



# GENDER EQUALITY AND SOCIAL INCLUSION IN

**Local Level Election 2079**



**National Women Commission**

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**National Women Commission**



# राष्ट्रिय महिला आयोग National Women Commission

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## Remarks

Nepal Women Commission (NWC) had monitored different phases of local level member election, 2079 through gender and social inclusion policy lens. Therefore, it is a pleasure to know that a study incorporating all of these information and facts collected by NWC this way, including an analysis, has been published.

Political sphere is an important medium through which women's presence and access in policy level can be established. Considering this issue, NWC had monitored the election including different programmes that prioritized women's political participation, empowerment and accessibility. Hence, this study report was prepared with an objective to analyse whether local level member election 2079 could be gender and socially inclusive of women with disabilities, sexual and gender minorities, community marginalized on the basis of ethnicity, language, religion and geography; and to assist in improving policy in future.

This report has analysed issues of gender and social inclusion through political parties' mindset while fielding candidacy in the election, situation of elected representatives, election environment, staffs deployed in polling centres, including supervision of election officer. I hope that this report will be studied and feedback be provided by all political parties which participated in the election and other important responsible bodies engaged in conduction of this election. I am assured that stakeholder bodies will accept learnings from this report seriously and elections held in future will be gender and socially inclusive in terms of representation and participation.

I would like to thank honorable members of National Women Commission, Ms Krishna Kumari Paudel Khatiwada, Ms Bidhya Kumari Sinha, Ms Jaya Ghimire, Ms Sabitra Kumari Sharma, and Secretary of the Commission Mr Kabi Raj Paudel who shouldered their responsibility by participating in their respective areas at the time of this monitoring study.

Similarly, I would like to thank Mr Raghu Nath Lamichhane for preparing this policy based monitoring study report through additional research, collection of facts, analytical writing and editing. Additionally, National Women Commission's Under Secretary duo Ms Sita Adhikari and Ms Chamila Bhattarai, and all other colleagues of Commission engaged in this activity. My innumerable thank you is also to the team of United Nations Development Programme, UNDP for taking complete responsibility of publishing this report along with its translation in English. I am assured that UNDP will continue to promote such efforts of National Women Commission.

Lastly, I would like to wish for this report to show the way to establish women's access in policy level and that learnings from this report will be practiced for elections in future to be gender and socially inclusive.

Kamala Kumari Parajuli  
Chairperson

National Women Commission

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Chapter

# 1

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## **Introduction and methodology**

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# Chapter 1

## Introduction and methodology

### 1.1 Introduction

According to National Census 2078 B.S., Nepal's population is 29,192,480, with 14,901,169 females and 14,291,311 males, thereby, there are 51.04 % females and 48.96% males.

Nepal started conducting national census from 2068 B.S. Since then, it has been conducting census every 10 years. The purpose of the first and second census was to find out the number of landlords, slaves, and hindrances in the country. Therefore, focus on matters other than that was out of question then.

Gender comparison was finally done in the fifth census, i.e., on 2009/11 B.S. The gender ratio was 96.8 that time. In the subsequent census, the gender ratio was 97, 101.4, 105, 99.5, 99.8, and 94.2, respectively. In the 2078 census, the gender ratio is 95.91. Gender ratio means the number of males per 100 females<sup>1</sup>, which helps to know increment or decrement in number of females and males.

The tenth, i.e. 2058 census paid attention to the mainstreaming of gender equality. Under this, data was collected regarding the status of women in property, work, extended economic work, etc. Ten years after that, i.e., the census of the year 2068 B.S. prioritized GESI (Gender Equality and Social Inclusion) in its questionnaire. And the census of 2078 B.S. gave it continuity.

Statistics are essential to formulate any policy, implement a program, gather resources for it and for proportionate/appropriate distribution. Therefore, data obtained from the census forms the basis for successful implementation of programs conducted not only by the government but also by any organized body or non-governmental organizations.

Such statistics especially help in making periodical policies, plans and programs. Similarly, it helps in monitoring and evaluation. The federal and provincial election

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<sup>1</sup> Central Bureau of Statistics



constituencies are also based on statistics, therefore, from this, we can understand the importance of statistics easily. Based on this only, we can say that data obtained from the census is very beneficial in addressing issues such as gender equality, sexual minorities, Dalits, indigenous, etc. Such statistics are also essential as they are the basis of financial resource allocation.

This is the statistics of recently completed local level election. In this election 135,409 people gave their candidacy for 35,221 posts. Among them, 55,719 were women, out of which 14,466 women won in various positions. In this way, women have won Mayor/Chairperson position in 25 out of 753 local levels, and 568 women have won Deputy Mayor/Vice Chairperson positions. Similarly, when 69 women won as ward chairperson, only 442 women won in position of other members. Similarly, 6742 women won as women members and 6620 Dalit women have won in the election. There were no candidacy of Dalit women in 123 places and one position is vacant in one ward because there was no candidacy of women member.

## **1.2 Significance of the study**

Nepal is a country which is treaty party to many international treaties/agreements etc. related to gender equality and social inclusion. Thus, it has been attempting to formulate GESI friendly policies and laws. The main evidence of which is the constitution itself stating that there will be no discrimination on the basis of gender, caste and origin, and that all of its citizens will be treated equally. This provision allowing additional special provisions to prevail GESI also shows the seriousness of the State to this issue.

There are many policies, laws, declarations, etc., related to this issue. Similarly, politics, considered to be the parent of all policies, is also the main place that runs the country. This is where Nepal has adopted the governing system which will be run by elected representatives through election. In this context, who was elected in the election, who reached which post, how can they contribute, whether all classes, communities, gender, religion, marginalized and underprivileged, etc., were represented among those elected or not determines if the leadership running our government is GESI-friendly or not.

Therefore, this study has been done to find out how fruitful the local level election 2079 was in terms of GESI, and tried to cover how many women were elected in various positions, what was the status of sexual minorities, Dalit, Madheshi, endangered and marginalized communities, and more specifically, focus has been given on status of the

women among them. Similarly, this study was done also to find out whether women representation has increased or decreased in this election compared to previous local level elections, and it will clarify whether we are moving towards a progressive path or embracing the regressive path in terms of implementing GESI.

