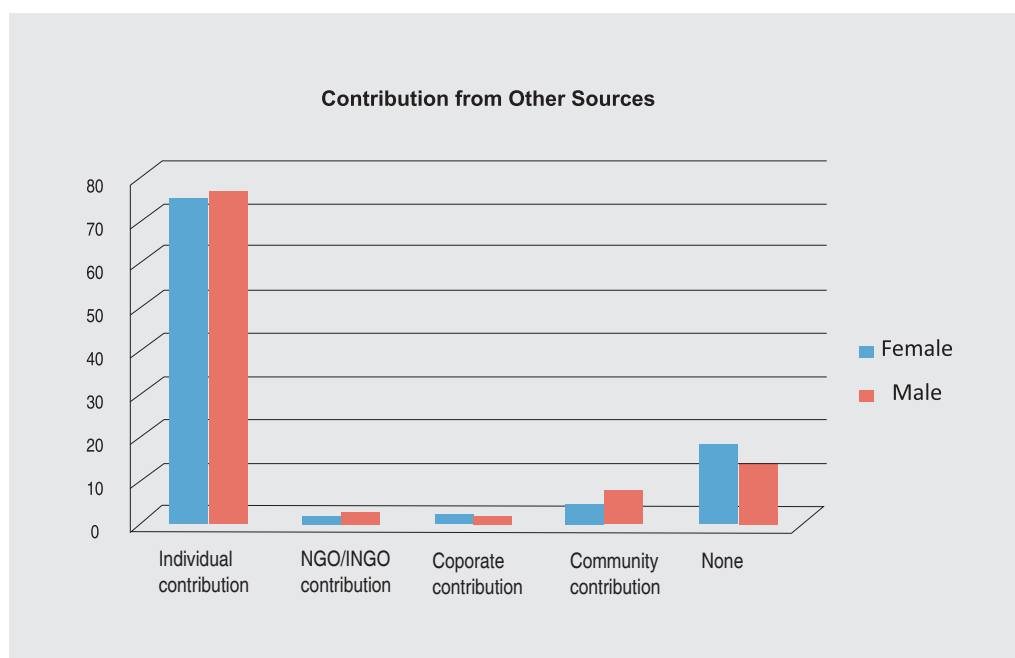


Table 16. Financial support for female candidates from private individuals or businesses (2013 election) (%)

Female respondents	Individual contribution	NGO/INGO contribution	Corporate contribution	Community contribution	None	Total N
NC	81.3		6.3		12.5	16
CPN-UML	68.8			6.3	25.0	16
UCPN-M	75.0			12.5	12.5	16
Madheshi	75.0				25.0	16
Female total	75.0		1.6	4.7	18.8	64
Male respondents						
NC	93.8				6.3	16
CPN-UML	68.8			18.8	12.5	16
UCPN-M	62.5	6.3		6.3	25.0	16
Madheshi	81.3			6.3	12.5	16
Male total	76.6	1.6		7.8	14.1	64

## Chapter 7

### Violence against women in politics

Women in politics are more vulnerable to electoral and gender-based violence than their male counterparts, particularly in the patriarchal conditions prevalent in Nepal. Many women in politics suffer physical, sexual or psychological harm, including threats of such acts, coercion or arbitrary deprivation of liberty, within the family and at the inter- or intra-political party levels. Research shows that, compared to men, women are more likely to be attacked or intimidated on the street and to be victims in private spaces, posing a significant barrier to women's advancement in politics<sup>1</sup>.

Nepali women generally have limited support networks for political activities owing to the fact that they usually do not socialise late in the evening with political patrons and supporters and most do not drink alcohol (the few who do would generally refrain to do so in public), which is becoming part of the political socialising<sup>2</sup>. Informal settings such as these are often where the 'real' decisions are made. Especially female politicians from the Terai and rural area, have less contact with people in influential positions and, in the few cases where they do, they must be cautious in interacting with them for fear of social stigma. It is common for people, especially political opponents, to use character assassination as a tool to undermine female politicians.

This study found that Election Commission officials and the police were unable to document incidents of 'soft' (psychological) violence, including gender-based violence, during the 2013 election. However, the Election Commission assumes that the amount of psychological violence in this election was much higher than in 2008 and included many new kinds of soft gender-based violence<sup>3</sup>.

Although many believe that physical violence in the 2013 election was almost non-existent, some significant incidents were documented and some women, along with men, were hurt physically in the pre-election phase<sup>4</sup>. It can be argued that women were

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<sup>1</sup> Election Commission of Nepal; UNDP (2012) *Electoral violence mitigation assessment (EVMA) report*.

<sup>2</sup> Focus group discussion with women's rights group, January 2014

<sup>3</sup> In-depth interview with officials of Election Commission of Nepal, January 2014

<sup>4</sup> For November 2013 timeline of events, see: South Asian Terrorism Portal; Institute for Conflict Management (nd) *Nepal timeline 2013*. Available at: [www.satp.org/satporgtp/countries/nepal/timeline/index.html](http://www.satp.org/satporgtp/countries/nepal/timeline/index.html) (accessed 13 June 2014)

not the main targets of these incidents. Most incidents were committed by the rebel fringe parties' cadres, although some speculated that not all incidents were committed by rebel fringe parties, which are easy to blame for politically-motivated violence.

## Social arena

Although the social aspect of gender-based violence is not the focus of this study, an attempt is made to give the reader a glimpse of the deep-rooted connection between the patriarchal social values and norms and the institutions and politics that operate within the social system in Nepal. The concept of women as the 'weaker' sex, which prevails in the hearts and minds of many people and within the institutions of Nepali politics, is preventing women from acquiring power and influence in politics<sup>5</sup>. This is evidenced by the fact that important political decisions are made by a few male political leaders, with little or no input from female politicians.

Unless they come from influential political families, women aspiring to a career in politics rarely enjoy the freedom to choose and plan their career in Nepal. If they do embark on a political career, they face multiple barriers within their family and society. In extreme cases, this can culminate in the arbitrary deprivation of liberty<sup>6</sup>.

Women also face specific threats on polling day. The men and women interviewed reflected that women are prone to be threatened by male family members into voting a particular way or harassed for participating in politics (as candidates or party supporters). Voter suppression is another form of psychological violence. Whether forced to vote a certain way or not to vote, very few women (candidates and voters) admitted breaking the silence for fear of social stigma<sup>7</sup>.

Despite these odds, many women are defying patriarchal norms and participating in national politics. Many communities in Nepal still consider a woman to be of 'bad character' if she participates in politics or runs for election. Men, women and society in general have used character assassination as a tool to undermine female politicians, forcing many to abandon their political careers<sup>8</sup>. It has often been observed that female politicians who lose in an election (FPTP and PR) tend to disappear from politics, unsure of their political career for various social, economic, and political reasons<sup>9</sup>.

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<sup>5</sup> Malla-Dhakal, R (2013) 'Voting power.' *The Kathmandu Post*, 7 March 2013.

<sup>6</sup> Ibid.

<sup>7</sup> In-depth Interview with electoral experts, December 2013

<sup>8</sup> Shrestha, P (2009) *Declaration on combating violence against women in politics: Revisiting policies, politics, and participation: Proceeding report*. Second South Asian Regional Conference on Violence Against Women in Politics, 16–18 November 2008. Lalitpur: South Asia Partnership International. Available at: [http://www.peacewomen.org/portal\\_resources\\_resource.php?id=502](http://www.peacewomen.org/portal_resources_resource.php?id=502) (accessed 3 December 2014)

<sup>9</sup> In-depth Interview with officials of Election Commission of Nepal, January 2014

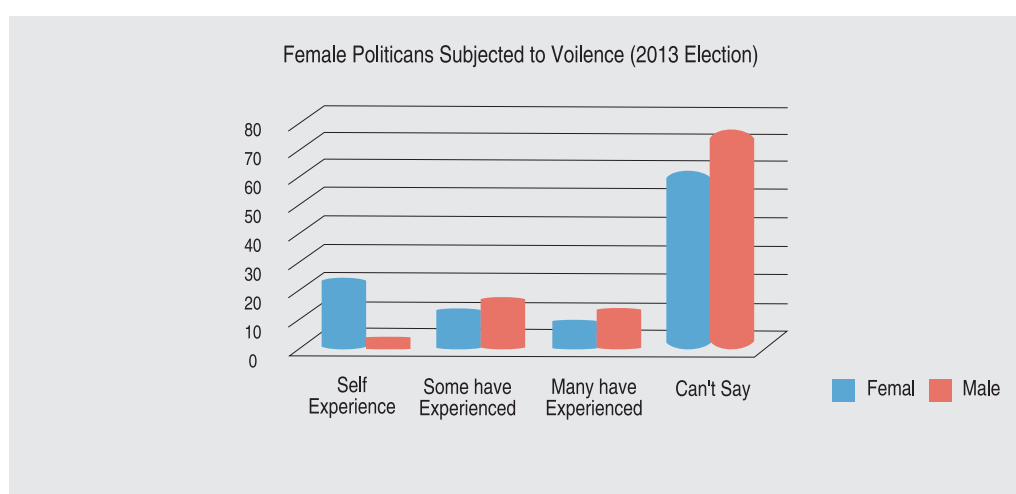
## Political arena

Politics mirrors the good and bad values and norms of the society in which it is embedded. This section of the study looks at the various kinds of violence women in politics faced, both within their political parties and outside, during the 2013 election.

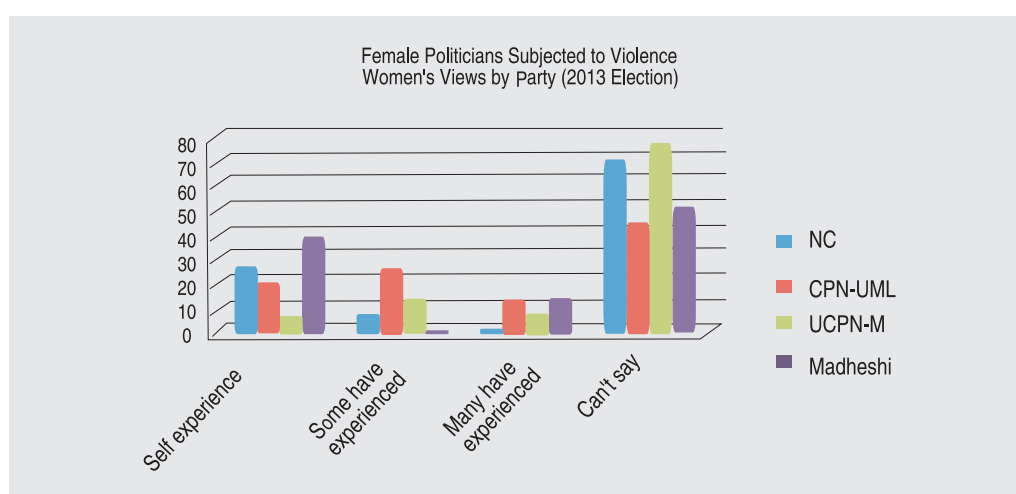
### Incidents of gender-based violence within the party

The survey found that women were reluctant to admit to personal exposure to violence; however, this trend is gradually changing. Almost 22% of female politicians who participated in the survey admitted that they had occasionally been subjected to violence within their political party during their political career. Likewise, 11% said that they knew of some female politicians who had experienced violence within the party, while 7.8% said that they knew of many female politicians who had experienced violence within the party.

*Figure 19. Female politicians subjected to violence (2013 election)*



*Figure 20. Female politicians subjected to violence (2013 election) (women's view)*



These claims were reinforced by male politicians' responses (15.6% knew of some women who had experienced violence and 10.9% knew of many women who had experienced violence within the party). It must be noted that the large majority of women and men chose the 'can't say' option. This choice may be indicative of the presence of gender-based violence within the political parties, given the fact that most women do not feel comfortable admitting to being a victim of violence for fear of social stigma and character assassination. Hence, the real extent of violence within the political parties is likely to be much higher.

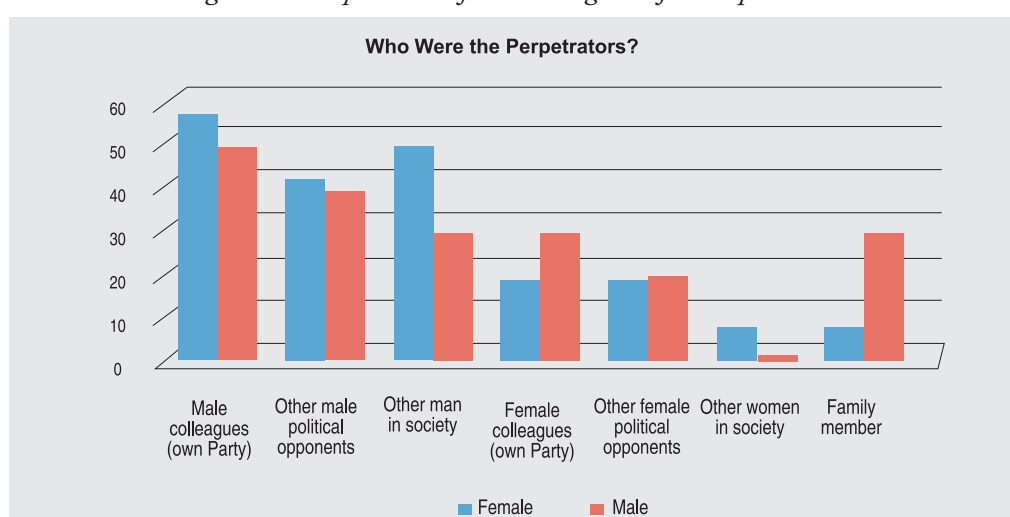
*Table 17. Do you know of any female politicians who were subjected to violence during the 2013 election? (%)*

Female respondents	Self experience	Some have experienced	Many have experienced	Don't know	Total N
NC	25.0	6.3		68.8	16
CPN-UML	18.8	25.0	12.5	43.8	16
UCPN-M	6.3	12.5	6.3	75.0	16
Madheshi	37.5		12.5	50.0	16
Female total	21.9	10.9	7.8	59.4	64
<b>Male respondents</b>					
NC		25.0		75.0	16
CPN-UML		12.5		87.5	16
UCPN-M		18.8	43.8	37.5	16
Madheshi		6.3		93.8	16
Male total		15.6	10.9	73.4	64

## Perpetrators of gender-based violence

When asked who the perpetrators of gender-based violence against female politicians were, the response of women was very interesting. Almost 58% of women in politics shared that the perpetrators were their own colleagues from within the party and, interestingly, 50% of male respondents agreed with this. Similarly, 42% of female politicians and 40% of male politicians responding to the survey said that the perpetrators were male political opponents from other political parties.

*Figure 21. Perpetrators of violence against female politicians*





Contrary to the popular assumption that women are usually the victims of violence, it was interesting to note that some women were also perpetrators. A surprising 19% of female respondents said that female colleagues from their own party were the perpetrators and another 19% said female political opponents were the perpetrators. This revelation indicates that gender roles are situational.

*Table 18. If yes (to the question in Table 17), who was the perpetrator? (%) (multiple answers possible)*

Female respondents	Male from own party	Other male political opponents	Other men in society	Female colleagues from own party	Other female political opponents	Other women in society	Family member	Total N
NC	80.0	20.0	40.0					5
CPN-UML	44.4	44.4	55.6		33.3		11.1	9
UCPN-M	50.0	75.0	50.0	50.0	25.0	25.0		4
Madheshi	62.5	37.5	50.0	37.5	12.5	12.5	12.5	8
Female total	57.7	42.3	50.0	19.2	19.2	7.7	7.7	26
<b>Male respondents</b>								
NC	75.0	50.0	25.0	50.0	25.0		25.0	4
CPN-UML			50.0				100.0	2
UCPN-M	33.3	66.7	33.3	33.3	33.3			3
Madheshi	100.0							1
Male total	50.0	40.0	30.0	30.0	20.0		30.0	10

## Complaint mechanisms

The survey tried to understand whether or not complaint mechanisms for gender-based violence exist within the political party. The survey response to this was mixed – 35.9% of female respondents and 45.3% of male respondents affirmed the presence of a formal system, while 26.6% of female and 29.7% of male respondents said that only an informal complaint mechanism exists. However, 37.5% of female and 25% of male respondents said that there is no such mechanism whatsoever. This is indicative of either a definition problem regarding what is considered a formal and informal complaint mechanism or a communication issue regarding the existence of such an important mechanism within the party.

In addition, when the respondents were asked if their party's other policy documents mentioned ways to address violence against women in politics, over 48% of women politicians said yes and 52% said no. This finding indicates that a significant proportion of female politicians are unaware of the policies within their parties on gender-based violence and, following on from this, that these policies are not communicated to them. This is an important issue, especially because a significant percentage of women admitted experiencing violence within the party. All female politicians should be aware of the existence of a complaint mechanism, should one exist in their party.

Figure 22. Existence of a gender-based violence complaint mechanism within the party

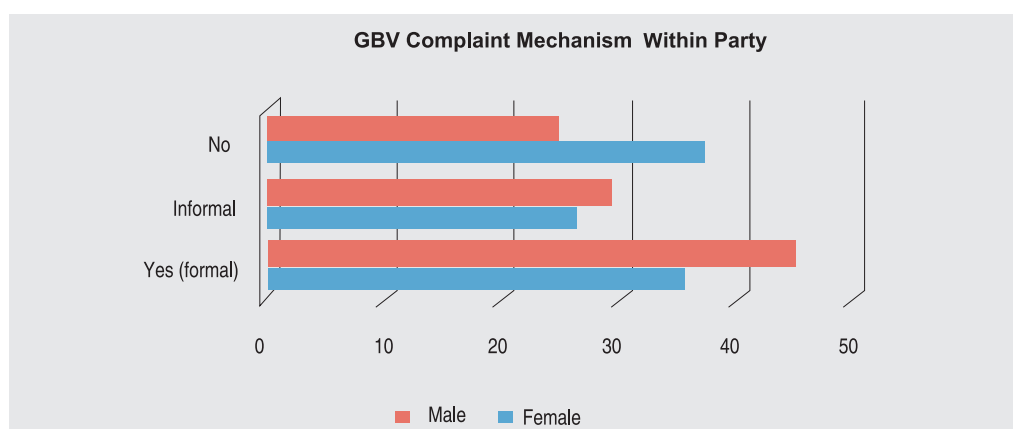


Table 19. Is there a formal complaint mechanism in place in your party for gender-based violence? (%)

Female respondents	Yes (formal)	Informal	No	Total N
NC	18.8	43.8	37.5	16
CPN-UML	75.0	12.5	12.5	16
UCPN-M	25.0	18.8	56.3	16
Madheshi	25.0	31.3	43.8	16
Female total	35.9	26.6	37.5	64
Male respondents	Yes (formal)	Informal	No	Total N
NC	81.3	6.3	12.5	16
CPN-UML	68.8	25.0	6.3	16
UCPN-M	12.5	50.0	37.5	16
Madheshi	18.8	37.5	43.8	16
Male total	45.3	29.7	25.0	64

## During the election

Gender-based violence is a huge barrier to women progressing in their political careers. Women constantly face violence during elections and in all aspects of the electoral cycle. Although the polling day is the culmination of the election, gender sensitivity in electoral management and security is crucial throughout the electoral cycle to ensure a free and fair election outcome. It must be noted that women constitute the majority voters in Nepal. Out of the total 12.14 million registered voters in 2013 election, women constituted 50.77% as opposed to 49.02% men<sup>10</sup>. Gender sensitivity is even more important in a patriarchal society like Nepal, where families and friends often prevent women (candidates and voters) from exercising their democratic rights on the pretext of security and honour<sup>11</sup>. The study tried to ascertain the level and kinds of violence against women in politics during the 2013 election.