### **1.3 Objective of the study**

The objectives of this study are as follows:

- To analyze the policies/laws, etc., formulated for the implementation of Gender Equality and Social Inclusion policy in relation to the election.
- To analyze the priority given to GESI in election related laws and check whether it is in accordance with GESI or not.
- Based on policies/manifestos etc., analyse how much attention political parties have paid to implement GESI during the elections.
- To analyze candidacy, elected representatives and entire election procedure of Local Level Election 2079 from GESI perspective.
- To suggest measures to be taken to increase participation of more women, sexual minorities, disabled and marginalized people in elected positions.

### **1.4 Study methodology**

This report is mainly based on the results of the election made public by Election Commission of Nepal. This study is centered on policies, laws and election-related policies and laws prioritizing GESI, created by the government to make gender equality and social inclusion practical.

This study has attempted to find out whether the elections have been GESI friendly or not based on the information published by the Election Commission regarding Local Level Election 2079 and the results of similar election held earlier in 2074. Similarly, a comparison has been made between these elections, and an attempt has been made to point out the weaknesses seen from GESI perspective.

In addition, the study has also included in-person conversations held with voters, candidates, polling officers, experts/activists of various field, election commissioners, responsible officials of the Central Statistics Department of the Census Office, etc. Some information received through media is mentioned only after verifying from the concerned party/organization.

In this way, collecting all information, verifying it from concerned parties, discussing with stakeholders and experts/activists, studying the reference material and preparing the report became its study methodology.

## **1.5 Limitations of the study**

This study is limited only to Local Level Election and District Coordination Committee Election. Of all various policies and laws, emphasis has been placed only on GESI. Also, among different provisions mentioned in election laws, this study has focused more on provisions related to women, sexual minorities and the marginalized. Only the main parties have been considered while analyzing the candidates and winners from GESI perspective. In this way, while selecting a political party, an effort has been made to include the number of votes, the geography it represents and the ideology it embraces. When analyzing Terai, the main parties (based on the votes received) are Janata Samajwadi Party and Loktantrik Samajwadi Party have been placed in the centre.

Election analysis is based on primary data of the Election Commission. However, this disaggregated data may not be consistent with the Commission's presentation or other researchers even though it is studied based on data provided by the Election commission. It may differ because of the study methodology, surname/caste ambivalence and different identities according to geography.

## **1.6 Report Structure**

This report is divided into 13 chapters. The first chapter mentions introduction and study methodology. Chapter 2 has attempted to cover Gender Equality and Social Inclusion (GESI) concept and its background in Nepal. Chapter 3 states about arrangements made for women's participation in elected positions. In Chapter 4, details of Local Level Election 2079 B.S. are presented, in which the details from the collection of voter list to the publication of the results are mentioned. Chapter 5 includes details about elected representatives, wherein an attempt has been made to determine the results even on provincial basis.

Similarly, Chapter 6 mentions the issues that affected GESI in the election, and tries to clarify how misinterpretation of laws, and political coalition pushed women backward. Chapter 7 has an analysis on the presence of minorities, endangered and marginalized in local elections and this chapter tries to explain presence of sexual

minorities, Dalits, Madheshi, endangered, single and disabled communities and more specifically presence of women from these communities in these elections. Chapter 8 lays out the role played by the National Women Commission for GESI-friendly election. The election-targeted programs conducted by other Commissions are also included in this chapter.

Similarly, Chapter 9 mentions about election process through GESI perspective, wherein the election staff, security personnel, polling stations, and the situation of violence are discussed. Chapter 10 discusses Local Level Election 2074 B.S., which includes the scenario seen then from GESI perspective. In Chapter 11 includes lessons learnt from the current election are presented in the perspective of GESI, which includes the weaknesses seen in the current election and the areas that need to be corrected in the future. Chapter 12 mentions what was said about GESI during election monitoring conducted by various agencies. Likewise, the last chapter i.e. chapter 13, includes suggestions for the work to be carried out for GESI-friendly election, which covers implementation of constitution, amending laws, and issues such as creating GESI friendly polling stations.

Chapter

# 2

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## **Gender Equality and Social Inclusion (GESI)**

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## Chapter 2

# Gender Equality and Social Inclusion (GESI)

### 2.1 **Concept of GESI (Gender Equality and Social Inclusion)**

Men and women differ biologically and physically based on different reproductive organs and roles, which can be understood as sex. The roles, responsibilities and relationships of men and women differ as per their social environment. Hence, the role and responsibilities assigned by the society to men and women is called Gender.

From this point of view, gender equality can be defined as unbiased, proportionate, and rational distribution of resources/facilities/opportunities regardless of one's gender. The resources/facilities/opportunities could be provided by the state or any organization or body, which demands change in traditional thinking, customs and attitudes existing in the society, and in practice, it demands for the results.

Due to socially ascribed roles and responsibilities, women have been comparatively left behind. This is why they lack of access to resources, and thereby, are far behind in the race for equality, which has resulted in imbalanced governance system across family, society and entire country. Our society is discriminatory. In order to balance this chaotic situation, gender equality is necessary to create a situation where there is no gender based discrimination.

Inequality is not only based on sex. One hundred twenty five (125) ethnic groups live in Nepal, while the number of mother tongue that gets spoken is only 123<sup>2</sup>. In this sense, Nepal is a multi-ethnic, multi-lingual country, which has its own religion/culture and is also geographically diverse. In this way, it has been difficult to maintain equality even between ethnic, religious, regional, class, sexual minority, disabled, single women/men etc.

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<sup>2</sup> National Census 2068 B.S.

### **I was defeated only because I was a Dalit woman<sup>3</sup>**

In the last local level election, I was a UML candidate for Deputy Mayor position of Dasarathchand Municipality in Baitadi District. I was under secretary of UML's district chapter in Bai Baitadi. Therefore, I did not have to run around much to get party ticket to contest as Deputy Mayor. Our party had good influence in municipality. So, I was confident of winning.

When election result came, UML's Pushkar Raj Joshi won the Mayoral position with 6,585 votes. His rival candidate from Nepali Congress got 5,427 votes. Out of 11 wards in the municipality, UML won entire set of electoral posts in 5 wards. Only in one ward, ward Chairperson and 3 members were elected. In another one ward, the ward president and 2 members were elected. In this way, my party UML succeeded to gain clear majority by winning 32 seats in 57-member municipality.

My party had acquired majority votes and won Mayoral position including ward presidents, yet, I could not be happy. I had been defeated. I got only 5495 votes, while my rival Kumari Kaushila Chand of Nepali Congress won the election with 6170 votes. This way, I was not even given as many votes casted in favour of the mayoral candidate from my own party.

Win and loss is natural in elections, and one should accept it. Yes, I also know this fact. But the reason for my defeat was due to very lowly behavior of my contender in whose trap voters of my own party also fell into. Therefore, it was not easy for me to accept my defeat.

During election campaign, they extensively raised two main issues - firstly, because I was a Dalit woman, I cannot be asked to inaugurate the temple since the God will get angry. This will not be good for us. Therefore, one will commit a sin by voting for her. Secondly, if she wins, she will sit in the chair of Deputy Mayor. She is a woman, on top of that, a Dalit. How can we do namaste to her?

This propaganda of the contesting candidate became the main reason for my defeat, which even some UML party workers believed.

**Saraswati Nepali**

*Defeated candidate of Deputy Mayor  
Dasharatchand Municipality, Baitadi*

<sup>3</sup> Based on conversation dated 15 Jestha 2079 B.S

Be it the facilities provided by the State or any organized body or representation at the policy making level, individuals from a few limited castes, communities, religious beliefs, etc. are everywhere. Therefore, it is necessary to include all of the excluded groups from the lowest to the highest executive bodies of the country. The concept of social inclusion is based on this objective, which the government of Nepal has also accepted and has been trying to address it through its policies, laws, announcements, programs, etc.

Simply put, social inclusion is an initiative to include deprived groups in development mainstream, which helps to avoid obstacles depriving them until now and creates an environment where all resources/instruments including State-provided rights can be used and all practices based on equality are carried out spontaneously. The work of creating such environment is done by the State.

## **2.2 Background of GESI in Nepal**

Although terminologies of gender equality and social inclusion were not mentioned, interest of Nepali women in this concept is found to have been there since 1970. This interest seems to have transformed gradually into demand for equal rights for proportional representation and continued to demand so including meaningful participation of women in all levels of government structures. As a result, after the people's movement of 2046 B.S., i.e., on the strength of restored democracy, GESI concept could take a definite shape.

Due to liberal political environment, not only women, but also religious, sexual, ethnic, regional and class minorities began to openly raise their demands for their rights. Subsequent political activities continued to foster these demands. International treaties/agreements etc. also played the role of a lever to meet these demands of the excluded.

As a result, Nepal adopted proportional, inclusive and participatory principle in its last constitution promulgated in 2072 B.S., which has declared its commitment to build a non-discriminatory and just society. This commitment is such a foundation without which no policy, law, program, declaration, etc. can be complete. Therefore, this system has proved to be a milestone for the promotion of gender equality and social inclusion. This provision/system is also the main reason for obligatory inclusion of GESI concept in all of the State's subsequent policies, laws, declaration, programs, etc.



From a constitutional stand point, the Government of Nepal's Statutory Law 2004 B.S. (which is also the first constitution of Nepal) had provided voting rights for any individual who has reached an age. Given the fact that women, in some countries, are denied voting rights, so Nepali women's voting rights in this context can be considered good. Similarly, Nepal Interim Government Act 2007 B.S. stated that no discrimination can be made on the basis of caste, religion, caste, gender, etc. while preparing the list of electors for elections.

In this context, Nepalese women used their voting rights in the election of Kathmandu Municipality held on 17th Bhadra 2010, B.S. In this election, Mrs. Sadhana Pradhan was elected from ward no. 8, becoming the first elected woman representative of Nepal<sup>4</sup>. Later, the parliamentary elections were held in 2015 B.S. After this parliamentary election, inclusion of Ms. Dwarikadevi Thakurani, a woman in the cabinet confirms that politics of Nepal is not so conservative for women. Ms Dwarika Devi Thakurani is known as the first women minister in Nepal's history.

The Zonal Panchayat Act, 2020 had provisions to nominate 3 people from zonal level women's organizations, 4 people from farmers' organizations, 4 people from youth organizations, 2 people from labor organizations and 2 people from ex-servicemen's organizations and 4 people from people with Shastri or bachelor's degrees in the zonal assembly to be formed in each zone.

Similarly, Back-to-Village Campaign Committee had a provision to nominate 1 woman, 4 people from Nepal Farmers Association, 4 people from Nepal Youth Organization, 3 people from Nepal Women's Organization, 2 people from Nepal Labor Organization and 2 people from Nepal Ex-Servicemen Organization to form National Panchayat. It is clear from this that there was an effort to make all Government related Committees/ Bodies gender inclusive.

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<sup>4</sup> Gender and Inclusive Policy in Electoral System 2077 B.S., Election Commission

### **I was defeated because I was a woman<sup>5</sup>**

Nepali Congress had recommended 8 candidates for the Ward president position in my Ward. There were seven men and one woman which was I myself. However, there was huge dispute between the male candidates which did not get resolved and they were unwilling to give up their candidacy. Because of their own allegations against each other, I got the opportunity at last.

I became the candidate and contested the election. Narveer Aair got 387 votes, Mahari Saud got 357 votes and won their members position. Janaki Kumari Ojha got 384 votes and won as women member, and Parvati Kumari BK got 376 votes as Dalit woman member and won the election. I got 368 votes while my contesting candidate CPN-UML's Dambar Karki won by the margin of 6 votes only. Had I got only as many votes as my other team members, I would have won.

I have passed SLC. I am not lesser in anything. But I lost the election because of my own party members who did not support me saying 'this woman can not do anything'. Those seven people who were forced to accept me as a final candidate for ward president did not even help me in the election campaign. They did not even help in vote. Even after I lost, they did not even give me a single phone call to console me. A review meeting was held after the results of the election. None of them could even look me straight in the face. If they had helped me, why would they have done so?