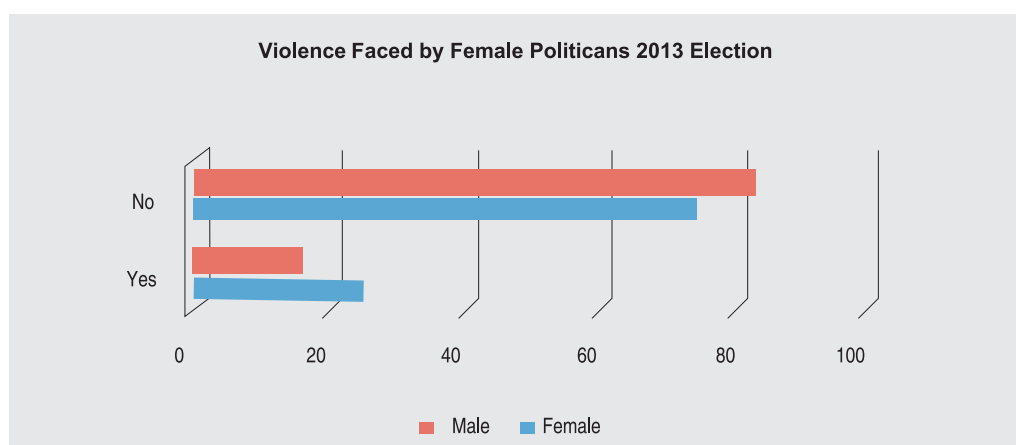
<sup>10</sup> Election Commission of Nepal (2014) *Constituent Assembly election, 2013 result book*.

<sup>11</sup> Many instances of violence against women politicians were shared in the focus group discussion with the women's rights group in January 2014. The women in this group felt that such violence is more complex than usually understood in Nepali society. Voter suppression by friends and families is another aspect of gender-based violence in Nepal.

## Incidence of gender-based violence during election

As part of an attempt to build a comprehensive understanding of the barriers to women participating in politics in Nepal, the study posed questions to women candidates about any violence they faced during the election process. Overall, 25% of female politicians who responded to the survey said that they faced violence during the election. This proportion was higher (37.7%) among respondents from Madhesh-based parties. A small but significant percentage of men (15.6%) also said that women politicians faced violence during the 2013 election process. This response must be understood in the social context in which visible violence alone is understood as violence.

*Figure 23. Violence faced by female politicians in the course of the 2013 election*



Likewise, a significant proportion of voters (male, female and third gender) also affirmed that female politicians faced violence during the 2013 election. The survey found that women faced violence at all stages of the election, but the number of incidents was more during the pre-election phase.

*Table 20. Violence faced by female politicians in the course of the 2013 election (%)*

Female respondents	Yes	No	Total N
NC	18.8	81.3	16
CPN-UML	25.0	75.0	16
UCPN-M	18.8	81.3	16
Madheshi	37.5	62.5	16
Female total	25.0	75.0	64
Male respondents	Yes	No	Total N
NC	31.3	68.8	16
CPN-UML	6.3	93.8	16
UCPN-M	18.8	81.3	16
Madheshi	6.3	93.8	16
Male total	15.6	84.4	64

During the election, violence of any nature, whether deliberately targeted at women or at the political parties, as a whole, affects women candidates the most. For example, when the public transport service was completely closed in the mountainous districts of Dadeldhura, Baitadi, Darchula, Doti, Achham and Bajura as part of the ‘bandh’ (general strike or shutdown) enforced by the CPN-Maoist and the rebel fringe parties just before the November polling, the political campaigns of women candidates were disrupted the most, as they depend on public transportation to travel around the districts<sup>12</sup>. Like many other female politicians in Nepal, women politicians in the Mid-Western and Far-Western development regions are resource poor and cannot afford the luxury of renting vehicles.

In the wake of the ‘bandh’, the National Human Rights Commission published a statement denouncing violence and cautioned all concerned about the potential for cross-party clashes and other unfortunate incidents in various districts. They urged the concerned authorities and political parties to make the election peaceful and respect citizens’ right to a peaceful election<sup>13</sup>.

### **Types of violence**

Over 96% of female politicians interviewed reported facing psychological violence during the election. Although the Domestic Violence (Crime and Punishment) Act 2009 includes physical and psychological violence within the definition of domestic violence<sup>14</sup>, it is difficult to comprehend why the same is not interpreted as a crime outside the purview of the home. The participants in the interviews and focus group discussion expressed frustration that psychological violence (including threats and intimidation) is not yet officially acknowledged as violence in Nepal and, hence, not a punishable crime. As a result, while its impacts on female politicians are very real (and constitute a barrier to their participation in politics), the perpetrators are free to act with impunity. Respondents were also concerned that there was no provision for recording such incidents in the 2013 election, indicating the insensitivity of the Election Commission and the state.

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<sup>12</sup> For a November timeline of events, see: South Asian Terrorism Portal; Institute for Conflict Management (nd) *Nepal timeline 2013*. Available at: [www.satp.org/satporgtp/countries/nepal/timeline/index.html](http://www.satp.org/satporgtp/countries/nepal/timeline/index.html) (accessed 13 June 2014)

<sup>13</sup> Ibid.

Figure 24. Types of violence faced by female politicians (2013 election) (women's view)

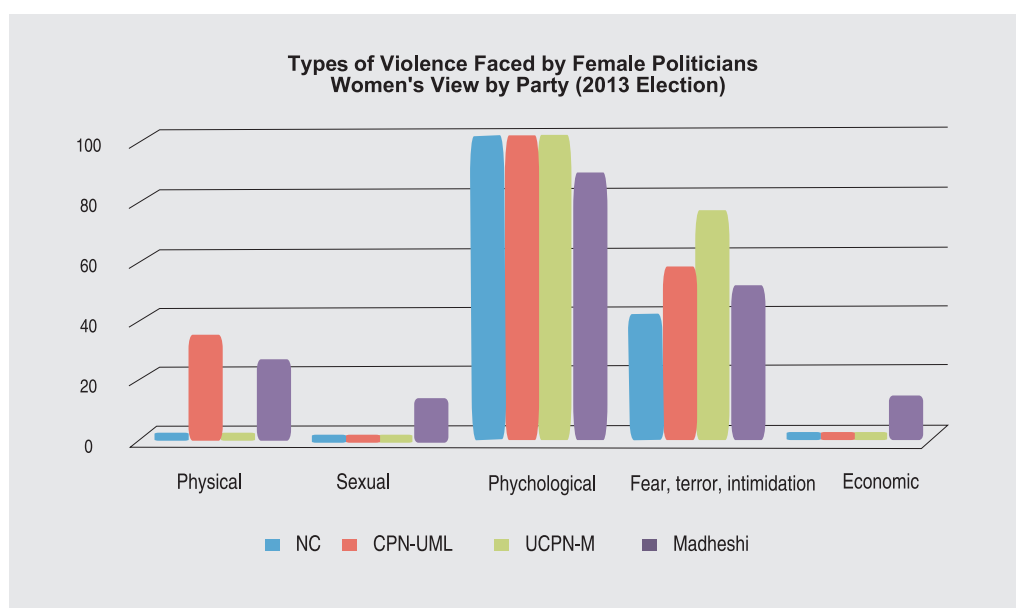


Table 21. If yes (to question in Table 20), what kind of violence was faced? (multiple answers possible)

Female respondents	Physical	Sexual	Psychological	Fear, terror and intimidation	Economic	Total (n)
NC			100.0	40.0		5
CPN-UML	33.3		100.0	55.6		9
UCPN-M			100.0	75.0		4
Madhesi	25.0	12.5	87.5	50.0	12.5	8
Female total	19.2	3.8	96.2	53.8	3.8	26
Male respondents						
NC		25.0	100.0	25.0		4
CPN-UML			100.0	50.0		2
UCPN-M	33.3		100.0	33.3		3
Madhesi			100.0			1
Male total	10.0	10.0	100.0	30.0		10

It must be noted that over 19.2% of women reported facing physical violence. However, violence in the 2013 election should also be reviewed in the context of the 'bandh' (general strike) called by the rebel fringe parties boycotting the election. Two vehicles of two female politicians (both from marginalised groups) were torched during the pre-election phase and one female politician was beaten physically<sup>15</sup>.

<sup>15</sup> Government of Nepal (2009) *Domestic Violence (Crime and Punishment) Act, 2066 BS (2009)*. Kathmandu: Government of Nepal. Available at: [http://www.lawcommission.gov.np/index.php?option=com\\_remotory&Itemid=18&func=fileinfo&id=424&lang=en](http://www.lawcommission.gov.np/index.php?option=com_remotory&Itemid=18&func=fileinfo&id=424&lang=en) (accessed 3 December 2014)

Despite the fear of social stigma and ostracism, 3.8% of female respondents reported sexual violence. Although 3.8% is not huge, it is significant given the gravity and context and must be noted. It is also interesting that more male respondents (10%) than women thought that women had faced sexual violence during the election. Although this could be due to differences in perceptions, it gives rise to speculation as to whether or not all sexual violence cases were reported.

### Perpetrators of psychological violence

Given the fact that the vast majority of female politicians faced psychological violence during the 2013 election, the study attempted to identify the perpetrators of psychological violence. The survey showed that ‘male political opponents from other political parties’ were one of the main perpetrators of psychological violence against female politicians. They were ranked number one (50%) by female respondents, followed by ‘male colleagues from own party’ (37.5%). Interestingly, a higher percentage (80% and 70%, respectively) of male respondents than female affirmed the same. It must be noted that female respondents from Madhesh-based parties (16.7%) were the only ones to report families as perpetrators of psychological violence. Likewise, UCPN-M female respondents (33%) were the only ones to report the media as perpetrators.

*Figure 25. Perpetrators of psychological violence (2013 election)*

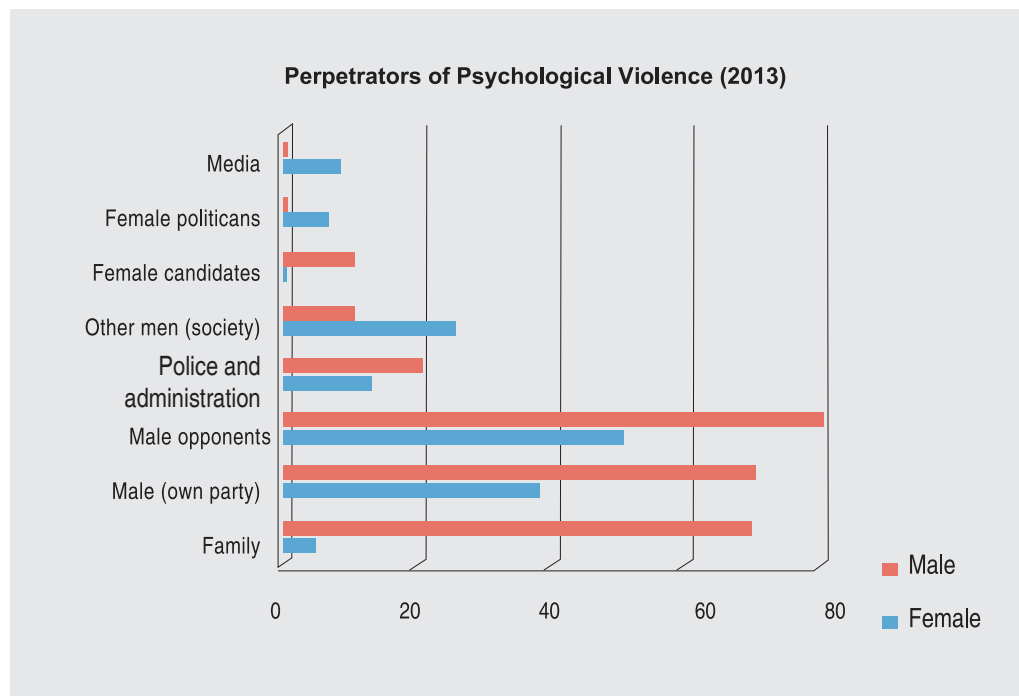


Table 22. Perpetrators of psychological violence (multiple answers) (%)

Female respondents	Family	Male politician from the party	Male political opponents	Police and administration	Other men in society	Women candidates	Female politicians	Media	Total N
NC		33.3	33.3		33.3		33.3		3
CPN-UML		25.0	100.0	25.0	25.0				4
UCPN-M		33.3	33.3		33.3			33.3	3
Madheshi	16.7	50.0	33.3	16.7	16.7				6
Female total	4.17	37.5	50.0	12.5	25.0		6.3	8.3	16
Male respondents									
NC	100.0	80.0	100.0	40.0					5
CPN-UML	100.0		100.0		100.0	100.0			1
UCPN-M	33.3	66.7	66.7						3
Madheshi		100.0							1
Male total	70.0	70.0	80.0	20.0	10.0	10.0			10

During observation of the 2013 election, many incidences of psychological violence, including the intimidation of woman candidates by male political opponents from other parties, were reported to the election observers of the GEOC. One reported incident involved the use of ‘witchcraft’ in Dhanusha district to create fear and intimidate the candidate, her family, and her political workers<sup>16</sup>.

### Complaint mechanisms

The survey indicates that a significant number of women suffered violence, both hard and soft, within their political parties and outside, during the 2013 election. State agencies responsible for the election and law enforcement claim that there is a dearth of laws dealing with psychological violence, which constitutes the bulk of the violence faced by female politicians during the election. However, the Interim Constitution of Nepal 2007, in Article 20 on the rights of women, prohibits physical, mental or any other form of violence against women and declares such acts punishable by law.<sup>17</sup> Likewise, the Government’s National Action Plan on Gender-Based Violence (2010) specifies the measures to be adopted to curb gender-based violence of any form (psychological or physical), be it domestic or public.<sup>18</sup>

<sup>16</sup> GOEC (2013) *Observers’ report – Dhanusha*, November 2013. (unpublished)

<sup>17</sup> Government of Nepal (2007) *The Interim Constitution of Nepal 2063 (2007)*.

<sup>18</sup> Government of Nepal (2009) *National plan of action for ‘Year against gender based violence, 2010’*.

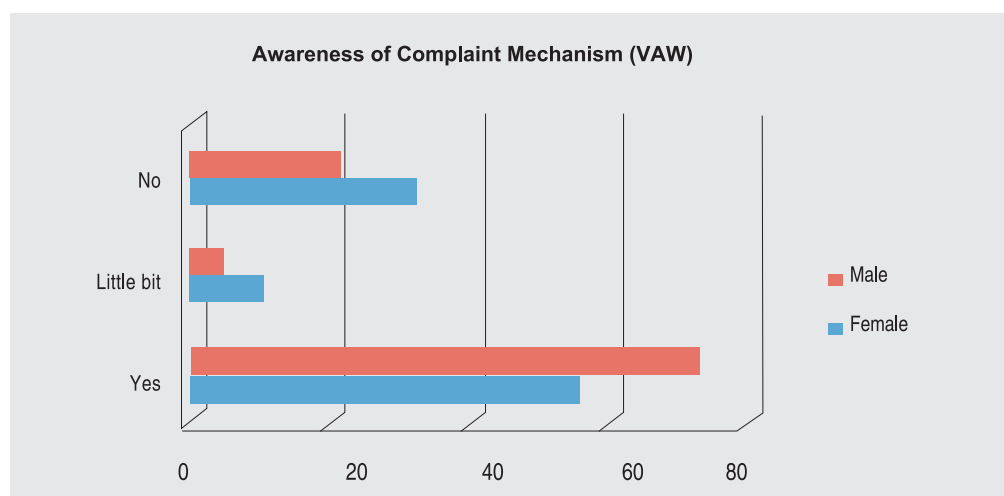
Gender-based violence, whether faced within the home or in public places, limits women's participation in all spheres of life, especially politics. The Interim Constitution is clear on the proportionate inclusion of women and the rights of women. Despite these constitutional and legal provisions, perpetrators of gender-based violence in Nepal act largely with impunity. This raises serious questions regarding the political will and ability of the State to implement the law.

The study attempted to gauge the level of knowledge and awareness among women in politics about the complaint mechanisms in place to address gender-based violence. It also tried to understand the proportion of female politicians who had actually made use of such mechanisms. The study asked respondents what prevents female politicians from using complaint mechanisms, even when they know about its existence.

### Formal complaint mechanisms

A little over half of the female respondents (56%) claimed to be aware of a formal complaint mechanism for registering complaints about gender-based violence during the election. However, 32.8% were not aware of such a mechanism. In contrast, 73% of male respondents were aware of the system. Likewise, 41% of female and 50% of male respondents also admitted having filed a formal complaint about violence.

*Figure 26. Awareness of a complaint mechanism for violence against women*



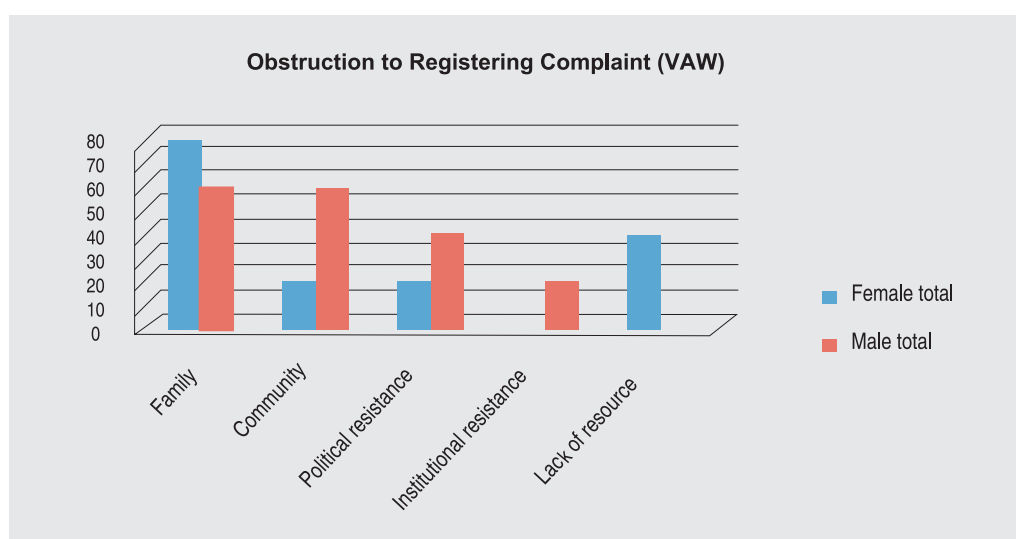
The majority of these respondents had registered their complaint at the local Election Commission office and a few at the local complaint booth. When asked about the reason for choosing that specific office, respondents had varied answers. Almost all of the women said they lodged their complaint at the local Election Commission office because the Election Code of Conduct should cover all complaints related to the election, while men said because of availability and access. Some men and women said they also thought the Election Commission office would be more responsive than others.