**Rama Raut**

*Defeated candidate for Ward President  
Shikhar Municipality-5, Doti*

It will not be unfair to say that the period after the people's movement and restoration of democracy in 2046 B.S. was a big "leap" towards promotion of gender equality and social inclusion. The Constitution of Nepal, 2047 B.S. states that at least 5 percent of the candidates of each political organization or party should be women candidates in the elections for the House of Representatives. It also had a provision that at least 3 women should be elected in the National Assembly member election.

The preamble of Local Self-Government Act, 2055 B.S. states to institutionalize the development process by increasing the participation of the entire people including ethnic groups, indigenous peoples, Dalits and socially and economically backward

<sup>5</sup> Based on conversation dated 15 Jestha 2079

classes in bringing about social equality in the mobilization, allocation and balanced and equal distribution of development benefits for the development of their area<sup>6</sup>. According to this, it was arranged that there should be mandatory representation of at least 1 woman in village development committees and municipal ward committees. Although the number was small, it was a good arrangement to put gender and inclusive representation into practice.

This Act provisioned that the Village Council shall nominate 6 qualified members, including 1 woman from the social workers, economically and socially backward castes, ethnicity, indigenous peoples and Dalits to represent as the members of village council. Likewise, Municipal Council shall nominate 6 at the least and 20 at the maximum qualified members from the backward castes, tribes, Dalits and tribals to represent as members of municipal council. The Act also stipulated that at least 40 percent of the nominees should be women.

Provisions were also made for District Council to have 6 members, including 1 woman and these nominated individuals had to be social workers, economically backward ethnicity, Dalits and indigenous peoples and they would represent as members of District Council. As a result of all these arrangements, about 27 percent of women were able to win local body elections in 2054 B.S.

Democracy prevailed in the country in 2007 B.S. This democracy, which came on the shoulders of the people by ousting Rana regime, was again replaced by Partyless Panchayat System in 2017 B.S. The Panchayat system under the direct leadership of the king prevailed until 2046 B.S. The democracy restored by 2046 B.S. movement lasted until 2063 B.S. After that, the country transitioned into a 'republic'. The main political parties came to the conclusion that the unitary governance system was an obstacle to the development and progress of the country, and therefore it was necessary to change the country's governing system. As a result, the country transitioned into a federal structure. Therefore, it is necessary to analyze the period since 2063 B.S. separately from gender equality and social inclusion perspective<sup>7</sup>.

In the Interim Constitution of Nepal, 2063, the resolution of progressive restructuring of the State was expressed to solve existing class, ethnic, regional and gender problems in the country. The Interim Constitution had adopted principle of proportional inclusion, under which the provision of reservations was made for the proportional

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<sup>6</sup> Local Self-Governance Act 2055 B.S.

<sup>7</sup> Gender and Inclusive Policy in Electoral System 2077 B.S., Election Commission

representations in all of the State structures. In the Constituent Assembly member election of 2064 B.S., all political parties had to nominate 50 percent women in their proportional list submitted to Election Commission. As a result, 33 percent of women representatives were elected in that election.

The Election Commission also seems to be conducting its activities in accordance with the spirit of the Interim Constitution. Thus, the principle of gender equality and social inclusion was adopted in the operation and management of the election staff during Constituent Assembly Member Election, 2064 B.S. In that election, election and voter education materials were formulated in a gender-friendly and inclusive manner, which was continued even during the 2070 B.S. Constituent Assembly member election.

The Election Commission has implemented Gender and Inclusion Policy, 2070 B.S. with the aim to increase participation of gender and inclusive groups in elections. Under this policy, priority has been given to the participation of women and inclusive groups in all election processes, which is in line with the provisions mentioned in the Constitution.

### **2.3 GESI related important constitutional, policy and legal provisions**

The Constitution of Nepal states to build non-discrimination, prosperous and just society in line with the principle of proportional inclusion and participation, under which, women, without being subjected to gender discrimination, will have equal rights to ancestral property, non-discriminatory wages for equal work, and non-discrimination in social security.

Similarly, it has also been mentioned that no physical, mental, sexual, psychological or any other kind of violence or exploitation will be done against women on religious, social, cultural, tradition, custom or any other basis<sup>8</sup>. Under this provision, the perpetrator is not only punished, but the victim is also entitled to compensation. National Women's Commission, which is currently functioning as a constitutional body has been established in accordance with Nepal's commitments made in various international treaties/conventions.

National Gender Equality Policy, 2077 B.S. is an important document issued by the Government of Nepal with the aim of making effective implementation of the gender provisions mentioned in the Constitution, achieving the goals and objectives of the

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<sup>8</sup> Women's Rights, Article 38, Constitution of Nepal

Fifteenth Periodic Plan and helping to achieve the goals of sustainable development. This policy document aims to maintain coordination among all stakeholders to fulfill Nepal's international commitments related to gender equality; to institutionalize gender responsive governance system right from the local level; and to promote gender sensitive behavior in all sectors such as public, private, cooperative, and non-governmental organizations.

This policy, which has a long-term vision of building a nation with gender equality, has also prepared 6 strategies to fulfill its purpose. Under each strategies, Policies and operational plans have been made to make this policy practical<sup>9</sup>. For the effective implementation of this policy, there has been a provision for legal arrangements, monitoring and evaluation. On top of this, the provision of risk reduction plans and measures to reduce them can be considered as strong aspects of this policy.

The Fifteenth Periodic Plan (currently under implementation) envisages building a gender-equitable nation. In line with this plan's objective of institutionalizing gender responsive governance, the gender representation in areas such as education, property, politics, and health, is gradually increasing. At the same time, various efforts have been made to protect the Rights of minority communities and reduce gender violence.

Election Commission has also implemented Gender and Inclusion Policy in Election Management, 2077 B.S. to give meaning to its long-term vision of 'clean, free, reliable and economic elections'. The policy mentioned that gender and inclusion issues will be addressed in all methods, processes and stages of the election.

Commission states that Gender and inclusive policy in election management, 2077 B.S. has been developed with an objective to implement the rights of participation of socially, politically and administratively backward, various target groups Dalits, indigenous peoples, Madheshi, Tharu, Muslim community, minorities, persons with disabilities, gender and sexual minorities, citizens of backward areas, economically disadvantaged Khas/Aryas, etc., in all of the State levels through election. According to which, the governance system should be made representational on the basis of gender equality and principle of inclusion for which the pluralistic social structure of the country should be taken as an opportunity and it is necessary to adopt gender equality and social inclusion in the election as the main medium.

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<sup>9</sup> National Gender Equality Policy 2077 B.S., Ministry for Women, Children, and Senior Citizens

## **2.4 Achievements of GESI**

Despite of the aforementioned attempts, progress has been made in terms of gender equality and social inclusion in the political and social sectors. Not only in policy and legal terms, but also in practical terms, the results have been positive. As per the Constitution of Nepal, all citizens shall be equal under the law, and no discrimination shall be made against any citizen in the application of general laws. However, special arrangements can be made for the protection, empowerment or development of socially or culturally disadvantaged women, Dalits, indigenous peoples, Madheshi, Tharu, Muslims, oppressed classes, backward classes, minorities, marginalized farmers, workers, youth, children, senior citizens, gender and sexual minorities, persons with disabilities, pregnant women, physically weak or helpless, backward areas and economically disadvantaged citizens.

Likewise, this constitution has provided for women, Dalits, minorities, disabled people, and citizens of targeted classes, regions, castes and communities with their right to participate in all state bodies based on the principle of proportional inclusion, this will force all levels of society and the State to be more inclusive. The meaning of the statement is that the State is generous to advance in accordance with GESI concept. However, it needs to be actively implemented.

Nepal is the only country in South Asia that legally recognizes homosexuality in its Constitution and protects the rights of LGBTI+ individuals. Therefore, this work of Nepal is being used as an example by the people/organizations working for the rights of sexual minorities in neighboring countries.

As a result of the constitutional arrangements and the laws formulated accordingly, representation of women, Dalits, indigenous peoples, Madheshi, persons with disabilities or minority communities was significant in the three-level elections held in 2074 B.S. Even in the local level elections 2079 B.S., in spite of some deficiencies/weaknesses, the results are improving from GESI perspective, which will be discussed in Chapters to follow.

Chapter

# 3

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## **Provisions for Women's Participation in Elected Posts**

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## Chapter 3

# Provisions for Women's Participation in Elected Posts

### 3.1 Constitutional and Legal Provisions for Women's Participation in Elected posts

#### Constitution of Nepal

##### (1) Act

Election Commission Act, 2073

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Electoral Roll Act, 2073

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Election (Offences and Punishment) Act, 2073

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Local Level Election Act, 2073

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Constituency Determining Act, 2073

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Political Parties Act, 2073

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House of Representatives Election Act, 2074

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Provincial Assembly Election Act, 2074

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Provincial Assembly Election Act, 2074

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Presidential and Vice Presidential Election Act, 2074

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National Assembly Member Election Act, 2075

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##### (2) Regulation

Electoral Rolls Regulation, 2068

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Election Commission Regulations, 2073

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Local Level Election Regulations, 2073

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Political Party Regulations, 2074

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House of Representatives Election Regulations, 2074

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Provincial Assembly Election Regulations, 2074\*

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Presidential and Vice Presidential Election Regulations, 2074

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National Assembly Election Regulations, 2076

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### **(3) Code of Conduct**

Election Code of Conduct, 2072

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Local Election Code of Conduct, 2073

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Local Election Supervision Code of Conduct for National Supervisors, 2073

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House of Representatives and Provincial Assembly Member Election Supervision Code of Conduct for National Supervisors, 2074

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Code of Conduct for Election Commission Officials, 2077

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Code of Conduct for Election Commission Employees, 2077

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### **(4) Directives**

Election Commission (Voter List Collection and Update Program) Directive 2068

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Local Level Election (Manpower Management) Directive, 2073

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Local Level Election (Financial) Directive, 2073

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Local Level Supervision Directive, 2073

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Local Level Election Directive 2073

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Local Level Election Monitoring Directive, 2073

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Local Level Election Security Management Directive 2073

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Local Level Election Code of Conduct Monitoring Directive, 2074

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Local Level Election (Crimes and Punishment), 2074

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Local Level Election (Voting) Directive, 2074

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Local Level Election (Counting of Votes) Directive, 2074

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Village Executive and City Executive Election Directive, 2074

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Voter Education Program Implementation Directive, 2074

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House of Representatives Member Proportional Election Directive, 2074

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Provincial Assembly Member Proportional Election Directive, 2074

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House of Representative and Provincial Assembly Member Election Monitoring Directive, 2074

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House of Representative and Provincial Assembly Member Election Directive, 2074

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House of Representative and Provincial Assembly Member Election Offenses and Punishment Directive, 2074

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House of Representatives and Provincial Assembly Member Election (Manpower Management) Directive, 2074

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House of Representative Member Election Code of Conduct Monitoring, 2074

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House of Representative and Provincial Assembly Member Election (Voting) Directive, 2074

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House of Representative and Provincial Assembly Member Election (Financial) Directive, 2074

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House of Representative and Provincial Assembly Member Election (Security Management) Directive, 2074

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House of Representative and Provincial Assembly Member Election (Vote Counting) Directive, 2074

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Presidential and Vice Presidential Election Directive, 2074

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Presidential and Vice Presidential Election (Vote Counting) Directive, 2074

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Local Level By-Election Directive, 2076

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House of Representatives and Provincial Assembly Member By-Election Directive, 2076

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By-Election Security Management Directive, 2076

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National Assembly Member Election Directive, 2076 (Second Amendment 2078/1/30)

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National Assembly Member Election Directive, 2078 (Third Revision 2078/9/22)

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## **(5) Procedures**

Election Disputes (Hearing and Resolution) Procedures, 2076

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By-Elections Conduction Financial Procedures, 2076

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National Assembly Member Election (Financial) Procedures, 2076

---

Procedures for Determining Polling Stations and Polling Centers, 2077

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## **(6) Policy**

Local Level Supervision Policy, 2073

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House of Representatives and Provincial Assembly Election Supervision Policy, 2074