*Table 23. Awareness of formal complaint mechanism for violence against women (%) (multiple answers possible)*

Female respondents	Yes	Little bit	No	Total N
NC	43.8	18.8	37.5	16
CPN-UML	68.8	12.5	18.8	16
UCPN-M	43.8	6.3	50.0	16
Madhesi	68.8	6.3	25.0	16
Female total	56.3	10.9	32.8	64
Male respondents				
NC	87.5	12.5		16
CPN-UML	93.8		6.3	16
UCPN-M	50.0	6.3	43.8	16
Madhesi	62.5		37.5	16
Male Total	73.4	4.7	21.9	64

*Figure 27. Obstruction of registering a formal complaint*



*Table 24. Obstruction of registering a formal complaint (%) (multiple answers possible)*

	Family	Community	Political resistance	Institutional resistance	Lack of resources	Total N
Female total	80.0	20.0	20.0		40.0	12
Male total	60.0	60.0	40.0	20.0		10

Respondents were also asked if they encountered any obstruction while registering their formal complaint. Eighty per cent (80%) of women said that they faced resistance from their family. It must be understood that many communities in Nepal link the honour of the family with that of the women in the family. Any damage done to a woman's honour

is, therefore, damage to the ‘*ijjat*’ (respect) of the family. In addition, 20% of female respondents said they faced obstruction from the community and another 40% said they could not file a formal complaint due to lack of financial resources. About 20% of female politicians reported facing political resistance to them lodging a complaint.

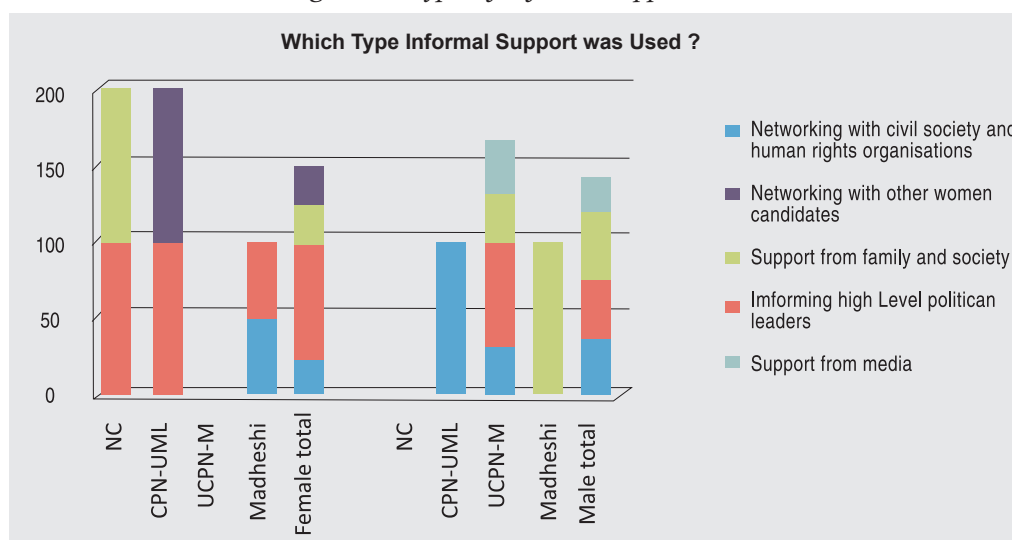
## Informal complaint and support mechanisms

Table 25. Use of informal complaint mechanism (%) (multiple answers possible)

Female respondents	Yes	No	Total N
NC	6.3	93.8	16
UML	6.3	94.0	16
UCPN-M		100.0	16
Madheshi	12.5	87.5	16
Female total	6.3	93.8	64
Male respondents			
NC		100.0	16
CPN-UML	6.3	93.8	16
UCPN-M	18.8	81.3	16
Madheshi	6.3	93.8	16
Male total	7.8	92.2	64

Although 100% of female politicians reported experiencing some form of violence (physical or psychological) during the 2013 election, approximately 60% of respondents did not register a formal complaint. So, how did female politicians cope with gender-based violence? The survey asked respondents if they sought any informal support. The vast majority of respondents (93.8%) said that they did not seek support through informal mechanisms.

Figure 28. Types of informal support used



Only a small group of female respondents (6.3%) admitted seeking informal support to deal with the violence they faced during the election. Among them, 75% said they informed the high-level political leaders in their own party. Another 25% each sought the help of the media, their family and other women candidates.

Table 26. If yes (to question in Table 25), which ones did you use? (%) (multiple answers possible)

Female respondents	Support from media	Informing high level political leaders	Support from family and society	Networking with other women candidates	Networking with civil society and human rights organisations	Total N
NC		100.0	100.0			1
CPN-UML		100.0		100.0		1
UCPN-M						
Madheshi	50.0	50.0				2
Female total	25.0	75.0	25.0	25.0		4
Male respondents						
NC						
CPN-UML	100.0					1
UCPN-M	33.3	66.7	33.3		33.3	3
Madheshi			100.0			1
Male total	40.0	40.0	40.0		20.0	5

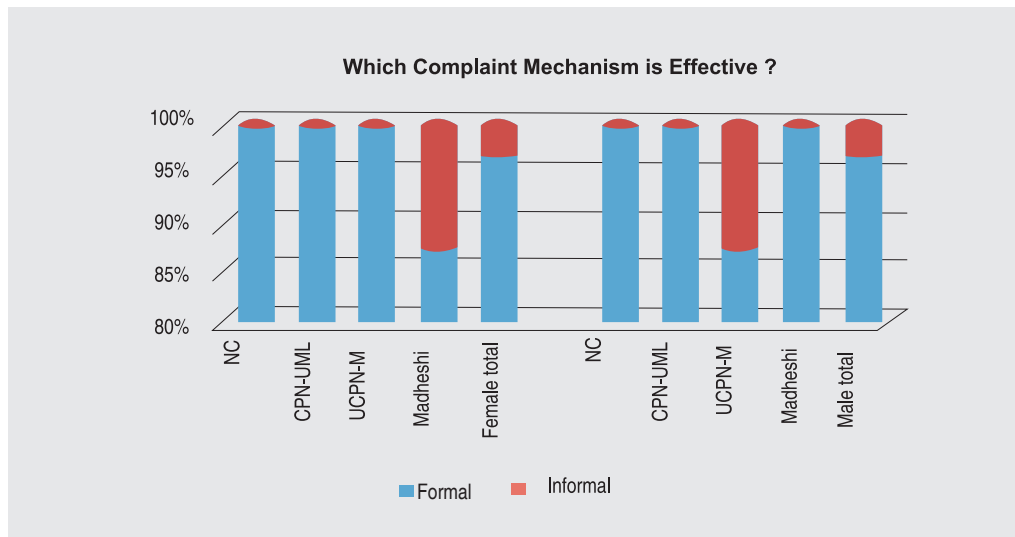
## Effectiveness of mechanisms

The survey asked respondents to evaluate and rank formal and informal complaint mechanisms in terms of effectiveness. The overwhelming majority of both female and male respondents ranked the formal complaint mechanism as more effective. Despite the popular belief that people are losing faith in state agencies, the findings of the survey indicate otherwise. Faith in the state complaint mechanism helps improve the legitimacy of formal institutions. The issue of formal electoral justice (electoral dispute resolution) will be discussed separately in the sections below.

Table 27. Which complaint mechanism is the most effective? (%)

Female respondents	Formal	Informal	Total N
NC	100.0		16
CPN-UML	100.0		16
UCPN-M	100.0		16
Madheshi	87.5	12.5	16
Female total	96.9	3.1	64
Male respondents			
NC	100.0		16
CPN-UML	100.0		16
UCPN-M	87.5	12.5	16
Madheshi	100.0		16
Male total	96.9	3.1	64

Figure 29. Effectiveness of formal and informal complaint mechanisms



## Chapter 8

### Election management by Election Commission

The Election Commission enjoys good credibility in civil society as well as in political circles, which is in part due to its success in conducting the 2008 CA election. The Commission has come a long way since the 2008 election. The introduction of biometric voter registration, one of the key reforms undertaken by the Election Commission since the 2008 CA election, has helped to further improve the image of the Election Commission<sup>1</sup>. The Commission also initiated some work on a Gender and Inclusion Policy as part of reforms to ensure an inclusive and gender sensitive election, which included improving gender justice in the election – a much-neglected aspect in Nepal. The Gender and Inclusion Policy (unveiled in September 2013)<sup>2</sup> raised a lot of expectations among women, both candidates and voters. It is believed that the capacity and independence of the Election Commission, which enjoys broad public trust, is an essential pre-condition for conducting gender sensitive, free and fair elections, and addressing electoral gender-based violence<sup>3</sup>.

The women's rights group that the research team spoke with felt that the Election Commission did a good job with the overall management of the 2013 election, despite many constraints and limiting factors. They appreciated the Election Commission taking a strong stand in selecting 50% women in the PR list, which helped bring 162 women into CA through PR, raising the gender outcome of the 2013 election to 172 (not including nominated seats)<sup>4</sup>. However, election observers and experts feel that the Election Commission did not do as much for women in politics as it could have. The principle of inclusion was introduced in the Interim Constitution to deconstruct the centralised power structure. However, the mixed electoral system is being distorted and

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<sup>1</sup> For more information on biometric voter registration visit: [www.np.undp.org/content/dam/nepal/docs/projects/UNDP\\_NP\\_ESP%20projects%20documents.pdf](http://www.np.undp.org/content/dam/nepal/docs/projects/UNDP_NP_ESP%20projects%20documents.pdf)

<sup>2</sup> Nepal Election Channel (2013) *EC unveils policy on gender and inclusion* [online], 24 September 2013. Available at: <http://www.nepalelectionchannel.org/english/stories/984--ec-unveils-policy-on-gender-and-inclusion-.html> (accessed 4 December 2014)

<sup>3</sup> Election Commission of Nepal; UNDP (2012) *Electoral violence mitigation assessment (EVMA) report*.

<sup>4</sup> Focus group discussion with women's rights group, January 2014

used against the spirit of the principle of inclusion<sup>5</sup>. The 10% flexibility provided to political parties by the Election Commission further supported the perversion of the electoral system. The Election Commission allowed political parties to bargain for 10% flexibility to make changes in gender representation, knowing that the political parties would most likely use this flexibility against women's interest. This flexibility gave the political parties the opportunity to manipulate the PR list. The women's rights group thought that that Election Commission could have made many positive impacts within its reach, especially in terms of making the constitutional provisions mandatory and binding through a strong and gender-friendly Election Ordinance. Respondents from the women's rights group said that the Election Commission had a good opportunity to act on this at the time of '*badha adkau fukau*' (removing the constitutional obstacles) in preparation for the second CA election<sup>6</sup>.

The overall impression from interviews is that the Election Commission was not sufficiently strong (or any stronger than in 2008) to enforce some of the laws and the code of conduct, including its own gender policy. It gave too much flexibility to the political parties, which many feel sent the wrong message to the political parties about the need for gender equality, while also portraying the Election Commission as weak.

### **Gender implications of threshold**

In the run up to the November 2013 election, the President of Nepal put forward an ordinance proposing a controversial electoral 'threshold' requirement for political parties. The threshold would mean that for a party to be elected to the CA it would have to reach a minimum level of votes. The UCPN-M opposed the provision of a 1% threshold to secure at least one seat in the CA through the PR system, while the NC and CPN-UML were in favour. Later, the NC and CPN-UML also changed their stance on the threshold and the provision was aborted.<sup>7</sup>

The potential impact of such a provision on the electoral outcome for political parties is interpreted differently by many experts. International experts, such as Kare Vollan, are in agreement that a threshold provision allows for a more organised representation system. According to Vollan, the lack of a threshold system in Nepal has allowed a lot of smaller parties to get into the election fray. He is of the opinion that the sheer number of parties does not mean that the election system is more democratic. On the contrary,

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<sup>5</sup> Spotlight News Magazine (2013) *KUSL: Debate on elections results* [online], 27 December 2013; in this round table organised by Kathmandu University School of Law and Nepal Constitution Foundation, expert Kare Vollan comments on Nepal's electoral system and the recent CA election in 2013.

<sup>6</sup> In-depth interview with the electoral experts, December 2013

<sup>7</sup> For a timeline of events, see: South Asian Terrorism Portal; Institute for Conflict Management (nd) *Nepal timeline 2013*. Available at: [www.satp.org/satporgtp/countries/nepal/timeline/index.html](http://www.satp.org/satporgtp/countries/nepal/timeline/index.html) (accessed 13 June 2014)

it creates confusion among voters. Vollan advocates for a threshold system (of around 1–2%) to filter out parties unable to garner an adequate number of votes and, thus, changing the chaotic political culture<sup>8</sup>.

There may be gender implications of a threshold. Electoral experts are of the view that the introduction of a threshold would have a positive impact on the overall representation of women as it would prevent the disintegration and proliferation of political parties. Fewer parties would mean that the number of women in each party would increase (as the same number of female politicians would be concentrated into a smaller number of parties). Such experts see the introduction of a threshold resulting in a 'louder' female voice, apart from creating a critical mass of women in politics within the political parties. Some think that a threshold could also stop societal division by discouraging small parties along ethnic lines and encouraging more 'serious' parties with broader political platforms<sup>9</sup>.

A comparison of the gender outcomes of the 2008 and 2013 elections lends some support to this argument. In the 2008 CA election, 25 parties made it to the CA out of a total of 75 registered parties, and 30 women were directly elected. Whereas, in the 2013 election, out of a total of 122 parties, 30 parties made it to the CA and only 10 women won by direct election.

## **Gender and Inclusion Policy**

The Election Commission developed and endorsed its first Gender and Social Inclusion Policy on 23 September 2013<sup>10</sup>. The policy is in line with the Interim Constitution, 2007 with the vision to translate the proportional and inclusive representation of all citizens into the state structure through free, fair and impartial elections. In order to translate the vision into reality it aims to develop the Election Commission as a responsible institution that implements its Gender and Inclusion Policy<sup>11</sup>. The policy aims to achieve a gender balance and inclusiveness at all stages of the electoral process and develop the Election Commission as a gender sensitive and inclusive institution.

In order to achieve these objectives, the policy envisions the formation of a Gender and Inclusion Coordination Committee, which is expected to make the necessary provisions for the effective implementation of the policy. The policy also provides for a Gender

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<sup>8</sup> Spotlight News Magazine (2013) *KUSL: Debate on elections results* [online], 27 December 2013; in this round table organised by Kathmandu University School of Law and Nepal Constitution Foundation, expert Kare Vollan comments on Nepal's electoral system and the recent CA election in 2013.

<sup>9</sup> During key informant interviews, January 2014, many electoral experts expressed their views in favour of having a small electoral threshold. They also saw significant gender implications of a threshold on national politics.

<sup>10</sup> Election Commission of Nepal (2013) *Gender and inclusion policy*.

<sup>11</sup> *Ibid.*

and Inclusion Unit under the gender focal point in the secretariat to work on issues of gender and inclusion<sup>12</sup>. Moreover, the policy aims to institutionalise the monitoring and evaluation of gender outcomes in elections.

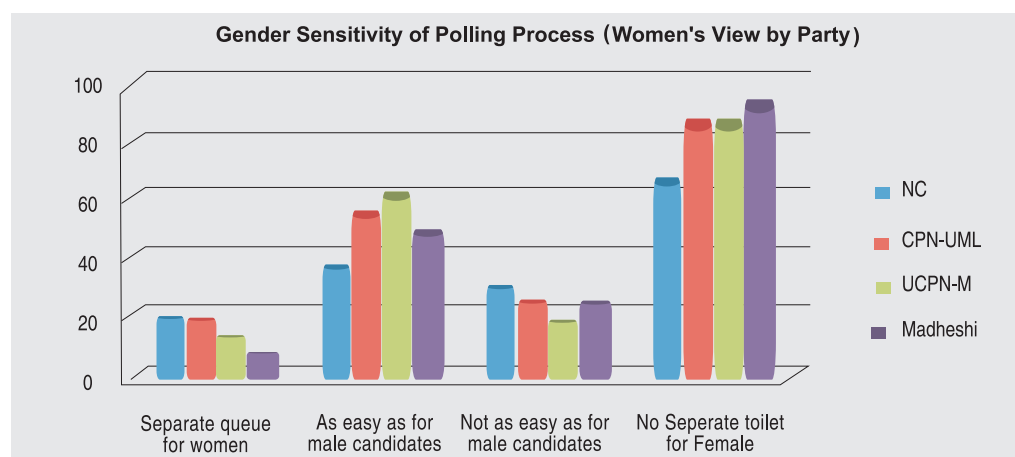
The Election Commission's Gender and Inclusion Policy is indeed a welcome step. However, the Election Commission is yet to form the Coordination Committee and the Unit. The legal provisions and policies alone will not ensure gender equality; developing organic linkages between policies and actions will. Although the Election Commission seems committed to gender equality, there are many things that need to be put in place in order to translate these provisions into reality. Of note is the fact that the Election Commission Act, 2008 does make provision for the compulsory proportional inclusion of women as Commission members or staff, although only one of the Commissioners appointed in 2013 was a woman.

### Electoral process and gender sensitivity

Gender sensitive electoral processes are important to ensure that female politicians have a level playing field without inequalities and discrimination. Inequalities can pose obstacles to women's full political participation and prevent the creation of a just and participatory democracy. More importantly, addressing the gender dimension to the electoral processes adds value to the whole political process and can have wide implications for the political participation of women and in society. The research survey attempted to gauge the gender sensitivity of the polling process management in 2013 CA election in terms of simplicity, infrastructure and processes.

When asked about the overall gender sensitivity of the electoral process, only 12.9% of female politicians said the process was gender sensitive, which was echoed by 20.7% of male respondents. An overwhelmingly large proportion of female and male respondents (74.3% women and 75.9% men) thought that the process was more gender sensitive than in the 2008 election. However, most felt that the overall process was yet to achieve full gender sensitivity.

Figure 30. Gender sensitivity of polling process (2013 election) (women's view)



<sup>12</sup> *Ibid.*



Political candidates and voters, both male and female, were also asked about the gender sensitivity and simplicity of the polling process. Voters and political respondents alike thought that, overall, the level of gender sensitivity of the election was acceptable (okay), except for a few issues, such as an inadequate number of female officials, both polling and security, at the booth level. Out of 165 Election Officers, only two were women and there were no female Senior Election Officers<sup>13</sup>. In addition, 84.4% of female politicians and 85.9% of male politicians were appalled by the lack of toilets for females at the polling booths. Participants in the in-depth interviews said that, although it looks like a basic issue, lack of a separate toilet for females is a serious safety issue and requested the research team to make special note of this issue<sup>14</sup>.

*Table 28. Polling process was simple and gender sensitive (%) (multiple answers possible)*

Female respondents	Separate queue for women	As easy as for male candidates	Not as easy as for male candidates	There was no toilet for females	Total N
NC	18.8	37.5	31.3	68.8	16
CPN-UML	18.8	56.3	25.0	87.5	16
UCPN-M	12.5	62.5	18.8	87.5	16
Madheshi	6.3	50.0	25.0	93.8	16
Female total	14.1	51.6	25.0	84.4	64
<b>Male respondents</b>					
NC	6.3	25.0	56.3	87.5	16
CPN-UML	6.3	75.0	25.0	81.3	16
UCPN-M	6.3	43.8	31.3	81.3	16
Madheshi	6.3	37.5		93.8	16
Male total	6.3	45.3	28.1	85.9	64

## Election Code of Conduct

The Code of Conduct for Election to Members of Constituent Assembly Election 2013 issued by the Election Commission formed an important and integral part of the election process. The Code of Conduct is one of the mechanisms for ensuring the integrity of the election process and outcome. A few clauses of the Code of Conduct have a direct bearing on electoral violence against women, namely, the code on canvassing, code on decent language, code on obstruction processions, code on threats and fear, code on mass media, and code on state media<sup>15</sup>. The Code is legally binding on concerned stakeholders in elections. Hence, it can be assumed that if the code of conduct was enforced and complied with, electoral violence, including gender-based electoral violence, would be minimal.