---

Gender and Inclusion Policy in Election Management, 2077

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Human Resource Policy in Election Management, 2077

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Policy on the Use of Social Media in Election Management, 2077

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## **(7) Directives related to Local Level Election, 2079**

Local Level Elections (Manpower Management) Directive 2078

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Election Monitoring Directive, 2078

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Election Supervision Guideline Directive, 2078

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Local Election Conduct (Financial Management) Procedures, 2078 (Second Amendment)

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Election Security (Management) Directive, 2078

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Election Education and Voter Education Directive, 2078

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Election Training Directive, 2078

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Local Level Election (Voting) Directive, 2078

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Local Level Election (Counting of Votes) Directive, 2078

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Local Level Election Directive, 2078

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Local Level Election (Manpower Management) (First Amendment) Directive, 2079

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Local Level Election (Counting) (First Amendment) Directive 2079

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Vote Counting Directive Second Amendment

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Local Level Election (First Amendment) Directive, 2079

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Local Level Election Conduction (Financial Management) (First Amendment) Procedures 2079

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Local Level Election (Second Amendment) Directive, 2079

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Election Code of Conduct Implementation Procedure, 2079

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Election Supervision (First Amendment) Directive, 2079

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Local Level Election, 2079 Voting Day Traffic Management Standards, 2079

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Village Executive and City Executive Elections Directives, 2078 (with first amendment)

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District Coordination Committee Election Directive, 2078 (with second amendment)

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## **3.2 Main Constitutional provisions**

1. President and Vice President will be of different genders or community: In line with constitution, the election of President and Vice President will be representative of different genders or community.
2. Entire country will be one constitution in proportional electoral system where votes will be cast for political parties and 110 members will be elected. Election for House of Representatives under proportional electoral system in line with federal law requires political parties to submit a sealed list of its nominated candidates who should represent women, Dalit, indigenous peoples, Khas Arya, Madheshi, Tharu, Muslim, backward areas and this should be proportionate to their respective population.
3. From each province, eight individuals out of 56 elected individuals should comprise at the least minimum number of three women, one Dalit and one persons with disabilities or minority, and three people comprising of one woman will be nominated by the President upon recommendation from Nepal Government.
4. House of Representatives will have one woman as its either a Speaker or Vice Speaker. One woman will either be the Chair or Vice-Chair of National Assembly.
5. According to the federal law, when a political party nominates its candidates for Provincial Assembly Elections under proportional electoral system, the sealed list of nominated candidates must represent women, Dalits, indigenous peoples, Khas Arya, Madheshi, Tharu, Muslims, backward areas, and minority communities who have to be nominated on the proportionate basis of their population.
6. Speaker or Vice Speaker of the provincial assembly will be a woman and Provincial Speaker or Provincial Vice Speaker should be representatives of different parties.
7. Four women members from amongst the elected village assembly members and two members from Dalit or minority community elected by village assembly in line with sub-article (5) will become members of village executive.
8. Five women members from amongst the elected Municipal Assembly members and three members from Dalit or minority community elected by Municipal Assembly in line with sub-article (5) shall be members of Municipal Executive.
9. District assembly shall elect a nine-member district coordination committee consisting of 1 Chairperson, 1 Vice Chairperson, at least 3 women, 1 Dalit member or a member from minority community.

10. Village assembly will comprise of village executive's Chair and Vice-Chair, ward president and four elected members of each ward, and elected Dalit or minority community members as village executive members.
11. At least 2 women from each ward will be represented in village assembly.
12. Municipal Assembly will comprise of Municipality Executive's Mayor and Deputy Mayor, ward president, four elected members of each ward and elected Dalit or minority community members as municipal executive members.
13. At least two women from each ward will be represented in the Municipal Assembly.

### **3.3 Political Party Act, 2073**

Political party's organizational structure should reflect Nepal's social diversity through election, nomination or appointment of its members in committees providing for participation based on proportional representation principle. Provision should be made for at least one-third of women members in all levels of party committees.

### **3.4 The House of Representatives Election Act, 2074**

When a political party prepares a sealed list of candidates for the proportional election to the House of Representatives, at least 50 percent of the total candidates must be women. The party securing less than 10 percent of the total number of seats determined by the proportional electoral system should send a list of candidates to be elected, and while doing so, to the extent possible, this list should elect at least one-third of women candidates. Under first pass the post electoral system, there will be a 50% concession on the deposit amount for women and Dalit or minority communities or economically disadvantaged candidates.

### **3.5 Provincial Assembly Member Election Act, 2074**

When a political party prepares a sealed list of candidates for the proportional election to the Provincial Assembly member, at least 50 percent of the total candidates must be women. While preparing the list of candidates, the party should also take into account the geographical balance of the respective province and prepare it in accordance with principle of inclusion so that, to the extent possible, Dalits, indigenous peoples, Khas Arya, Madheshi, Tharu, Muslims, backward areas and minority communities are represented on the basis of population. The party should also include persons with disabilities while preparing their sealed list of candidates.

After determining the number of seats to be obtained by the party, the Commission shall determine total number of the party's provincial members in the provincial assembly. It should then inform the relevant party the number of women to be elected under proportional representation electoral system to meet 33 percent of women representation in the provincial assembly. The political parties while submitting to-be-elected candidates list, should include the names of candidates representing Dalits, tribal indigenous, Khas Arya, Madheshi, Tharu, Muslims, backward areas, minority communities and disabled persons based on their population and the number of seats secured by the party.

### **3.6 Local Level Election Act, 2073**

An election system that ensures the election of two ward members including one Dalit woman, and two candidates securing the highest number of votes for the position of two ward members in rural municipality and municipality's ward committee will be adopted. Village assembly and municipal assembly members will secretly vote amongst themselves to elect women members for village executive and municipal executive through secret voting system based on the electoral system that elects five members securing the highest number of votes.