<sup>13</sup> Election Commission of Nepal (2013) *Name list of election officials, 2070-5-20* [in Nepali]. Available at: [http://www.election.gov.np/election/uploads/files/pdf/irwahan\\_adhikrit.pdf](http://www.election.gov.np/election/uploads/files/pdf/irwahan_adhikrit.pdf) (accessed 28 June 2014)

<sup>14</sup> In-depth interviews with electoral experts, December 2013

<sup>15</sup> Election Commission of Nepal (2013) *Code of conduct on election of member to the Constituent Assembly, 2070 (2013)* [unofficial translation]. Official version in Nepali available at: <http://www.election.gov.np/election/uploads/files/pdf/Acharsamhita%202070.3.23.pdf> (accessed 19 June 2013)

Figure 31. Impact of Election Code of Conduct on reducing violence

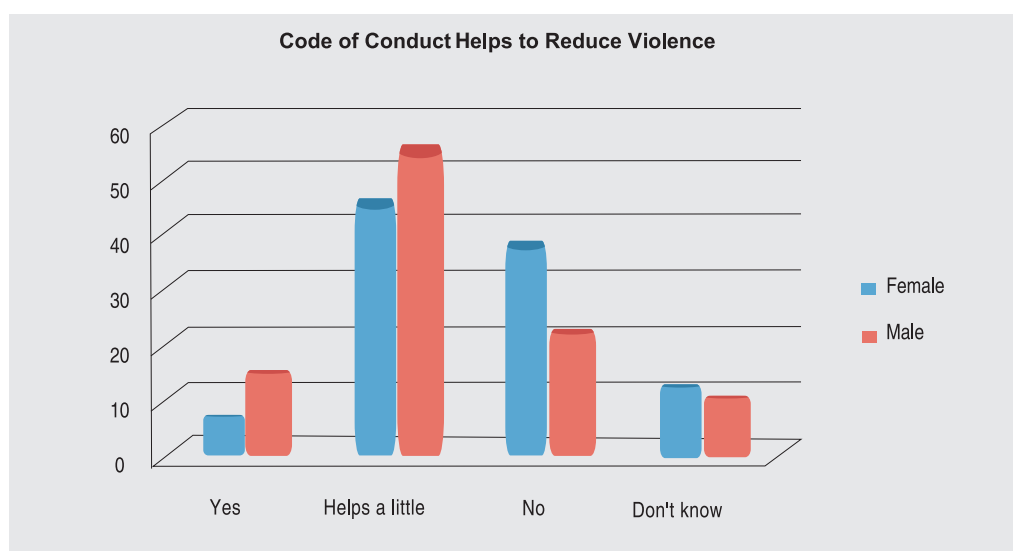


Table 29. Election Code of Conduct helps to reduce violence? (%) (multiple answers possible)

Female respondents	Yes	Helps a little	No	Don't know	Total N
NC	6.3	50.0	25.0	18.8	16
CPN-UML	12.5	43.8	37.5	6.3	16
UCPN-M	6.3	43.8	43.8	6.3	16
Madheshi		43.8	43.8	12.5	16
Female total	6.3	45.3	37.5	10.9	64
Male respondents	Yes	Helps a little	No	Don't know	Total N
NC	12.5	62.5	6.3	18.8	16
CPN-UML	6.3	50.0	37.5	6.3	16
UCPN-M		56.3	37.5	6.3	16
Madheshi	37.5	50.0	6.3	6.3	16
Male total	14.1	54.7	21.9	9.4	64

The survey asked respondents if the Election Code of Conduct helped to reduce gender-based electoral violence. The response was lukewarm – 45% of female respondents thought it helped a little, while 37.5% did thought it did not help at all. The majority of participants in the focus group discussion and in-depth interviews were of the view that, overall, the Code of Conduct was ambitious. They felt that the question was not about the quality of the policy, but its enforcement. Instead of showing too much flexibility to the stronger political parties, which sent the wrong message, they thought that the Election Commission should have been stronger on enforcement of the Code of Conduct. Participants in the focus group discussion with the women's rights group and in-depth interviews with electoral experts, January 2014, questioned the point of having a good Code of Conduct on paper if it could not be enforced.

## Chapter 9

### Electoral security by Nepal Police

The Nepal Police is one of the main actors involved in providing electoral security in Nepal. This section focuses on the Nepal Police's central role in overseeing electoral security in the inner circle of the polling booths in physical proximity to the voters and polling officials.

*Table 30. Total number of election booths (2013 election)*

Type of booth	Development region					Total
	Eastern	Central	Western	Mid-Western	Far-Western	
Permanent	4,308	5,879	3,625	3,860	1,788	19,460
Temporary	67	125	58	52	35	337
Total	4,375	6,004	3,683	3,912	1,823	19,797

*Source: Election Commission*

The Nepal Police is the front line institution responsible for providing electoral security at polling booths and preventing, responding to (arrests, detention), and carrying out investigations into electoral violence, including gender-based violence. It is the most visible arm of the state and the primary civil agency for law enforcement and the maintenance of public order.<sup>1</sup>

There were a total of 19,797 polling booths spread across Nepal, from the plains in the Terai to the hills and mountain. The geographic realities of Nepal add to the challenges of providing electoral security, given the limited number of police officers available. The capacity of the Nepal Police to protect freedom of movement, freedom of assembly, and the freedom to campaign nationally was further challenged by the increase in the number of political parties and the more open political environment in the 2013 election, compared to 2008. However, the police/population ratio of about 1:440

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<sup>1</sup> For more information refer to: Saferworld (2007) *Policing in Nepal: A collection of essays* [online], September 2007. Available at: <http://www.saferworld.org.uk/resources/view-resource/286-policing-in-nepal> (accessed 20 June 2013), p 1

has not changed much since 2008.<sup>2</sup> In this context, it must be noted that the Nepal Police, supported by the Armed Police Force, provided security for the CA election in 2008, which was held in an extremely a difficult security situation in a post-conflict environment.<sup>3</sup>

The general perception of people about the Nepal Police is slowly changing, as is the Nepal Police's gender awareness. As part of the election preparation, police personnel participated in preparatory planning and a training of trainers' course. Among other things, the electoral security training syllabus included gender sensitivity. However, the overall electoral security during the 2013 election was not much different than in 2008.

### Police personnel deployed

Figure 32. Police deployed in 2013 election by gender

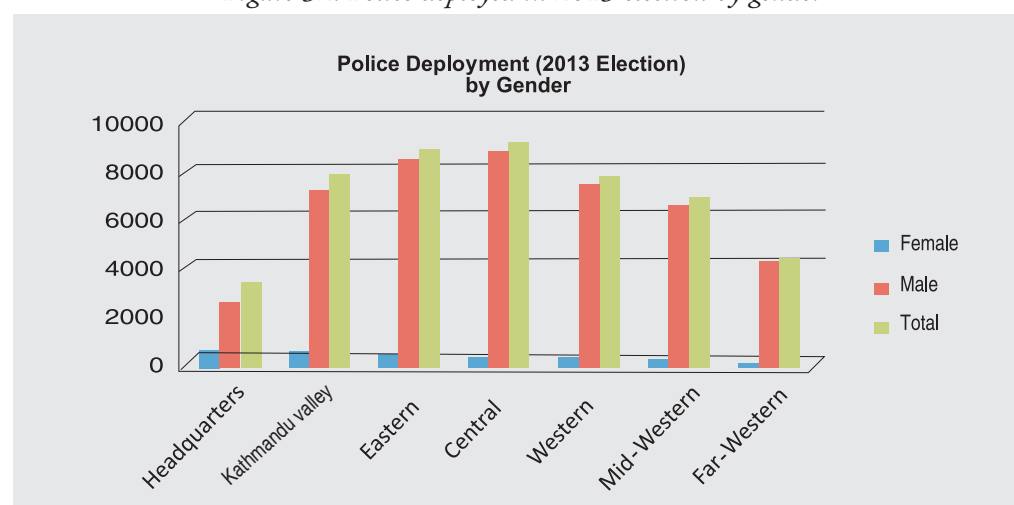


Table 31. Permanent police deployed in 2013 election

Region	No of districts	Female	Male	Total
Headquarters		718	2,722	3,440
Kathmandu valley	3	620	7,270	7,890
Eastern	16	496	8,454	8,950
Central	16	418	8,826	9,244
Western	16	351	7,484	7,835
Mid-Western	15	322	6,625	6,947
Far-Western	9	165	4,319	4,484
Total	75	3,090	45,700	48,790

Source: Records of Nepal Police

<sup>2</sup> This ratio was provided to the research team by the Nepal Police during the in-depth interview with Election Division of Nepal Police, December 2013.

<sup>3</sup> Pokharel, B (2012) 'Elections: A Nepali perspective.' In von Einsiedel, S; Malone, D; Pradhan, S (2012) *Nepal in transition: From people's war to fragile peace*. New York: Cambridge University Press, p 256

The current total police strength is 67,287.<sup>4</sup> Apart from the minimum number of officers required to run police stations, all were deployed for electoral security in the 2013 election. The total number of permanent police deployed for the electoral security was 48,790, including 3,090 female police officers, of which 718 female officers were working in police headquarters. As per the head of the election division of the police headquarters, about 75% of the total police – male and female – were fielded for election security<sup>5</sup>. The participants of the meeting felt that a higher level of resources was provided for the 2013 election, compared to previous elections. However, they did not explain why a significant number of female officers were deployed in the headquarters instead of the polling booths.

Figure 33. Temporary police deployed in 2013 election by gender

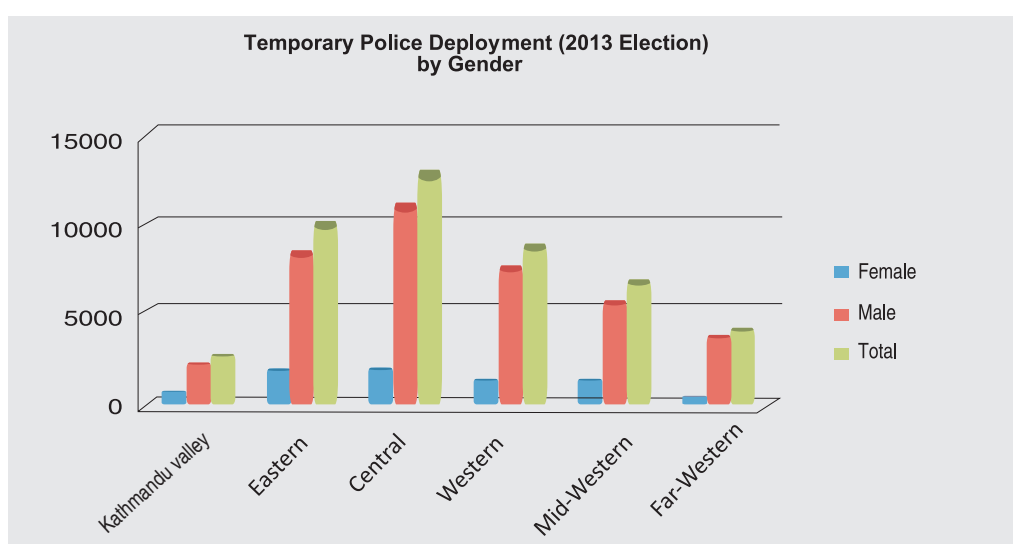


Table 32. Temporary police deployed in 2013 election

Region	No of districts	Female	Male	Total
Kathmandu valley	3	502	2,031	2,533
Eastern	16	1,718	8,305	10,023
Central	16	1,748	10,970	12,718
Western	16	1,260	7,475	8,735
Mid-Western	15	1,179	5,530	6,709
Far-Western	9	450	3,693	4,143
Total	75	6,857	38,004	44,861

Source: Records of Nepal Police

In addition, the state allowed the Ministry of Home Affairs to recruit 45,000 temporary police personnel, which included 6,857 women, to support the permanent police officers in electoral security during the 2013 election. The temporary police personnel were hired for a period of two months.

<sup>4</sup> Nepal Police website: [www.nepalpolice.gov.np](http://www.nepalpolice.gov.np)

<sup>5</sup> In-depth interview with Election Division of Nepal Police, December 2013

When asked about the male-female ratio of police officers deployed at the district and booth level, the officers that the research team spoke with claimed that an attempt was made to deploy at least one female police officer at each booth. However, it was learnt that a substantial number of female officers were involved in desk work during the election. The head of the election unit at police headquarters explained that women with personal problems were spared election duty. It was also learnt that female officers were not fielded to remote areas because of lack of adequate infrastructure.<sup>6</sup> However, it was observed that the some temporary female police personnel were deployed to remote areas.

In order to coordinate and plan electoral security, a Joint Election Operations Committee consisting of the top officials of all four security agencies – the Nepal Police, Armed Police Force, National Investigation Department and Nepal Army – was established as an Election Commission committee. The mechanism had four-tiers: central, regional, district and local. Although the electoral training syllabus of the police personnel placed some emphasis on gender sensitive electoral security, security experts claimed that the central joint security plan did not deal specifically with gender as an issue.<sup>7</sup>

### **Training on electoral violence and mitigation**

As part of the electoral security training, the Election Commission imparted training on the Electoral Violence and Mitigation Assessment report<sup>8</sup> to the Nepal Police trainers in all five development regions. The Electoral Violence and Mitigation Assessment training sensitised the participants on electoral violence and gender-based violence, including psychological violence, which was extensively used during the 2008 election. Given the complex nature of such violence in terms of investigation and evidence collection and the lack of clear legal provisions to deal with such violence, participants agreed to at least record instances of gender-based violence during the 2013 election. However, the election observation deployed by GEOC found that there was no provision for recording incidences of psychological violence in the 2013 election<sup>9</sup>. As indicated earlier in the section on violence against women in politics during the electoral process, a massive 96.2% of female politician respondents reported being the victim of psychological violence during the election.

### **Perception of security management on polling day**

To ascertain the perceptions of political actors, candidates and voters on the overall gender sensitivity of security management during the 2013 election, male and female politicians were asked to rate the gender sensitivity of key security arrangements on

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<sup>6</sup> In-depth interview with Election Division of Nepal Police, December 2013

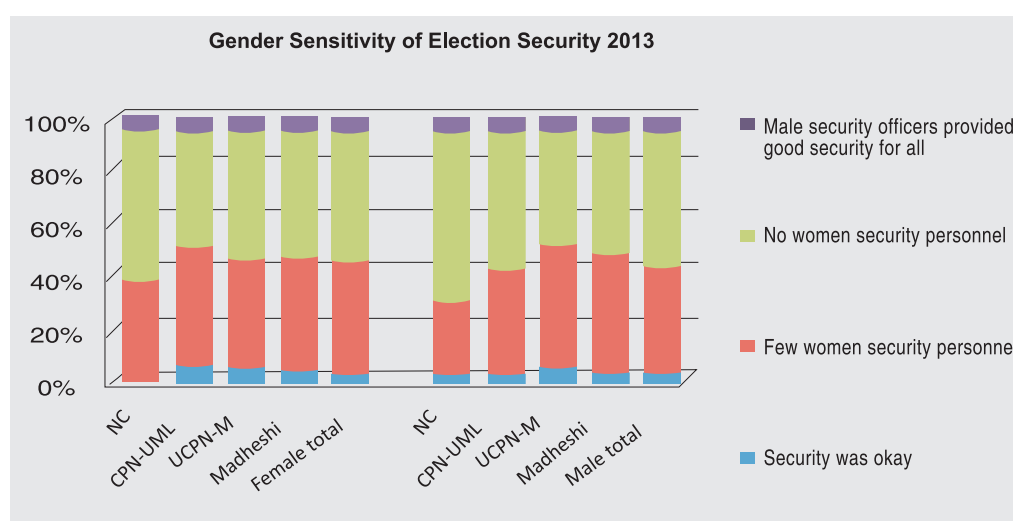
<sup>7</sup> In-depth Interview with electoral experts, December 2013

<sup>8</sup> Election Commission of Nepal; UNDP (2012) *Electoral violence mitigation assessment (EVMA) report*.

<sup>9</sup> GEOC election observers verified in a report and personal communication that there were no provisions to record invisible and psychological violence during the 2013 election, November 2013.

polling day. The respondents' concerns were primarily related to the number of female security personnel deployed. A little over 67% of female respondents complained that there were very few female security personnel and 75% were concerned that no women security personnel were present at many of the polling booths. The survey also recorded the views of male respondents on the same issue, which were found to be consistent with those of the female respondents. Over 59% of male respondents thought that there were few women security personnel present on polling day, while almost 80% said there were no women security personnel present. The responses indicate that the absence or thin presence of women security personnel on polling day was noted by both men and women alike.<sup>10</sup>

*Figure 34. Gender sensitivity of election security in 2013*



In contrast, the Nepal Police officials who the research team met with felt that they were able to give very good security overall. They also thought that women, both voters and politicians, were happy with the arrangements. Moreover, the Nepal Police officers felt that the existence of a neutral election government had a positive impact on their efforts to maintain electoral security in the November 2013 election, as the government did not have any 'hidden agenda'. Security personnel, both at the centre and in the field, also shared that there was better coordination between the Election Commission and security forces during the 2013 election than in previous elections<sup>11</sup>.

<sup>10</sup> During the survey, the respondents' concerns were particularly related to the absence and poor quality of toilets for women, which is an honour issue as well as a security issue.

<sup>11</sup> In-depth interview with Nepal Police officials of Election Division, Police Headquarters, December 2014

*Table 33. Gender sensitivity of election security arrangement in 2013*

Female respondents	Security was okay	Few women security personnel	No women security personnel	Male security personnel provided good security for women	Total N
NC		56.3	81.3	6.3	16
CPN-UML	12.5	81.3	75.0	12.5	16
UCPN-M	6.3	62.5	68.8	6.3	16
Madheshi	6.3	68.8	75.0	6.3	16
Female total	6.3	67.2	75.0	7.8	64
Male respondents					
NC	6.3	43.8	100.0	12.5	16
CPN-UML	6.3	62.5	81.3	6.3	16
UCPN-M	6.3	62.5	62.5		16
Madheshi	6.3	68.8	75.0		16
Male total	6.3	59.4	79.7	4.7	64

### Improving gender sensitive electoral security

The Nepal Police has a gender policy and some efforts to build gender-friendly infrastructure are underway. However, the senior police officers at the centre (headquarters) were the only ones aware of the existence of a gender policy and felt that effective implementation of the policy is an issue. Although they expressed optimism that the new leadership may consider these issues a priority, they admitted there is not much understanding of gender at the higher levels.

Security officials in general felt that, compared to the 2008 election, the 2013 election was better in terms of overall gender sensitivity. As per the Nepal Police records, there were a total of 1,049 incidents of violence, with 104 happening on polling day<sup>12</sup>. However, all of the recorded incidents were of visible violence (as opposed to invisible violence<sup>13</sup>). The police officials said that, overall, there were very few incidence of violence against women in politics, but did not give an exact number. It is unclear whether the low number of incidents of violence against women in politics is because such incidents were rare or not reported. The low numbers may also be due to lack of response from

<sup>12</sup> Nepal Police records made available to the team during the in-depth interview with Nepal Police officials of Election Division, Police Headquarters, December 2014

<sup>13</sup> Invisible violence refers to emotional abuse that is obscured and pain that is rarely visible to the naked eye resulting in 'broken' self-esteem. It often exists in conjunction with physical, sexual, verbal, and a range of other forms of abuse. However, when emotional abuse occurs without concurrent physical abuse its victims become doubly invisible, particularly when society and the media's framing of abuse as physical obscures the impact and pain of their experience.



the recording desk or absence of a recording desk at all. Many female respondents to the survey were frustrated that there was no provision for recording invisible violence during the 2013 election, despite its rampant use during the 2008 election.<sup>14</sup>

Nepal Police officials were aware that female politicians mostly experience ‘soft’ violence, which they admitted is difficult to prove, a situation compounded by the absence of a clear legal provision to deal with invisible violence. They also admitted that there is no mechanism to record gender-based violence, both physical and psychological. Some of the challenges they narrated are: lack of definition of soft violence as a crime, absence of specific laws to deal with soft violence, difficulty in investigating and proving soft violence, and lack of skilled manpower. The Nepal Police officials thought that these are the reasons why soft violence is not recorded, particularly on polling day<sup>15</sup>.

When asked about the major challenges to make future electoral security more gender sensitive, the Nepal Police officers at the headquarters suggested the following:

- make soft (psychological) violence a crime;
- formulate policies to use community policing to raise awareness of genderbased;
- electoral violence, particularly soft (psychological) violence, and equip police adequately at polling booths as well as at the centre; and
- raise the gender sensitivity of male political leaders;

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<sup>14</sup> Interviewees who experienced harassment were frustrated by the lack of legal provision to deal with invisible violence against women in politics, December 2013

<sup>15</sup> In-depth interview with Nepal Police officials in five development regions, December 2013

## Chapter 10

### Electoral justice

#### Electoral dispute resolution

Electoral dispute resolution is fundamental to electoral justice. A key electoral reform since 2008 has been to improve electoral dispute resolution; however, the Electoral Dispute Resolution Act is still in draft form<sup>1</sup>. The Election Commission has tried to implement electoral dispute resolution through many related electoral laws in the 2013 election. Although effective implementation is still an issue, the Election Commission used two paths to resolve election-related disputes, as in the previous election: criminal and civil cases were adjudicated by the judiciary in the first and last instance and non-criminal electoral and administrative cases were adjudicated by the Election Commission in the first and the last instance, except for petitions.<sup>2</sup> It must be noted that electoral justice and criminal cases against visible and invisible violence are neither expeditious nor transparent. Gender-based electoral violence is part of the same challenge because, by law, all visible (physical) violence is a criminal act.

Many men and women interviewed during the survey expressed concern that the current law only defines visible and physical violence as a crime, but that most of the electoral gender-based violence is invisible by nature. Hence, they felt that the Electoral Dispute Resolution Act should address this issue. They further added that unless 'soft' or invisible violence against women (which comes in many form) is addressed legally and effectively, women will continue to trail way behind men in politics<sup>3</sup>.

The Election Commission officials confessed that in the 2013 Election they were only able to sensitise key stakeholders and that they are yet to establish a permanent mechanism to support electoral dispute resolution. As part of such a mechanism, an independent

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<sup>1</sup> In-depth interview with Election Commission of Nepal officials, January 2014

<sup>2</sup> Current Electoral Dispute Resolution laws include: Articles in the Constituent Assembly Member Election Ordinance and the Election Commission Act, 2013, and the Election (Crime and Punishment) Act 2007, Articles 18, 19, 23, 25, 27 and 28

<sup>3</sup> The participants in the in-depth interviews in January 2014 felt that gender-based violence in politics is one of the barriers that effectively hinder women's active participation in politics. Moreover, gender-based violence discourages new female entrants in politics.

Electoral Complaint Commission is envisaged<sup>4</sup>. However, Nepali experience indicates that having such a provision alone will make little difference, unless it is effectively implemented.

## Responsibility for addressing violence against women in politics

The survey attempted to understand the perception of key stakeholders, especially political actors, voters and intellectuals (key informants) regarding the responsibility for addressing violence against women in politics. It is interesting to note that the majority of the respondents put the primary responsibility for resolving electoral violence against women squarely on three key actors: the political parties, the Election Commission and the state. They identified the family, police and female politicians themselves as having secondary responsibility. The percentage support for each category of actors was consistent among all respondents, both male and female, and across all political parties.

Figure 35. Who is responsible for addressing violence against women in politics?

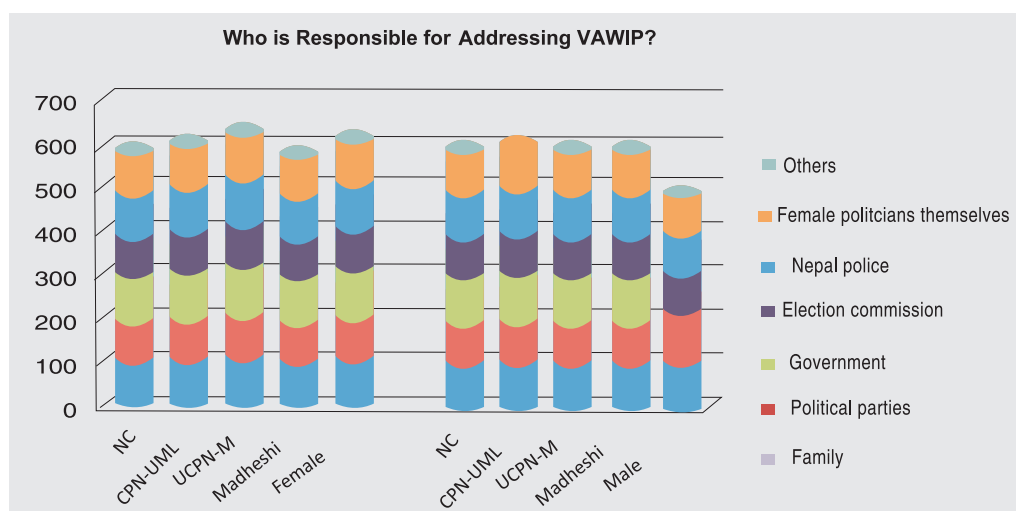


Table 34. Who is responsible for addressing violence against women in politics? (%)

Female respondents	Family	Political parties	Government	Election Commission	Nepal Police	Female politicians themselves	Others	Total N
NC	93.8	100.0	100.0	100.0	93.8	87.5	12.5	16
CPN-UML	100.0	100.0	100.0	100.0	100.0	100.0	12.6	16
UCPN-M	100.0	100.0	100.0	100.0	100.0	100.0	25.0	16
Madheshi	100.0	100.0	100.0	100.0	87.5	87.5	6.3	16
Female total	98.4	100.0	100.0	100.0	95.3	93.8	14.1	64
Male respondents								
NC	100.0	100.0	100.0	100.0	87.5	100.0	6.3	16
CPN-UML	100.0	100.0	100.0	100.0	100.0	100.0		16
UCPN-M	100.0	100.0	100.0	100.0	87.5	93.8	6.3	16
Madheshi	100.0	100.0	100.0	93.8	93.8	93.8	12.5	16
Male Total	100.0	100.0	100.0	98.4	92.2	96.9	6.2	64

<sup>4</sup> In-depth interview with Election Commission of Nepal officials, January 2014

## Chapter 11

### Emerging issues

#### The call to ‘do away with PR’

In the wake of the 2013 election, many unsatisfied political and non-political actors, particularly men, raised questions about the integrity of the PR list electoral system. Accusations were made of manipulation and corruption of the system by senior political leaders. Many perceived the final PR selection as rewarding those who were close or loyal to the influential political leaders. Cadres of the UCPN-M vandalised their own party office to express their resentment and dissatisfaction after their candidate did not appear in the final PR list of candidates submitted to the Election Commission of Nepal on 30 December 2013.<sup>1</sup> As a result, many political actors advocated for doing away with the PR electoral system.

However, the PR list was largely responsible for increasing the representation of women in the CA in 2008 and 2013. Proportional systems tend to result in the election of more women, primarily by eliminating the disincentive inherent in FPTP systems of needing to present a single ‘most acceptable’ candidate<sup>2</sup>. Hence, doing away with the PR list would bring the country back to the pre-conflict situation in terms of gender and social inclusion. Pundits of electoral reform think that it is not the system that is at fault, but how the system is being implemented in Nepal. They suggest not ‘throwing the baby out with the bath water’, but creating conditions to check any perversion of the system<sup>3</sup>.

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<sup>1</sup> For December 2013 timeline, see: South Asian Terrorism Portal; Institute for Conflict Management (nd) *Nepal timeline 2013*. Available at: [www.satp.org/satporgtp/countries/nepal/timeline/index.html](http://www.satp.org/satporgtp/countries/nepal/timeline/index.html) (accessed 13 June 2014)

<sup>2</sup> ACE Practitioners Network: <http://aceproject.org/about-en/practitioners2019-network>

<sup>3</sup> In-depth interview with electoral experts, December 2013

Being elected to the legislature does not necessarily mean being given substantive decision-making power. Some electoral observers think that female legislators in Nepal, particularly those elected through reserved or special seats, are marginalised from real decision-making<sup>4</sup>. Yet, in many other countries, women have used the position afforded to them by quotas to make significant contributions to policy making and have influenced 'traditional' decision making.

### **Women politicians vanishing after they lose**

A career in politics is a tough choice for women in Nepal. Many women in politics, particularly those coming from lower socioeconomic contexts, find it difficult to sustain their political career. Without resources it is tough to break into and sustain a career in politics. When women lose, they not only lose the election, but also whatever resources they might have put into their campaign and their means of livelihood. Some are left heavily indebted. As a result, many female political leaders, unsure of their political career, step off the political path in search of a safer job – far more often than men.

Due to the long absence of local government (local elections have not been held since 1997<sup>5</sup>) women in politics are lacking much needed election experience. This has created a huge gap between the skills of female politicians and the need of national level politics.<sup>6</sup> Women are forced to compete in national elections without the experience of moving up from local elections and are, therefore, often at the losing end.

What happens to the women political leaders who vanish from the political scene after losing the election is a serious issue. While the issue looks simple, it can have far-reaching implications. Although the most direct implications are for the woman herself, it can have a discouraging impact on other women aspiring to a career in politics. Seeing other women lose and then vanish is likely to make the choice tougher for young aspiring female politicians, as such examples can increase the resistance of their families to their political aspirations.

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<sup>4</sup> Participants of the focus group discussion, January 2014, were concerned that male political leaders are marginalising women politicians elected through PR, as they regard them as unelectable on their own, which is one of the reasons why they are not involving them in key decisions or responsibilities.

<sup>5</sup> Tiwari, A (2011) 'All politics is local.' *Nepali Times*, 1 July 2011. Available at: <http://nepalitimes.com/news.php?id=18331> (accessed 4 December 2014)

<sup>6</sup> Participants of the focus group discussion, January 2014.

The political parties in Nepal do not seem to be doing much about integrating such women into the rank and file of the party. In fact, use of the 10% flexibility in the PR list selection against women candidates is likely to increase women's silent departure from politics. Sadly, it is not only a loss for the concerned women candidate, but also for the party and the nation. Girls and women yearn to see people like them in office. Furthermore, under representation of any group can make the government and its actions less legitimate in the public eye.<sup>7</sup>

## Misogyny

Misogyny and patriarchy go hand-in-hand and are evident everywhere in Nepal, including in politics. The need for reservations for women in politics is an issue that is generally described with subtle misogynistic sarcasm. Men often imply that women are inferior and unelectable and, hence, need the reservation system. There is also an artificial debate taking place on merit, equality and reservation. In fact, reservation is needed because of the long-standing patriarchal culture, which is deeply embedded in all institutions in Nepali society, and which bars women, even qualified ones, from powerful positions.

Women in politics in Nepal have long put up with overt and covert misogynistic remarks, behaviour and systems. However, people do not appear to be keen to discuss the inherent misogyny in politics and its impact on gender politics. In Nepali culture, women are taught to be meek, reticent and docile. Women who are brave enough to call a man out on a sexist remark are sometimes punished in other ways. And, for this reason, most women try to ignore the insults and just get on with their work<sup>8</sup>.

Misogyny is one of the subtle, but persistent, problems in Nepali politics and seems to be well outside the mainstream interest. However, in the wake of the 2013 election, it suddenly came out in the open, instigated by a few newspaper articles. The pieces insinuated that women members nominated for the CA through the PR system are merely 'bed-warmers', 'mistresses', 'wives', and 'lovers'<sup>9</sup>. The use of such phrases to describe female politicians and, more importantly, the generalisation that all women

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<sup>7</sup> FiNFO (2014) *Gender equality in Finland means choice and quality*. Valtioneuvosto, Finland: Ministry of Foreign Affairs, Department for Communications and Culture. Available at: [http://view.24mags.com/public\\_files/documents/formin/d61a7e6f5f9a6d3b9be06408328c3ece/document.pdf](http://view.24mags.com/public_files/documents/formin/d61a7e6f5f9a6d3b9be06408328c3ece/document.pdf) (accessed 4 December 2014)

<sup>8</sup> Mitchell, S (2012) *Gillard's words changed politics forever* [online], 10 October 2012. Available at: <http://www.crikey.com.au/2012/10/10/susan-mitchell-gillards-words-changed-politics-forever/> (accessed 19 June 2013)

<sup>9</sup> Khadka, S (2014) 'Of misogynist and bed-warmers.' *The Kathmandu Post*, 21 January 2014. Available at: <http://www.ekantipur.com/2014/01/21/oped/of-misogynists-and-bed-warmers/384235.html>

selected under PR fall into one of these categories showed utter disrespect for women in politics. It is also a reflection of the mainstream status quo psyche, even among supposedly educated journalists. The media portrayal of women as passive sex objects while men do the 'real jobs' and 'run the world' is a major influence on the formation of public attitudes and stereotypes.

Unlike Julia Gillard, the former Australian prime minister, who made the issue of misogyny resonate around the world<sup>10</sup>, the Nepali CA women tend to kept quiet about the remarks made about them. Maintaining silence over discriminatory treatment in order not to attract unnecessary attention (and social stigma) can condemn others to experience the same treatment. Silence about sexism is unlikely to encourage other women to take up politics as a career. For many younger women whose voices need to be nurtured and encouraged within the democratic processes, this may drive them out even before they embark on a political career.

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<sup>10</sup> Mitchell, S (2012) *Gillard's words changed politics forever*.

## **Part III**

### **Breaking the barriers and contesting patriarchy**



## Chapter 12

### Conclusion and recommendations

The findings of this survey clearly indicate that there is a strong barrier to women's participation in politics in Nepal that women seem unable to break. This political barrier is multifaceted and multidimensional in nature and undermines the ability of women in politics in Nepal to reach their full potential. The right of women to participate in politics is being encroached upon from many directions, and the remedies proposed are either incomplete or interpreted otherwise by the 'duty bearers'. In this vicious cycle, "women are marginalised in politics and institutions because of patriarchal biases, and discrimination against them continues because of failures at the policy level influenced by the 'business-as-usual' attitude of the senior decision makers, both political and institutional".<sup>1</sup> Breaking this complex barrier and the cycle of marginalisation and discrimination against women requires concerted effort from all sides and sectors. The recommendations contained in this chapter attempt to address the key gaps and issues outlined in this publication with realistic and doable actions. However, recommendations addressing the issue of 'patriarchy' itself, which is at the heart of all other issues, have not been included because much has been researched and written on this already.

#### **Mandatory proportional representation of women**

It is believed that if the proportional representation of women is made mandatory at all levels of politics (local, provincial and national) through clear legal provisions with no room for misinterpretation gender equality in politics (at least in terms of the number of women) will not be an issue after three to four elections. The mandatory proportional representation of women will ensure at least the minimum representation of women, while creating a strong systemic foundation for gender equality in politics and, more broadly, in society.

**Recommendation 1: Provide a clear legal framework for the mandatory proportional representation of women at all levels of politics by amending the gender-related provisions of the Interim Constitution 2007 to be clear and specific**

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<sup>1</sup> Malla-Dhakal, R (2013) 'Voting power.' *The Kathmandu Post*, 7 March 2013.

**and other legislation (the Party Registration Act, Election Act and Local Election Act) to ensure gender equality and proportional representation. Such provisions must be included in the new constitution as an interim measure towards equal representation in due course of time.**

- **Interim Constitution:** Concerned government agencies, in consultation with civil society organisations and female politicians, should amend the gender-related provisions of the Interim Constitution of Nepal 2007 to read 33% 'mandatory representation' instead of 33% 'candidacy' (through both FPTP and PR quotas). The wording must be clear and specific with no room for interpretation by the political parties and the state. This provision must be included in the new constitution as an interim measure towards equal representation in the due course of time.
- **Mandatory 33% female candidacy:** Concerned government agencies should enforce strict quotas for female candidacy (in the interim) and representation (after the amendment), which must be fulfilled by political parties. The Interim Constitution of Nepal 2007 requires 33% of all candidates to be women. It also requires at least one-third of each of the party's candidates (in the FPTP and PR lists taken together) to be women. The one-third clause should also be applicable to the nomination of women for the 26 seats set aside for direct nomination.
- **Party Registration Act:** The Party Registration Act should be reviewed and amended to include a provision requiring political parties to include members from marginalised and oppressed group, including women, with clear mandatory minimum quotas for such groups, before registering as a political party. The Election Commission should strictly implement Article 182 of the Party Registration Act, which clearly states that parties seen to be discriminating against women and other groups should not be registered.
- **Election Act:** The Election Act should be reviewed and amended to translate the provision of the Interim Constitution requiring 33% representation of women into a mandatory and binding minimum quota to ensure the proportional representation of women in elected bodies. The provision of 10% flexibility in the selection of a winning candidate under the PR list should be abolished immediately.
- **Local Election Act:** The Local Election Act should be reviewed and amended immediately to include a clear provision for the mandatory proportional representation of women (50%).

**Recommendation 2: The Election Commission should ensure electoral quality and integrity by reforming the PR system, improving the equality of the electoral system, introducing a voter threshold for parties, and laying a systemic foundation**

**for the equal representation of women.**

- **Reform the List PR electoral system:** The Election Commission should make mandatory provision for political parties to submit a ranked list of candidates from which the winning candidates will be selected from the top. Moreover, the list should not be a closed list, so that voters know who is likely to get elected if they vote for a particular party.
- **Improve the quality of the electoral system:** The Election Commission should work closely with the political parties to improve the overall quality of the electoral system. Political parties should comply with the electoral laws, directives and Code of Conduct of the Election Commission of Nepal.
- **Introduce a vote threshold:** The Election Commission should push to introduce a 1–2% threshold of votes for political parties to secure a seat in the legislature through the PR list. This will indirectly help develop a critical mass of women within political parties and in the legislature.
- **Lay a systemic foundation for equal representation:** In order to lay a real foundation for the equal representation of women in politics, the Election Commission and Government of Nepal should provide unambiguous legal guidance as to how to integrate the provision for positive discrimination (quota) in the Interim Constitution (an interim measure) and for representation proportionate to the population (in the long run) in all elected and non-elected agencies of the state.

### **Gender sensitive political parties**

**Recommendation 3: Political parties should commit to gender equality by formulating internal gender policies, implementing the mandatory proportional representation of women at all levels of political organisation, and giving women leadership roles within the political parties.**

- **Formulate and implement a gender policy:** The political parties should formulate and implement their own gender policies and ensure the proportional representation of women in their central committee; in leadership roles within the party (at the district and national levels); in candidate selection; and in decision-making committees to ensure that gender concerns are included in all policies of the party as a crosscutting issue.
- **Implement mandatory proportional representation:** The political parties should ensure that all political leaders are gender sensitive and that the organisation of political parties from the local to national level implements the mandatory proportional representation of women.

- **Groom women for leadership:** The political parties should formulate a time-bound action plan for the capacity development of women in politics, particularly in areas that are not considered ‘women’s turf’, such as fundraising, message development, media relations, and communicating with voters, and promote women in campaign leadership positions.