#### **Number of local level**

Metropolitan City: **6**

Sub-metropolitan City: **11**

Municipality: **276**

Rural municipality: **460**

Total: **753**

For the district coordination committee, the member of the concerned district committee shall elect 1 Mayor, 1 Deputy Mayor, at least 3 women and at least 1 Dalit or minority community member from among the members of the village assembly or municipal assembly within the respective district. While nominating the candidates, the party's candidate nomination papers should have at least 50 percent women candidates for the position of Chairperson and vice Chairperson, Mayor and Deputy mayor, and Chairperson and Vice Chairperson of district coordination committee. While nominating candidates, 50% concession on the deposit amount will be applicable for women and Dalit or minority community or economically disadvantaged candidates.

Chapter

# 4

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## Local Level Member Election 2079

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## Chapter 4

# Local Level Member Election 2079

### 4.1 Collection of Voters' list

The Voter's List Act, 2073 B.S. has ensured that Nepali citizens, on the basis of adult voting rights, who have reached the age of 18 years are eligible to vote by including their names in the voter's list for elections held. On this basis, the Election Commission has to regularly collect voters name list.

There is a legal provision to stop the registration of names in the voters list once the election date gets announced. Therefore, for local level election of 30 Baishak 2079, regular voter list collection process was stopped on 25th Magh 2078. After this date, Election Commission had started its updating process of final voters list.

#### Local level member election 2079

Number of Polling Centers: **2,1955**

Number of Polling stations: **10,756**

Number of Parties registered to participate in voting: **79**

Number of Participating parties in each district: **11 to 46**

Number of Election staff: **1,09,088**

Number of Volunteers: **65,865**

Number of Staff per booth: **7 to 8**

Number of organizations that have taken permission  
for election supervision: **68**

Previously, the date of becoming eligible to vote or attaining the age of 18 years was considered to be the day when the election date was announced. But in this election, the previous day of voting, i.e. 29 of Baisakh 2079, was considered for voting eligibility. As a result, about 200,000 additional individuals, as stated by the Election Commission, got the opportunity to vote. In this way, all those who have obtained Nepali citizenship (according to the law it can be obtained at and after the age of 16 years) and those who have completed 18 years of age were included in voters' list without discrimination.



## 4.2 Candidacy Registration

This election was held for 35,221 posts, in which 135,409 candidates were nominated from various parties. Besides political party candidates, 9,674 independent candidacy was registered. In this way, political party's nomination fielded only 6 percent of women for Mayoral or Chairperson position of the municipality. Similarly, only 3 percent women were fielded for Ward chairperson position and for other members position, women nomination was 5 percent only. However, 74 percent of women candidacy was for Deputy Mayor/vice chairperson positions.

### Number of Candidates by Posts

Post	Male	Female	Total	% Female	Party candidates	Independent candidates	% independent
Mayor/ Chairperson	5949	384	6333	6	4230	2103	33
Deputy Mayor/ vice Vice Chairperson	1055	3080	4135	74	3594	541	13
Ward Chairperson	31578	948	32526	3	28227	4299	13
Women member	0	25609	25609	100	25036	573	2
Dalit Women member	0	23287	23287	100	22891	396	2
Other Dalits	50782	2411	53193	5	51431	1762	3
<b>Total</b>	<b>89364</b>	<b>55719</b>	<b>145083</b>	<b>38</b>	<b>135409</b>	<b>9674</b>	<b>7</b>

## 4.3 Party-wise female candidacy for the position

CPN-UML nominated 290 candidates as Mayor or Chairperson out of which only 27 were women. Similarly, while nominating 285 candidates for Deputy/Vice person, 259 were women candidates. Likewise, out of 446 candidates for the chairperson position of rural municipality, only 28 were women. But 410 candidates out of 445 candidates for the position of vice-chairperson were women. Out of 6,506 ward chairperson candidacy, the number of women candidates was 118 only. In this way, out of 12,827 candidacies for Ward members, women candidates were 541 only (excluding mandatory). In this way, while this party nominated 33,368 candidates, the number of women candidacy was 13,952 out of which 6,384 women and 6,185 were Dalit women members nominated because of mandatory provision for elected women members

and Dalit women members in the Act. If this number (i.e. 13,952) is deduced, then the number of women nominated by UML in various positions in local elections 2079 will be 1,383. In this way, the percentage of women who have been elected by UML in this election is 41.81% The percentage of women appointed to positions other than compulsory position is only 4.14%.

Out of 265 candidates nominated by the Nepali Congress for mayoral position, 12 were women. Likewise, out of 211 candidates for deputy mayoral position, 180 were women. Among 382 nominated mayoral candidates for rural municipality, only 19 were women. However, out of 359 candidates nominated for deputy mayors, 292 were women. This party had nominated only 80 women in total candidates of 6,132 nominated for ward president. Likewise, out of 12,092 candidates (excluding mandatory number), there were only 382 women. Thus, while this party nominated 31,323 candidates, 12,847 were women. Out of which, the number of women candidates comes to 965 when Dalit women are reduced by 5,809 and women members by 6,073 which are made mandatory by the Act. Analyzing all these statistics, the percentage of women nominated by the Nepali Congress in the local level election 2079 is 41.13. The percentage of women nominated, other than the mandatory ones, for various positions to contest the election is only 3.08.

Among 174 candidates nominated by Nepal Communist Party (Maoist Center) for the post of municipality mayors, the number of women was 18. Out of 214 candidates nominated for deputy mayors, 130 were women. Similarly, out of 290 candidates nominated for mayor position of rural municipality, women were only 29. However, out of the total candidates of 315 nominated for deputy mayor post, 203 were women. On the other hand, out of 4,428 candidates nominated for ward chairperson, only 91 were women. Likewise, out of 8,681 candidates (excluding mandatory) for ward member post, only 399 were women. While this party had nominated 22,173 people in various positions, the number of women was 8,941. If we deduct 4,170 Dalit women and 3,901 women candidates (which were mandatory by law) from the total number of women candidates of 8941, the number of other women candidates comes to 870 only. When analysed this way, the percentage of women candidates fielded by this party in local elections 2079 is 40.32. However, the percentage of women candidates nominated to non-mandatory positions is only 3.92.