### Creating a positive image of women in politics

**Recommendation 4: The Election Commission of Nepal, civil society, the political parties, the media and women should join forces to empower women by addressing discrimination in the media, lobbying for change to the patriarchal mindset, supporting established female politicians, creating a positive image for women in politics, and ensuring women’s visibility in election campaigns.**

- **Address discrimination by the media:** The Election Commission of Nepal, political parties and the government should attempt to address the discriminatory nature of the media’s portrayal of female political candidates to remove barriers to women’s full participation in the democratic process.
- **Consolidate efforts to lobby for change to the patriarchal mindset:** Civil society actors and women in politics must consolidate their efforts to effectively lobby and advocate for change to the patriarchal mindset of the people, parties, media and state to convince men and women that women’s participation in politics is vital. Without the efforts of civil society, the media and female politicians, the state alone cannot create an environment conducive to increasing women’s participation in democracy.
- **Support established female politicians:** Civil society actors should support established female politicians to be agents of change to reduce inequality, promote women’s access to politics and the government, and to create an enabling environment for women aspiring to a career in politics.
- **Initiate joint action to create a positive image of women in politics and reduce violence:** Gender issues should be owned by all women in politics so that they have a common goal. Joint action should be initiated with friends among the media, civil society, academicians and human rights activists to create a positive image of female politician and to reduce violence in politics.
- **Ensure women’s visibility in election campaigns:** Parties should proactively ensure women’s visibility in election campaigns by providing additional support and media exposure.

**Recommendation 5: The political parties should create a supportive electoral environment for women in politics by adopting internal party quotas and supporting women candidates with campaign logistics and financial support.**

- **Adopt internal party quotas:** Political parties should adopt their own internal quotas for women as legislative candidates and ensure that the pre-selected seats (FPTP and PR) meet or exceed the mandatory provisions contained in electoral laws and policies. This is the most common mechanism used to promote the participation of women in political life and has been used with varying degrees of success all over the world
- **Support women candidates' campaigns:** Political parties should support their women candidates with campaigning logistics, as well as financial support, without any discrimination (in accordance with the party's gender policy).

**Recommendation 6: The Election Commission of Nepal should create a supportive electoral environment for women in politics by ensuring that the electoral system is not distorted, ensuring that the electoral infrastructure and processes are gender sensitive, and simplifying candidacy filing procedures.**

- **Do not allow electoral system distortion:** The Election Commission should not allow distortion of the electoral system by political parties that affects women's political representation (i.e., it should not allow selection flexibility in relation to the PR list and it should ensure a minimum percentage of female nominations for direct election).
- **Ensure that electoral infrastructure and processes are gender sensitive:** The Election Commission should ensure that the electoral infrastructure and processes are gender sensitive to ensure female and male political candidates are given the same level of facilities and that women are not discriminated against.
- **Simplify candidacy filing procedures:** The Commission should simplify the candidacy filing procedures and tools (forms) to ensure women candidates are not disqualified due to technical errors (as in 2013 election).

### **Creating a safe space for women in politics**

**Recommendation 7: The political parties should create a safe space for women in politics by implementing a policy of zero tolerance of misogyny and gender-based violence, punishing the perpetrators, and encouraging women to report such incidents.**

- **Implement a policy of zero tolerance regarding misogyny and sexism:** The political parties should develop and implement a policy of zero tolerance regarding misogyny and sexism to ensure the safety of women in politics and create an environment to enable them to participate.
- **Punish perpetrators of violence:** The political parties should develop and implement a policy of zero tolerance of violence against women in politics within the party and make provision for the strict punishment of perpetrators.

- **Encourage women to report incidents of misogyny and gender-based violence:** Although entrenched attitudes will not change overnight, pioneer political women must continue the fight against misogyny. Women in politics should not shy away from admitting they have been the victims of violence (physical or psychological) or misogyny.

**Recommendation 8: The Election Commission should work to reduce violence against women in politics by bringing psychological violence within the purview of the electoral justice mechanism, punishing the perpetrators of violence against women in politics, and collecting election observation data on women in politics.**

- **Implement the Gender and Inclusion Policy of the Election Commission:** The Election Commission should implement its Gender and Inclusion Policy by forming a Gender and Inclusion Coordination Committee, recruiting at least 33% women in key leadership positions within the Election Commission, and aiming to recruit 50% female election officials (returning and polling officers) and assistants during the election.
- **Bring psychological violence within the purview of the electoral justice mechanism:** The Election Commission should bring invisible and psychological violence, in addition to the visible and physical violence, within the purview of the electoral justice mechanism.
- **Punish perpetrators of violence:** The Election Commission should be able to nullify any seat won by a politician found guilty of violence against a female politician. The Commission should also recommend to the concerned political parties that the membership of such a person be revoked.
- **Encourage targeted election observation:** The Election Commission should encourage targeted election observation on women in politics and collect gender disaggregated data.

**Recommendation 9: The government should enact legislation to make psychological violence a crime.**

- **Make psychological violence a punishable crime:** The government should redefine invisible and psychological violence as a punishable crime and bring it within the purview of the criminal law to address the shifting trend of violence against women in politics from physical to psychological.

**Recommendation 10: The Nepal Police should be mobilised to raise awareness about violence against women in politics.**

- **Raise awareness about violence against women in politics:** Nepal Police should mobilise its community policing division to raise awareness among the

community about violence against women in politics, in general, and invisible (including psychological) violence, in particular, to prevent and mitigate violence against women in politics (this should be an ongoing process). The Nepal Police should partner with local civil society organisations and popular community leaders (men and women) where appropriate.

**Recommendation 11: Women should unite to act against violence against women in politics by involving the Inter-Party Women's Alliance, youth leaders, and female politicians.**

- **Inter-Party Women's Alliance:** Members of the Inter-Party Women's Alliance should be supported to act independently of their mother party on common women's agenda. The Inter-Party Women's Alliance should partner with the Election Commission, civil society organisations and the media to begin a continuous messaging campaign with creatively tailored messages on violence against women in politics, including about threats that undermine women's participation in politics (e.g., popular public figures can be used to create greater impact; consider using male role models strategically, as when men talk other men listen).
- **Youth leaders: Involve female youth leaders in the campaign design, training and implementation to ensure that it is gender sensitive.** The gender sensitivity of male youth leaders and the youth arm of political parties should be enhanced before implementation of the campaign as they are the ones who are most often used by political actors during elections.
- **Female politicians:** Female politicians should unite to create a safe space within the party and in governance, by networking among themselves and with others. Only by constantly raising their voices against violence against women in politics can women achieve safe and secure participation in politics.

**Electoral management that rectifies gaps and procedural issues**

**Recommendation 12: The Election Commission of Nepal should receive capacity building to enable it to implement its Gender and Inclusion Policy including by putting in place appropriate structures for implementing the policy (e.g., formation of a Gender and Inclusion Coordination Committee), reviewing voter education materials to reflect the role of the Commission in preventing violence against women in politics and to promote free and fair elections, reviewing its preparatory training for election managers and actors to ensure that it is gender sensitive, and planning the field management of elections, which should include a plan for coordinating and recording violence against women in politics.**

- **Put in place appropriate structures:** The Election Commission of Nepal should put appropriate structures (although lean) in place for the effective implementation of its Gender and Inclusion policy at the national, regional and local levels.



- **Update voter education materials:** The Election Commission's voter education materials should include information and facts on violence against women in politics. Voter education materials should also strive to educate the community about their role in preventing violence against women in politics and promoting free and fair elections in which women have equal opportunity.
- **Review training:** The Election Commission should review its preparatory training for election managers and actors. The training must cover impartial conduct and violence against women in politics, including sensitisation on psychological violence. It should also include what to do if you witness physical and psychological violence against a female politician.
- **Plan the field management of elections:** The Election Commission should have a joint workshop of electoral managers, electoral security and electoral justice officials to plan the field management of elections, which should include a plan for coordinating and recording violence against women in politics (physical and psychological) when witnessed. This will ensure their ownership of the plan and smooth implementation.

**Recommendation 13: The Nepal Police should receive capacity building to enable it to create a safe and secure environment for women in politics including by fielding female officers to all polling stations; providing all police officers with gender sensitive training with a special focus on recording, investigating and prosecuting violence against women in politics; ensuring that its electoral security management and response plan contains a sub-plan for violence against women in politics; and forming local community networks to monitor and report on violence against women in politics.**

- **Conduct gender sensitive training:** The Nepal Police should ensure that all police officers, male and female, receive gender sensitive training and understand the threats (physical and psychological) that undermine female politicians' full participation in politics and the electoral process.
- **Record, investigate and prosecute violence against women in politics:** Build the capacity of the Nepal Police to deal with violence against women in politics. Special focus should be given to improving skills on recording, investigating and prosecuting psychological violence.
- **Formulate a sub-plan for violence against women in politics:** As part of its comprehensive electoral security management and response plan, the Nepal Police should make a sub-plan for violence against women in politics that includes psychological violence.
- **Recruit female police officers:** The Nepal Police should recruit and field female police officers to all polling centres for electoral security. These female officers can be assisted by temporary female police officers.



- **Form local community networks:** The Nepal Police should form local networks with community-based organisations, community leaders, and other security actors and agencies to monitor and report on violence against women in politics. Technologies like social media and mobile phone text messaging (SMS) can be used to report violence.

## Electoral dispute resolution

**Recommendation 14: The Election Commission of Nepal should make electoral justice accessible to women in politics by institutionalising electoral dispute resolution (including the establishment of an Electoral Complaint Commission); establishing a simple electoral dispute resolution procedure with a timeframe for the delivery of justice; raising awareness about electoral justice mechanisms; establishing a mechanism to record incidences of violence against women in politics; and facilitating the formation of a working group of national and international long-term observers to monitor and report on violence against women in politics.**

- **Institutionalise electoral dispute resolution:** The Election Commission should improve and institutionalise electoral dispute resolution and establish an Electoral Complaint Commission to support the effective implementation of electoral dispute resolution.
- **Establish a simple electoral dispute resolution procedure within a set timeframe:** The Election Commission should put in place a simple and quick electoral dispute resolution complaint process to encourage victims to use the complaint mechanism. Electoral justice should be delivered within a reasonable timeframe so that the victims maintain faith in the system.
- **Raise awareness about the electoral justice mechanism:** The Election Commission should make a conscious effort to raise the awareness of all politicians, particularly women in politics, of the electoral justice mechanism and how it works
- **Record incidents of violence:** The Election Commission should establish a mechanism to record incidents of violence against women in politics (physical and psychological) at the district level at each polling centre and in the surrounding areas, in person or through the use of technology (email, social media, SMS).
- **Monitor and report on violence:** The Election Commission should encourage the formation of a working group of national and international long-term observers to monitor and report on violence against women in politics to the security agencies (e.g., Nepal Police) and Election Commission or through an electoral justice mechanism, as appropriate.

## Mentoring and support for women in politics

**Recommendation 15: Women in politics should establish a mentoring mechanism to train, mentor and support women to stay in politics.**

- **Establish a mentoring mechanism:** Women in politics need to work together to establish a mentoring mechanism to train, mentor and support the next generation of women politicians.
- **Support women to stay in politics:** The younger women in politics, new entrants and women who lose elections should be given advice, encouragement and support to stay in politics.
- **Encourage support from spouses:** The spouses of women in politics should consider the role they can play in supporting their wives' political careers, including by lending a hand with household chores and in the running of the household.

**Recommendation 16: The political parties should set a retirement age for politicians and limit the term for key positions in political parties to allow new talent, including women, to move up to leadership positions.**

- **Set a retirement age for politicians:** Setting a retirement age for politicians will create opportunities for new female politicians in the political parties and elevate existing female politicians to higher positions in the political parties.
- **Provide a limited term for key positions in political parties:** Providing a limited term for key positions in political parties and the government will allow new talent to move up to leadership positions. Female politicians will never be able to move up the power ladder (break the barriers) unless the power seats are vacated within the party, the legislature and the government.

The aim of this study is not to spark a 'gender war' within the political industry, rather it wishes to see as many women as men in the legislature parliament in Nepal to reflect the fact that over 50% of the voting population are women.

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Nepal Police website: [www.nepalpolice.gov.np](http://www.nepalpolice.gov.np)

UCPN-M: <http://ucpnmaoist.org/Pages.aspx?page=activities#>

Renaissance Society Nepal: [http://renaissance.org.np/images/downloads/1369762348womens\\_political\\_participation\\_survey\\_report.pdf](http://renaissance.org.np/images/downloads/1369762348womens_political_participation_survey_report.pdf)

## Annex 1

### Terms of reference

**Terms of reference: A study of gender gaps and gender-based violence, CA Election 2013**

#### Background

Electoral processes are instrumental in ensuring inclusive governance to create a just and participatory democracy. The study of past election observation reports indicates that gender, an important components of election monitoring, is being missing or overlooked. The purpose of introducing a gender approach in election observation is to identify any inequalities and discrimination experienced by women during the electoral process that could represent an obstacle to their full political participation in politics as well as progress towards political leadership. Addressing the gender dimension of election monitoring will add value to the whole political process and have wider implications for the political participation of women in Nepali society.

The General Election Observation Committee, Nepal (GEOC), an alliance of 10 non-governmental organisations, is undertaking the study of **Gender gaps and gender-based violence during the CA election 2013**. The study will be conducted in collaboration with and with the financial support of International IDEA.

An independent survey of selected political leaders, female and male, and voters will be commissioned which will be complemented by in-depth interviews of key informants (Election Commission of Nepal, security personnel, Nepal Women's Commission (NWC) and civil society organisations). The study will also draw from GEOC's election observation in 55 districts of Nepal, which aimed to monitor the 2013 CA election with a gender eye and involved the monitoring of election management including security, electoral dispute resolution/judicial and other support processes, as well as gender based electoral violence, during the whole electoral cycle – pre, during and post-election period.

## Objectives of the study

The main objective of the study is to produce policy recommendations related to gender gaps and barriers that hinder women in politics from realizing their full potential.

The specific objectives are:

- To gather election information from a gender perspective with a special emphasis on gender related electoral violence through the election observers mobilised by the GEOC
- To conduct a survey of political leaders, voters and key informants by an independent team of researchers
- To produce a report on the gender gaps and gender-based violence based during the CA election 2013

## Scope of work

- Desk review of related studies, reports and observation reports
- Analysis of legal gaps and political barriers
- Analysis of electoral processes and security measures
- Survey of political leaders (female and male)
- In-depth interviews with the key-informants
- Media monitoring
- Data analysis and management
- Report compilation

## Responsibilities

- The team leader will be responsible for providing technical supervision and overall leadership to the study including deliverables contingent to Nepal Law Society (NLS), the secretariat of GEOC, facilitating the research team with all management support and assistance as required.
- The NLS will support the research team leader with a team of professionals with gender, media and legal backgrounds and a quantitative data analyst/ researcher and research assistants. The team of professionals will conduct the survey interviews with high-level political leaders, while the research assistants will conduct the voters' survey and the key informants interviews in the field outside the Kathmandu valley.
- The NLS will also support the team leader with administrative and operational matters as required.

- The information gathered from this assignment will be shared and documented at the Election Commission and also be used for International IDEA's ongoing efforts to map and monitor election-related violence in support of the Election Commission of Nepal.

### **Timing and work plan**

The project will start from 11 November and end by December 2013, covering pre-election, during and post-election activities. Any modifications to the timeline are to be made effective only after approval from the Head of Mission, International IDEA.

### **Deliverables and reporting mechanisms**

- The project has the following deliverables:
- Study schedule
- Questionnaires/interviews
- Tabulated data
- Study report
- Any materials produced in the process

The project is channelling information to the Electoral Risk Management Tool (ERM Tool) team located at the Election Commission of Nepal twice a week or, in case of incidents, immediately.

## Annex 2: Study schedule

Study schedule																												
Activity					Timeline																							
Desk review	Nov 2013				Dec 2013				Jan 2014				Feb 2014				Mar 2014				April 2014				May 2014			
	1	2	3	4	1	2	3	4	1	2	3	4	1	2	3	4	1	2	3	4								
Review/analyse																												
Electoral violence assessment report																												
Past gender reports related to election and politics																												
Interim Constitution, Election Ordinances (2008 & 2013), gender-based violence laws/regulations, etc.																												
Electoral policies – Code of Conduct, gender policy, etc.																												
Electoral procedures and processes; human resources – male/female, awareness and training																												
Political framework (4 parties)—gender policies (if any), female representation on CC, election manifesto (gender perspective) of 2008 and 2013																												
Media monitoring (print media) – gender sensitive reporting, coverage of women candidates compared to men, gender-related election issues, gender-based violence, etc.																												
GEOC's election observation Gender data and reports																												
Election violence info from 55 districts																												
Quantitative survey																												
Questionnaire designed																												
Pre-test and finalisation																												
Interview of political leaders (women 64, men 64)																												
Survey data analysis																												
Qualitative (key informants)																												
5 sets of guiding questions developed																												
Questions translated and finalised																												
Voters' survey (20 each from 5 districts)																												
Election Commission (commissioners and administrative staff)																												
Security (Nepal Police Headquarters)																												
Nepal Police – heads of DPO and Electoral officials from 5 districts)																												
Interaction with Women's Commission and selected NGO leaders)																												
Analysis - 5 key informant information																												
Report writing																												
Report outline																												
Preliminary drat																												
Final draft																												
Final report																												

### Annex 3

## Survey questionnaire for political candidates

Survey Questionnaire for all Political Candidate Respondents  
(Same questionnaire was adapted for female and male respondents)

Name of candidate (optional) \_\_\_\_\_

Age of candidate–      25–35 ☐      36–45 ☐      46–55 ☐      56–65 ☐      above 65 ☐

Marital status–      Unmarried ☐      Married ☐      Divorced ☐      Single woman ☐      Separated ☐

Political party–      Nepali Congress ☐      CPN-UML ☐      UCPN-M ☐

Madhesi party (specify which) ☐      Independent ☐      Others ...

District: .....

Election result:      1. Won      2. Lost

## Representation

### 1. Details

1	Position in politics	Central Committee District Committee Other...
2	Education	Illiterate Generally literate Primary level Secondary or higher secondary level Graduate level Masters' level
3	Background	Political family background Student politics Non-political background (specify) Don't know
4	Ethnicity	Dalit Janajati Brahmin Chettri Madhesi Other (specify)
5	Involvement in politics	Less than a year 1–5 years 5–10 years 10–20 years More than 20 years
6	Is or was your husband/father/mother or other relative involved in politics?	Yes No
7	If yes, which political party and for how long are/were they involved	.....



## 2. Decision within political party

1	How are decisions made in the party?	Through formal discussion Formal decision through informal discussion Through discussion among some top leaders Other
2	How do you get to learn about party decisions? (More than one answer)	Participation in decision-making Participation at the meeting Through telephone/email/media Through cadres Other

## 3. Women in political party

### 3.1 Numbers

1.	How many women are there in the following committees?	Central committee .....
2.	How many women are there in your party in percentage?	Percentage .....

### 3.2 Is there a women-friendly environment within your political party?

1	Gender sensitivity in conversations	Yes No Sometimes Most of the time
2	Discrimination against women in decisive positions	Yes Little bit Extensively, yes No
3	Women's participation in decision-making	Sometimes Most of the time Not always Always
4	Does your party have a gender policy?	Written policy Verbal understanding No
5	If yes, is it implemented?	Yes Verbal understanding No
6	Are male political colleagues gender sensitive?	Some are sensitive Most are sensitive All are sensitive They are not sensitive

## 4. Women's access to politics

1	Did your party fulfil the 33% quota for women when nominating candidates for election?	Yes No
2	Under FPTP	Less than 10% 10–20% 20-30 percent 33 percent
3	Under PR	Less than 10 percent 10-20 percent 20-30 percent 33 percent
4	What should your party do to ensure 33% representation of women?	1..... 2..... 3.....

## 5. Satisfaction over the process of nomination of women

1	Satisfaction over the process of nomination	Much dissatisfied Somewhat dissatisfied Satisfied Can't say
2	Satisfaction over the selection of women	Much dissatisfied Somewhat dissatisfied Satisfied Can't say

## 6. Electoral support environment

1	Cooperation from family (more than one answer)	Pressured to withdraw No cooperation in campaigning Provided moral support Provided understanding and support in all election processes Can't say
2	Cooperation from political party? (more than one answer)	Had to fight for candidacy Not treated on par with male candidates Fielded against powerful male adversary (anticipating a loss?) Much support in election campaigning Support in all election activities
3	What sort of support in campaigning from political party? (more than one answer)	Financial Material Other .....
4	Cooperation from media (more than one answer)	Female politicians' news not published Only negative news published Little bit of cooperation Full support to maintain positive image My good news was published Can't say Other.....
5	Cooperation from voters and community (more than one answer)	No respectful behaviour toward women Not on par with male candidates Supported in campaign Supported and exhibited exemplary behaviour during all election processes Can't say Other.....
6	Cooperation from I/NGOs and civil society (more than one answer)	Tried to help with my security and my representation Made continuous efforts to help for equal representation and public advocacy Did not support in providing security Gave no importance to my candidacy Can't say Other.....

## 7. Financial support

1	Support from family	Little support No financial support More than expected Abundant support Can't say
2	Support from political party	Less than male candidates No support As much as male candidates As much as I asked for Can't say
3	Support from others	Individual contribution I/NGO contribution Corporate contribution Community contribution None

## 8. Gender sensitivity in election processes

1	Candidate registration (more than one answer)	Not easy As simple as for men Priority for women Others
2	Voters' registration process was gender sensitive (more than one answer)	No priority for women Not as easy as for men No women staff Separate queue for women Other
3	Women's access to polling centres? (more than one answer)	Polling centre was in an unsafe location Polling centre was geographically far and difficult to reach No problem Good and easy Other.....
4	Election process was simple and gender sensitive (more than one answer)	Separate queue for women As easy as for male candidates Not as easy as for male candidates There was no toilet for women Other.....
5	Security arrangements for election were gender sensitive (more than one answer)	Security was okay Few women security personnel No women security personnel Male security personnel provided good security for women Other.....

## 9. What kind of gender sensitive policies and procedures are required to ensure that the election process is inclusive and fair?

### Violence against Women in politics

## 10. Violence against women in politics (politics related)

1	Did you know about any women political leader subjected to violence?	Self experience Some have experienced Many have experienced
		Don't know
2	If yes, who was the perpetrator? (more than one answer)	Male political colleague from own party Other competitor (male politician) Other men in society
		Female political colleague from own party Other competitor (female politician) Other female in society Family member
3	What kind of violence? (more than one answer)	Physical Sexual Psychological Fear, terror and intimidation Others (please specify)

## 11. Complaint mechanism

1	Is there a formal complaint system established in your party to deal with violence against women?	Yes Informal No
2	Has any complaint of violence against women been formally registered in your party?	Yes There were few No Don't know

3	Was there any resistance when registering a complaint of violence against women in your party? (more than one answer)	Resistance from family Resistance from society Resistance from political party Lack of financial resource was a barrier Complicated process of complaint registration was a barrier Institutional resistance
4	Does your party's code of ethics and manifesto mention ways to address violence against women in politics?	Yes No Don't know
5	If yes, then specify (more than one answer)	1..... 2..... 3.....

## 12. Violence against women in politics during election process

1	Did you face any violence in the course of the election process	Yes No Don't know
2	If yes, at what stage of the process	Pre- election period On the day of election Post- election period

## 13. If you did face violence, what sort of violence did you face? And who was the perpetrator?

Form of violence	Frequency	Perpetrator
Physical violence		Family member Male politician Male competitor Police and administration Other men in society Female candidate Female politician Other.....
Sexual violence		Family member Male politician Male competitor Police and administration Other men in society Female candidate Female politician Other.....
Psychological violence		Family member Male politician Male competitor Police and administration Other men in society Female candidate Female politician Other.....
Fear, terror and intimidation		Family member Male politician Male competitor Police and administration Other men in society Female candidate Female politician Other.....

#### 14. Formal complaint mechanism

1	Do you know about the formal system for registering complaints about violence against women in politics?	Yes Little bit No
2	Did you formally register a complaint about violence?	Yes No
3	Where did you register your complaint? (more than one answer)	Police office Local complaint booth Election Commission's office NGO or civil society organisation Other (please specify)
4	Why did you choose that place? (more than one answer)	..... ..... .....
5	Did you face any resistance while registering the complaint? (more than one answer)	From family From society Due to lack of financial source Due to complicated process of complaint registration Institutional resistance Political resistance

#### 15. Informal complaint mechanism

1	Did you make use of an informal, instead of formal, complaint mechanism?	Yes No
2	Which ones did you use? (more than one answer)	Support from media Arranged for personal security Informed a high-level political leader Support from family and society Networking with other women candidates Expanding network with civil society and human rights activists

#### 16. Election code of conduct

1	Was action taken against violators of election code?	Some Many All None
2	Does any point in the election code help in the reduction of violence against female politicians?	Yes Little No Don't know

#### 17. Based on your experience, rank the effectiveness of the Electoral Code of Conduct between 1 and 10. (1: least effective and 10: most effective)

Women-friendliness	1	2	3	4	5	6	7	8	9	10
Effectiveness of implementation	1	2	3	4	5	6	7	8	9	10
Gender sensitivity in election campaign materials	1	2	3	4	5	6	7	8	9	10

#### 18. Based on your experience, rank the effectiveness of the formal complaint system between 1 and 10. (1: least effective and 10: most effective)

Access of women (e.g., registration place is accessible)	1	2	3	4	5	6	7	8	9	10
Responsibility (e.g., behaviour of responsible official)	1	2	3	4	5	6	7	8	9	10
Personal security (e.g., security provided after registration)	1	2	3	4	5	6	7	8	9	10
Justice (e.g., action against culprit)	1	2	3	4	5	6	7	8	9	10

**19. Based on your experience, rank the effectiveness of informal complaint systems between 1 and 10. (1: least effective and 10: most effective)**

Support from media	1	2	3	4	5	6	7	8	9	10
Personal security	1	2	3	4	5	6	7	8	9	10
Informing high-level political party leaders	1	2	3	4	5	6	7	8	9	10
Support from family and society	1	2	3	4	5	6	7	8	9	10
Networking with other women candidates	1	2	3	4	5	6	7	8	9	10
Expanding network with civil society and human rights activists	1	2	3	4	5	6	7	8	9	10

**20. Which complaint mechanism is most effective in dealing with the violence against women in politics?**

1	Which process has been, or do you think will be, most effective in dealing with the violence?	Formal Informal
2	Who are responsible in your opinion for the resolution of violence against female politicians? (more than one answer)	Family Political party Government Election Commission Police Female politicians themselves Others, please specify
3	Was the overall election process, gender sensitive?	Yes Little bit No

**21. In order to reduce violence against female politicians, what sort of roles should the government, family, society, political party, Election Commission, human rights commission, civil society, and media, etc. play?**

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## Annex 4

### Survey questionnaire for voters

#### Questionnaire for Voters

Name of voter (optional) .....

Age of Vote : 25–35 ☐ 36–45 ☐ 46–55 ☐ 56–65 ☐ above 65 ☐

Marital status : Unmarried ☐ Married ☐ Divorced ☐ Single woman ☐ Separated ☐

District: .....

Gender: Female ☐ Male ☐ Third Gender ☐

Ethnicity of voter: .....

Whom did you choose in this election, male or female candidate?	Male Female Can't say
Did you decide beforehand about whom you would vote for?	Yes No
What was the basis for your decision (whom to vote)?	Political party the candidate belongs to Political involvement of candidate Campaign of candidate Contribution of the candidate to social development Personal acquaintance No reason
How would the presence of a prestigious woman candidate affect your decision?	No effect Little effect Some effect Much effect Can't day
Did you do anything to encourage the woman candidate?	Yes No (go to question 7)
If yes, what did you do?	Helped with their campaign Gave moral support Helped protect woman candidate from violence Notified the administration about violence against woman candidate Voted for woman candidate Other, please specify
Was the voters' registration process gender sensitive?	Yes No
How was woman's access to the polling centre?	Unsafe location Far away Geographically difficult location
Was the election security arrangement gender sensitive?	Yes No
How were the arrangements for the security of women candidates?	Very good Good Satisfactory Bad Don't know
Did women candidates receive as much security as men candidates?	Yes No
Do you know about violence against women in politics?	Yes No

Do you know any woman candidate who faced violence?	Yes No Can't say (go to question 15)
If yes, what happened?	Physical violence Sexual violence Psychological violence Fear, threat and intimidation Other, please specify
As a voter, did you face any violence?	Yes No (go to question 17) Can't say (go to question 17)
If yes, what happened and who was involved (family, male politician, male competitor, police and administration, other men from society, woman candidate and woman politician)?	Physical violence, by whom... Sexual violence, by whom... Psychological violence, by whom... Fear, threat and intimidation, by whom... Others, please specify, by whom....
Do you know if any other voter faced violence?	Yes No (go to question 19) Can't say (go to question 19)
If yes, what happened and who was involved (family, male politician, male competitor, police and administration, other men from society, woman candidate and woman politician)?	Physical violence, by whom... Sexual violence, by whom... Psychological violence, by whom.... Fear, threat and intimidation, by whom.... Other, please specify, by whom....
Who do you think is responsible for addressing violence against women in politics?	Family Political party Government Election Commission Police Women candidates Other, please specify
What is your opinion about the capacity of women in constitution making and administering the state?	Very good Good Okay Bad Don't know

What sort of gender policy and procedures are necessary to ensure that the election process is fair and inclusive?

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What are the major challenges faced by female politicians?

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What are your suggestions to increase the participation of women in the parliament and the government?

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## **Annex 5**

### **Guiding questions for key informant interviews**

#### **Guiding Questions for Key Informants**

##### **Election Commission**

1. What do you think of the second CA election from an overall gender perspective compared to 2008? Despite the same legal framework (minimum 33% nomination), what were the reasons for the better result in 2008? What are the reasons for the poor show this time?
2. What is your perception about the nomination of women candidates by parties? Which parties fared better in terms of nomination and outcome?
3. What do you think are the hurdles women in politics face during election? Why?
4. The Election Commission of Nepal formulated gender policy/directive? Were you able to implement them? How much was implemented? If parts were not implemented, why not and what were the barriers?
5. What was the male-female ratio of election officials at district and booth level? Was it by design or default? Are you satisfied with the ratio?
6. Compared to 2008 election, what is the state of gender-based violence in elections (pre, during and post)? What do you think are the reasons?
7. Was there any mechanism this time to record both physical and psychological violence? How many incidents were recorded?
8. What would be the recorded number of cases of gender-based violence during the election (physical and psychological)? How were such cases responded to? How many are pending a response and how will they be dealt with?
9. Which region/district is highest in terms of gender-based violence?
10. Is Electoral Dispute Resolution gender sensitive? How was the management? How could it be improved?

11. What do you think of the Election Code of Conduct for political parties? Was it gender sensitive? Please explain.
12. What is the extent of incidents reported relating to breach of the Code of Conduct that are related to, or likely to affect, women candidates? How many were filed by women? How can this be improved?

### **Security agencies**

1. What do you think of the overall gender sensitivity of this CA election from a security perspective compared to 2008? Please explain why?
2. What do you think are the security hurdles women in politics face during election? Do you think security is an issue as a barrier for them in their advancement? Why?
3. Does your organisation have a gender policy/directive? If yes, were you able to implement it in the election? How much was implemented? If parts were not implemented, why not and what were the barriers?
4. What was the male-female ratio of security officials at the district and booth level? Why enough women officers were not fielded? What were the hurdles? Was it an issue of availability of enough women officers; unwillingness to go to field for reproductive reasons; or lack of planning (by design or default)? Do you think we should have more women officers also? Why and why not?
5. Compared to the 2008 election, what do you think is the state of gender-based violence in the different phases (pre, during and post) of the 2013 election (based on your personal and professional experience)? What do you think are the reasons for this?
6. Was there any mechanism this time to record both physical and psychological violence? If yes, where (at booth or district or other level? How many incidents were recorded?
7. What would be the total recorded number of cases of gender-based violence during pre, during and post-election? How many were of physical violence and how many of psychological violence? How were these cases (both) responded to? Do we have enough legal instruments to respond to such cases?
8. Do you know of any women in politics and/or any women political cadres as perpetrators?
9. Which region/district is highest in terms of gender-based violence?
10. How would you rate overall security in terms of gender sensitive security in this election?
11. What are your suggestions for making future election security more gender sensitive?

## **Annex 6**

### **Guiding questions for focus group discussion**

#### **Guiding Questions for Focus Group Discussion**

1. What do you think of the second CA election from an overall gender perspective compared to 2008? Despite the same legal framework (minimum 33% nomination), what do you think are the reasons for the better result in 2008? What are the reasons for the poor show this time?
2. What is your perception of the nomination of women candidates by parties? What were the problems? How can it be improved?
3. What do you think are the hurdles Nepalese women in politics face generally and during election? How is the electoral support environment (family, society, party, institutions)? How can it be improved?
4. What do you think of voters' acceptance of women as national political leader? Is gender an issue for voters' in making their decision?
4. Do you think the Election Commission of Nepal and its election management was gender sensitive? What were the strengths and weaknesses of the 2013 CA election management? How can it be improved?
6. What do you think of the Electoral Code of Conduct for political parties? Was it gender sensitive? Was helpful in mitigating gender-based violence? Please explain.
7. What do you think of the gender sensitivity of security in the 2013 election? How can it be improved?
8. Compared to 2008 election, what do you think was the state of gender-based violence (physical and psychological) in 2013 election (pre, during and post)? What are the differences? What do you think are the reasons? Did you come across gender-based violence during the election? Who were the perpetrators (family, male/female political opponents, community, security, etc.)?

9. How were the cases of gender-based violence handled? Was there any mechanism this time to record both physical and psychological violence?
10. Is Electoral Dispute Resolution gender sensitive? How was the complaint management? How could it be improved?
11. What are the emerging issues relating to women in politics and their progress as a political force?

Any suggestions for making overall election gender sensitive?

## Annex 7

### List of respondents

Female respondents (FPTP candidates) by district				
SN	Name	Political party	District	Development region
1	Sita Devi Yadav	NC	Siraha	Eastern
2	Pramila Rai	NC	Udayapur	Eastern
3	Buddha Laxmi Lama	NC	Dhading	Central
4	Mina Pande	NC	Sarlahi	Central
5	Pramila Singh Dongol	NC	Kathmandu	Central
6	Kiran Yadav	NC	Mahottari	Central
7	Pushpa Bhusal	NC	Arghakhachi	Western
8	Sharada Paudel	NC	Kaski	Western
9	Bhagawati Chaudhary	CPN-UML	Sunsari	Eastern
10	Manju Chaudhary	CPN-UML	Udayapur	Eastern
11	Manju Yadav	CPN-UML	Mahottari	Central
12	Ranju Napit	CPN-UML	Bhaktapur	Central
13	Juli Kumari Mahato	CPN-UML	Dhanusha	Central
14	Bidya Neupane	CPN-UML	Kathmandu	Central
15	Nejma Alam	CPN-UML	Bara	Central
16	Shanta Chaudhary	CPN-UML	Dang	Mid Western
17	Durga Jayanti Rai	UCPN-M	Khotang	Eastern
18	Ram Kumari Chaudhary	UCPN-M	Sunsari	Eastern
19	Dharma Shila Chapagai	UCPN-M	Jhapa	Eastern
20	Kalpana Dhamala	UCPN-M	Dhading	Central
21	Renu Dahal	UCPN-M	Kathmandu	Central
22	Hishila Yami	UCPN-M	Kathmandu	Central
23	Purna Kumari Subedi	UCPN-M	Banke	Mid-Western
24	Renu Chanda	UCPN-M	Baitadi	Far-Western
25	Meena Rajbansi	Madheshi	Jhapa	Eastern
26	Pushpa Thakur	Madheshi	Saptari	Eastern
27	Nilam Barma	Madheshi	Rautahat	Central
28	Anita Yadav	Madheshi	Dhanusha	Central
29	Karima Begam	Madheshi	Parsa	Central
30	Surita Sah	Madheshi	Mahottari	Central
31	Ram Kumari Mahato	Madheshi	Mahottari	Central
32	Rajashree Jaiswal	Madheshi	Rautahat	Central

Female respondents (PR candidates) by district				
SN	Name	Political party	District	Development region
1	Sarita Prasai	NC	Jhapa	Eastern
2	Mahendra Limbu	NC	Jhapa	Eastern
3	Kaushar Shah	NC	Kathmandu	Central
4	Kopila BK	NC	Lamjung	Western
5	Kamala Pant	NC	Gorkha	Western
6	Uma Magar	NC	Banke	Mid Western
7	Sarbat Ara Khanam	NC	Banke	Mid Western
8	Arju Rana	NC	Dadeldhura	Far Western
9	Mahin Limbu	CPN-UML	Dhankuta	Eastern
10	Tara Devi Rai	CPN-UML	Morang	Eastern
11	Dulari Devi	CPN-UML	Sarlahi	Central
12	Bidya Bhandari	CPN-UML	Kathmandu	Central
13	Prabha Devi Bajracharya	CPN-UML	Kathmandu	Central
14	Ashta Laxmi Sakya	CPN-UML	Kathmandu	Central
15	Gaura Prasai Koirala	CPN-UML	Banke	Mid Western
16	Rachha Basyal	CPN-UML	Dailekh	Mid Western
17	Bedmaya Bhandari	UCPN-M	Sankhuwashabha	Eastern
18	Anita Pariyar	UCPN-M	Sunsari	Eastern
19	Devi Khadka	UCPN-M	Dolakha	Central
20	Rupa Maharjan	UCPN-M	Kathmandu	Central
21	Uma Kumari Devkota	UCPN-M	Sindhuli	Central
22	Shashi Shrestha	UCPN-M	Kathmandu	Central
23	Radhika Tamang	UCPN-M	Nuwakot	Central
24	Bimala KC	UCPN-M	Rukum	Mid Western
25	Sunita Devi Mochi	Madheshi, SP	Siraha	Eastern
26	Ramani Ram	Madheshi, MJF-D	Saptari	Eastern
27	Manju Ansari	Madheshi, MJF	Rautahat	Central
28	Asha Chaturbedi	Madheshi, MJF-D	Parsa	Central
29	Dimpal Jha	Madheshi, FSP	Rautahat	Central
30	Sima Khan	Madheshi,	Rautahat	Central
31	Rani Tiwari Sharma	Madheshi, TMSP	Mahottari	Central
32	Mina Chaudhary	Madheshi, TMLP	Kailali	Far Western

Male respondents (candidates with less than 20 years' experience) by district				
SN	Name	Political party	District	Development region
1	Bishnu Kumar Rai	NC	Khotang	Eastern
2	Amresh Kumar Singh	NC	Sarlahi	Central
3	Gagan Thapa	NC	Kathmandu	Central
4	Nabindra Raj Joshi	NC	Kathmandu	Central
5	Jeevan Pariyar	NC	Kaski	Western
6	Jeevan Bahadur Shahi	NC	Humla	Mid Western
7	Rajib Shahi	NC	Jajarkot	Mid Western

8	Badri Pande	NC	Bajjura	Far Western
9	Tikaram Chemjong	CPN-UML	Dhankuta	Eastern
10	Jagannath Khatiwada	CPN-UML	Udayapur	Eastern
11	Prem Giri	CPN-UML	Jhapa	Eastern
12	Nirmal Kuikel	CPN-UML	Kathmandu	Central
13	Yogesh Bhattarai	CPN-UML	Kathmandu	Central
14	Juned Ansari	CPN-UML	Parsa	Central
15	Rabindra Adhikari	CPN-UML	Kaski	Western
16	Lal Bahadur Rawal	CPN-UML	Bajhang	Far Western
17	Mahendra Kumar Yadav	UCPN-M	Kathmandu	Central
18	Prahlad Budhathoki	UCPN-M	Sarlahi	Central
19	Shalikram Jamarkattel	UCPN-M	Dhading	Central
20	Khim Lal Devkota	UCPN-M	Kaski	Western
21	Ganeshman Pun	UCPN-M	Rukum	Mid Western
22	Shakti Basnet	UCPN-M	Jajarkot	Mid Western
23	Janardan Sharma	UCPN-M	Rukum	Mid Western
24	Trilochan Bhatta	UCPN-M	Doti	Far Western
25	Bindeshwar Yadav	Madheshi, MJF	Saptari	Eastern
26	Raj Kishor Yadav	Madheshi, MJF-R	Siraha	Eastern
27	Santosh Mehata	Madheshi, SP	Sunsari	Eastern
28	Suresh Mandal	Madheshi, TMLP	Siraha	Eastern
29	Bhakti Nath Majhi	Madheshi, MJF-D	Morang	Eastern
30	Anil Kumar Jha	Madheshi, SSP	Rautahat	Central
31	Krishna Chandra Shah	Madheshi, MJF-D	Dhanusha	Central
32	Janglil Yadav	Madheshi,TMLP	Sarlahi	Central

Male respondents (candidates with more than 20 years' experience) by district				
SN	Name	Political party	District	Development region
1	Krishna Prasad Sitaula	NC	Jhapa	Eastern
2	Bimalendra Nidhi	NC	Dhanusha	Central
3	Ram Sharan Mahat	NC	Nuwakot	Central
4	Surendra Prasad Chaudhari	NC	Parsa	Central
5	Ramchandra Paudel	NC	Tanahu	Western
6	Romi Gauchan Thakali	NC	Mustang	Western
7	Shushil Koirala	NC	Banke	Mid Western
8	Purna Bahadur Khadka	NC	Surkhet	Mid Western
9	Subhash Chandra Newang	CPN-UML	Ilam	Eastern
10	Khadga Oli	CPN-UML	Jhapa	Eastern
11	Mahendra Pandey	CPN-UML	Nuwakot	Central
12	Ishwar Pokharel	CPN-UML	Kathmandu	Central
13	Ram Awatar Paswan	CPN-UML	Dhanusha	Central
14	Pradip Gyawali	CPN-UML	Gulmi	Western
15	Som Prasad Panday	CPN-UML	Palpa	Western
16	Prithwi Subba	CPN-UML	Lamjung	Western

17	Ram Rijhan Yadav	UCPN-M	Siraha	Eastern
18	Lilamani Pokharel	UCPN-M	Kathmandu	Central
19	Ram Narayan Bidari	UCPN-M	Makawanpur	Central
20	Narayan Kaji Shrestha	UCPN-M	Makawanpur	Central
21	Devendra Paudel	UCPN-M	Kathmandu	Central
22	Lokendra Bista	UCPN-M	Myagdi	Western
23	Baburam Bhattarai	UCPN-M	Gorkha	Western
24	Krishna Bahadur Mahara	UCPN-M	Rolpa	Mid-Western
25	Upendra Yadav	Madhesi, MJF	Morang	Eastern
26	Anish Ansari	Madhesi, SP	Saptari	Eastern
27	Bijaya Gachhedar	Madhesi, MJF-D	Sunsari	Eastern
28	Sharad Singh Bhandari	Madhesi, NMSP	Mahottari	Central
29	Mahantha Thakur	Madhesi, TMLP	Sarlahi	Central
30	Govinda Chaudhary	Madhesi, MJF	Rautahat	Central
31	Sarbendra Nath Shukla	Madhesi, TMLP	Rupandehi	Western
32	Ram Janam Chaudhary	Madhesi, MJF-D	Kailali	Far Western

Voter respondents by district			
SN	Name	District	Development region
1	Basanti Ghatani	Ilam	Eastern
2	Dipkisor Lingdam	Ilam	Eastern
3	Urmila Subedi	Ilam	Eastern
4	Basudev Gautam	Ilam	Eastern
5	Anju Luitel	Ilam	Eastern
6	Gita Khatiwada	Ilam	Eastern
7	Rabina Alemagar	Ilam	Eastern
8	Gyanendra Rasaili	Ilam	Eastern
9	Padam Thapa	Ilam	Eastern
10	Bijaya Laxmi Rijal	Ilam	Eastern
11	Amar Bahadur Shrestha	Dhankuta	Eastern
12	Durga Biswokarma	Dhankuta	Eastern
13	Jina Rai	Dhankuta	Eastern
14	Kusum Shrestha	Dhankuta	Eastern
15	Madhbi Bhandari	Dhankuta	Eastern
16	Punya Prasad Khatiwada	Dhankuta	Eastern
17	Bikash Ghimire	Dhankuta	Eastern
18	Nabin Rai	Dhankuta	Eastern
19	Kabita Bisankhe	Dhankuta	Eastern
20	Hari Prasad Lamjel	Dhankuta	Eastern
21	Dharma Dev Biswokarma	Saptari	Eastern
22	Sunita Kumari Pokhrel	Saptari	Eastern
23	Yugeswor Mandal	Saptari	Eastern
24	Kesab Prasad S.	Saptari	Eastern
25	Loknath Yadav	Saptari	Eastern



26	Girish Chandra Jha	Saptari	Eastern
27	Hari Prasad Yadav	Saptari	Eastern
28	Mister Chaudhary	Saptari	Eastern
29	Bhupendra Narayan Mandal	Saptari	Eastern
30	Jitendra Kumar Yadav	Saptari	Eastern
31	Ajit Shribastab	Dhanusha	Central
32	Nilam Shribastab	Dhanusha	Central
33	Renu Jha	Dhanusha	Central
34	Sikiliya Kumari Das	Dhanusha	Central
35	Amit Kumar Sah	Dhanusha	Central
36	Ram Dayal Ray	Dhanusha	Central
37	Sangita Sah	Dhanusha	Central
38	Lalu Kumari Sonar Sah	Dhanusha	Central
39	Janaki K C	Dhanusha	Central
40	Radhika Kumari Raut	Dhanusha	Central
41	Sita Gurung	Chitwan	Central
42	Pasang Lama	Chitwan	Central
43	Trilochan Sapkota	Chitwan	Central
44	Apuja Regmi	Chitwan	Central
45	Mina Kumari Chapai	Chitwan	Central
46	Tirtha Pokhrel	Chitwan	Central
47	Main Gurung	Chitwan	Central
48	Man Rumba	Chitwan	Central
49	Amrit Ojha	Chitwan	Central
50	Goma Neupane	Chitwan	Central
51	Bal Bhadra Darji	Nuwakot	Central
52	Subhadra Giri	Nuwakot	Central
53	Hari Shrestha	Nuwakot	Central
54	Kalpana Mijar Rokka	Nuwakot	Central
55	Dashrath Thapa	Nuwakot	Central
56	Milan Das	Nuwakot	Central
57	Dipendra Rai	Nuwakot	Central
58	Sakti Tamang	Nuwakot	Central
59	Saraswoti Bhatta	Nuwakot	Central
60	Sarju Shrestha	Nuwakot	Central
61	Raj chhetri	Kaski	Western
62	Sarala Kumari Panday	Kaski	Western
63	Basanti Bastola	Tanahu	Western
64	Parbati Sarma	Kaski	Western
65	Radha Kafle	Kaski	Western
66	Sibhari Subedi	Kaski	Western
67	Arjun Shrestha	Kaski	Western
68	Narayan Prasad Pokhrel	Kaski	Western

69	Jayshwor Regmi	Chitwan	Central
70	Dipesh Shrestha	Sindhupalchok	Central
71	Ram Prasad Sarma	Palpa	Western
72	Khor Bahadur BK	Nawalparasi	Western
73	Rehka Adhikari	Nawalparasi	Western
74	Balram Subedi	Nawalparasi	Western
75	Raju Paudel	Nawalparasi	Western
76	Yam Bahadur Masrangi Magar	Nawalparasi	Western
77	Mum Bahadur Taskota Magar	Nawalparasi	Western
78	Krishna Nepal	Palpa	Western
79	Salikram Bhattra	Palpa	Western
80	Sant Bahadur Thapa	Palpa	Western
81	Santi Boteni	Palpa	Western
82	Rosani Bohara	Lamjung	Western
83	Gyanendra Panta	Lamjung	Western
84	Karan Rokka	Lamjung	Western
85	Ramkala Khadka	Lamjung	Western
86	Surya Pariyar	Lamjung	Western
87	Hira Bahadur Thapamagar	Lamjung	Western
88	Badri Ram Rokka	Lamjung	Western
89	Hari Krishna Subedi	Lamjung	Western
90	Shyam Subedi	Lamjung	Western
91	Rajiya Khan	Lamjung	Western
92	Ajaya Gupta	Banke	Mid Western
93	Basanta Mallik	Banke	Mid Western
94	Kalpana Pariyar	Banke	Mid Western
95	Mandavi Sunwar	Banke	Mid Western
96	Devaki Bhatta	Banke	Mid Western
97	Fatima Khatun	Banke	Mid Western
98	Lal Babu Nepali	Banke	Mid Western
99	Dipendra Rana Magar	Banke	Mid Western
100	Shyam Sunder Mishra	Banke	Mid Western
101	Kalawati KC	Banke	Mid Western
102	Nila Nepali	Dang	Mid Western
103	Ambika Acharya	Dang	Mid Western
104	Chopa Sharma (Rijal)	Dang	Mid Western
105	Sapin KC	Dang	Mid Western
106	Ishwori Oli	Dang	Mid Western
107	Bimala Chaudhary	Dang	Mid Western
108	Rabina Chaudhary	Dang	Mid Western
109	Ram Saran Chaudhary	Dang	Mid Western
110	Laxmi Chaudhary	Dang	Mid Western
111	Kabita Thapamagar	Dang	Mid Western

112	Kumali Chaudhary	Dang	Mid Western
113	Rosan Nepal	Kailali	Far Western
114	Subash Upadhyay	Kailali	Far Western
115	Kalpana Bhatt	Kailali	Far Western
116	Manoj Pant	Kailali	Far Western
117	Pratima Kumari Yair	Kailali	Far Western
118	Nirmala Singh	Kailali	Far Western
119	Niraj Singh Saud	Kailali	Far Western
120	Jugram Chaudhary	Kailali	Far Western
121	Kandakala Rana	Kailali	Far Western
122	Sibraj Rai	Kailali	Far Western
123	Lokraj Khatri	Jumla	Mid Western
124	Ramdevi Khatri	Jumla	Mid Western
125	Karmachhomu Lama	Jumla	Mid Western
126	Karna Singh Raut	Jumla	Mid Western
127	Kalpana Bhattarai	Jumla	Mid Western
128	Jasukala Budha	Jumla	Mid Western
129	Surat Bahadur Raut	Jumla	Mid Western
130	Kali Raut	Jumla	Mid Western
131	Saba Devi Dangi	Jumla	Mid Western
132	Sila Sahi	Jumla	Mid Western
133	Nanda Devi Luhar	Kanchanpur	Far Western
134	Kanchan Bhandari	Kanchanpur	Far Western
135	Sunita Rana	Kanchanpur	Far Western
136	Laxmi Budha	Kanchanpur	Far Western
137	Bhawna Sharma Bohara	Kanchanpur	Far Western
138	Sarita Danguna	Kanchanpur	Far Western
139	Asha Tiruwa	Kanchanpur	Far Western
140	Preya Pathak	Kanchanpur	Far Western
141	Dipa Joshi	Kanchanpur	Far Western
142	Kalabati Sarki	Kanchanpur	Far Western

## Annex 8

### List of key informants and focus group discussion participants

#### Electoral management

1. Dr Neel Kantha Uprety
2. Ms Ila Sharma
3. Mr Maheswar Sharma
4. Ms Lila Devi Gartaula
5. Electoral Management officials (returning and polling officers) from 5 development regions

Development region	District	Key informants
Eastern Development Region	Rajbiraj	District Electoral officials
	Dhankuta	District Electoral officials
	Ilam	District Electoral officials
Central	Nuwakot	District Electoral officials
	Chitwan	District Electoral officials
	Janakpur	District Electoral officials
Western	Kaski	District Electoral officials
	Baglung	District Electoral officials
	Palpa	District Electoral officials
Mid Western	Banke	District Electoral officials
	Dang	District Electoral officials
	Jumla	District Electoral officials
Far-Western	Kailali	District Electoral officials
	Kanchanpur	District Electoral officials

#### Electoral security

1. DIG Yadab Adhikari
2. SSP Madhav Nepal
3. SP Sourav Rana
4. DSP Durga Singh

5. DSP Ranju Sigdel
6. Inspector Basundhara Khadka
7. Inspector Kabit Katwal
8. Inspector Govinda Thapa
9. Electoral security officials from 5 development regions

Development region	District	Key informants
Eastern	Rajbiraj	District security officials
	Dhankuta	District security officials
	Ilam	District security officials
Central	Nuwakot	District security officials
	Chitwan	District security officials
	Janakpur	District security officials
Western	Kaski	District security officials
	Baglung	District security officials
	Palpa	District security officials
Mid Western	Banke	District security officials
	Dang	District security officials
	Jumla	District security officials
Far-Western	Kailali	District security officials
	Kanchanpur	District security officials

### Election experts

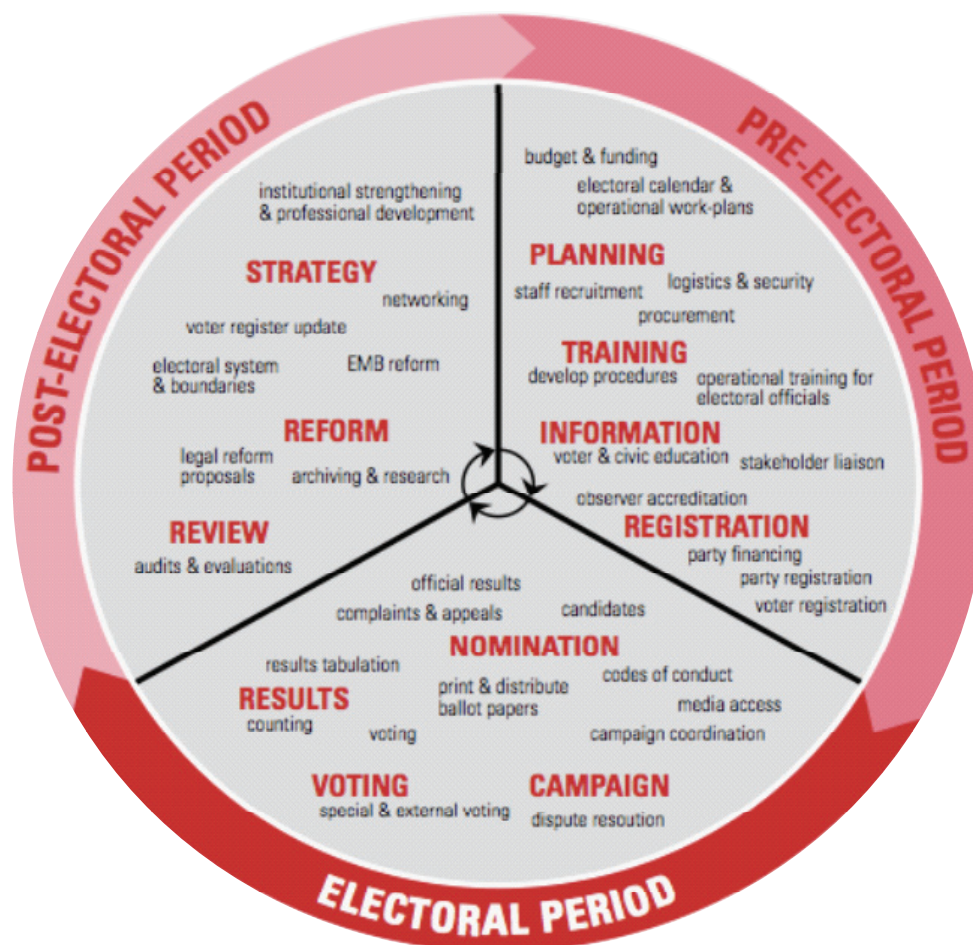
1. Mr Bhoj Raj Pokharel
2. Mr Himalaya S Rana
3. Mr Hasta Bdr Gurung
4. Ms Savitri Gurung
5. Ms Srijana Lohani
6. Ms Chanda Rai

### List of focus group discussion participants

1. Ms Mohana Ansari
2. Ms Sharmila Karki
3. Ms Shova Gautam
4. Ms Nirmala Sharma
5. Ms Nita Thakur
6. Ms Deepti Khakurel
7. Ms Lily Thapa
8. Ms Bandana Rana
9. Ms Durga Ghimere

## Annex 9

### Generic electoral cycle



<sup>1.</sup> Orozco Henríquez et al. (2010) *Electoral justice: The International IDEA handbook*, Figure 2, p 8

## About the Partner Organizations

### International IDEA

International IDEA is an intergovernmental organization with member states from all over the world, representing all continents, including Asia. The mission of the organization is to support sustainable democratic change through providing comparative knowledge and assisting in democratic reform. International IDEA has been in Nepal since 2004, initially in the field of citizen's assessment of democracy. Following the People's Movement for democracy in 2006 and the Comprehensive Peace Agreement, it has been supporting national actors in the process of constitution building by providing comparative knowledge resources and orientation and supporting political dialogues and public participation to the constitution building process.

### The Nepal Law Society (NLS)

The Nepal Law Society (NLS) was established in 1982 by a group of like-minded legal professionals including judges, legal practitioners as well as professors. The Society is an independent non-government organization committed to the rule of law, social justice, human rights, women empowerment, local governance and decentralization. The NLS works as a key think-tank on constitutional, legal and judicial issues providing major inputs in the drafting of not only various laws and rules but also the Constitution. The NLS is currently engaged in providing support and expertise to the Constituent Assembly (CA) in drafting the democratic constitution. The NLS has also been involved in supporting the election process through research/publication of reference materials on elections, leading observation teams in three parliamentary, two local and two CA elections and submitting election observation reports along with recommendations to support the improvement of future election processes.

### The General Election Observation Committee (GEOC)

The General Election Observation Committee (GEOC) is a loose alliance of 10 registered organizations: Nepal Law Society; Nepal Citizen's Forum; Council of Former Public Servants; International Commission of Jurists/Nepal Section; Nepal Press Institute; Rural Development Foundation; Nepal Civil Society; Madhesi Civil Society; International Press Institute/Nepal National Committee; Center for Investigative Journalism; and, Media Advocacy Group. Member organizations have wide experience in governance, rule of law, election system, election observation, freedom of media and human rights. Together the member organizations have 2000 members based throughout Nepal including senior lawyers, judges, human rights and women rights activists, retired top civil servants and administrators, and media and civil society experts. The GEOC has conducted election observation activities including the two CA elections, three parliament elections and two local elections.



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