### Political Parties' Women candidacy for various positions

Parties	Mayor/ Chairperson	Deputy Mayor/Vice- Chairperson	Ward Chairperson	Member	% Women (Including mandatory seat)
UML	55	669	118	541	41.81
Nepali Congress	32	472	80	382	41.13
CPN Maoist	47	333	91	399	40.32
Janata Samajbadi Party, Nepal	24	240	65	150	38.75
Rastriya Prajatantra Party	40	380	121	236	36.14

Janata Samajwadi Party, Nepal nominated a total of 159 mayoral candidates out of which only 14 were women. However, of the 138 candidates nominated for deputy mayor, 110 were women. Of the total 189 candidates nominated for rural municipal mayor, only 10 were women. However, out of 156 deputy mayoral candidates nominated, 130 were women. This party had nominated a total of 2,069 candidates for ward president position. Of this, only 65 candidates were women. Similarly, out of 5,758 candidates nominated for ward member posts (excluding mandatory ones), only 150 were women. In total, this party fielded 9,402 candidates for various posts. Out of this 3,644 were women. In this number, if we deduct the mandatory number of 1,679 female members and 1,486 Dalit female members, then the actual number of women nominated candidates comes to only 479. In this way, the percentage of women fielded by this party in the local level member election 2079 is 38.75. However, the percentage of women nominated to non-compulsory positions is only 5.09.

### Percentage of women candidates fielded by political parties in local level election 2079, (excluding mandatory position)

CPN UML	Nepali Congress	CPN Maoist	Janata Samaj Party	Rastriya Prajatantra Party
4.14	3.08	3.92	5.09	6.15

Rashtriya Prajatantra Party had nominated a total of 250 mayoral candidates for municipality. Of this, only 26 were women. However, among the 229 candidates nominated for deputy mayor, 197 were women. This party had nominated 292 candidates for the post of chairperson of the rural municipality. Of this number, only 14 were women. Out of 204 people nominated as deputy mayors, 183 were women. Among the 3,156 candidates nominated by this party for ward chairperson, only 121

were women. Similarly, out of 4,704 candidates nominated for ward members, only 236 were women. In total, this party fielded a total of 12,620 candidates in local level elections 2075 B.S. Out of this number, women's number was 4,562. However, the number of women candidates fielded for non-mandatory position was only 777, when the mandatory number of 2,123 women members and 1,662 Dalit women members deducted. In total, the percentage of women nominated by this party comes to 36.14. On the other hand, the percentage of women candidates given other than mandatory positions comes to only 6.15.

While analyzing, statistics has confirmed that political parties are not generous in promoting women in elections. Looking at the number of women candidates fielded by main political parties, it is clear that CPN-UML tops the list with 41.81 percent while Rashtriya Prajatantra Party has fielded 36.14 percent. Overall, this percentage is good. But what needs to be understood here is that the number of nominated women candidates has increased not because parties are gender-friendly, but because of the mandatory quota reserved for Dalit women and women in general. The low priority given by the political parties to women is confirmed by the percentage of women in the remaining positions allocated by the Rastriya Prajatantra Party which is 6.15% and Nepali Congress which is 3.08 percent. It is to be remembered that Nepali Congress won most seats in local elections 2079 B.S.

#### Number of Seats and Posts in Local Level Election 2079

Mayor/ Chairperson	753
Deputy Mayor/ Vice-chairperson	753
Ward Chairperson	6743
Women members	6743 (mandatory by law)
Dalit women member	6743 (mandatory by law)
Other ward members	13486
<b>Total</b>	<b>35221</b>

## 4.4 On Caste basis

Nomination paper is the document that provides details such as number of candidates, what was their sex, religion, caste, etc. These details availed from nomination paper, personal details of the candidates get known. But during local level election 2079 B.S., there was no provision of mentioning caste in nomination papers to be filled by the candidates. Therefore, it is not clear which candidates were from which caste/ethnicity.

### Local Tehsil Election 2079

Total Voters : **17733723**

Female Voters: **8741530**

Percentage of women voters : **49.3**

Male Voters : **8992010**

Male Voters Percentage : **50.7**

Other Voters : **183**

Other Voters Percentage : **0.001**

*(Note : Despite of women's majority in overall Population, men exceeds in voter number.)*

## 4.5 On the basis of Age

Majority of the candidates in local level election 2079 B.S. were under the age group of 36 to 50 years. Highest number of candidates contesting in different positions is from this age group where men candidacy is 39,669 candidates and women candidacy is 27,493 candidates. The second age group of the candidates is of 21 to 35 years with 18,780 men candidates and 16,487 women candidates. The age group of 65 years and above had 4,350 men candidates and 1,177 women candidates.

### Local Level Election 2079: Candidates' Age Group

Post	Total candidates	21 - 35	36 - 50	51 - 65	65 above				
		Male	Female	Male	Female	Male	Female	Male	Female
Mayor	3238	629	51	1312	120	928	53	140	5
Chairperson	3092	578	44	1392	78	807	29	160	4
Deputy Mayor	1964	96	401	254	748	158	257	22	28
Vice-chairperson	2163	109	573	246	821	152	232	13	17
Ward chairperson	32496	6302	261	14752	496	9171	171	1324	19
Members	53173	11066	665	21713	1260	15299	432	2691	47
Women Members	25599	0	7279	0	12829	0	4979	0	512
Dalit Women members	23285	0	7213	0	11141	0	4386	0	545
<b>Total</b>	<b>145010</b>	<b>18780</b>	<b>16487</b>	<b>39669</b>	<b>27493</b>	<b>26515</b>	<b>10539</b>	<b>4350</b>	<b>1177</b>

## 4.6 Nominations on a Provincial basis

In the local level member election 2079 B.S., the highest number of nominations for mayoral position of municipality was in Madhesh province (1448), and the lowest in Karnali province (177). Similarly, the highest number of candidates was in Madhesh province only (700) and the lowest was in Karnali (162). Among the women members, the highest number of nominations was again in Madhesh province (7079) and the lowest was in Gandaki province (2237).

### Province-wise candidates for various posts

Posts	Province 1	Madhesh	Bagmati	Gandaki	Lumbini	Karnali	Far Western	Total
Mayor	429	1448	575	240	412	177	236	3517
Chairperson	492	910	580	292	550	312	255	3391
Deputy Mayor	321	700	338	168	299	162	167	2175
Vice Chairperson	393	484	371	231	429	296	206	2410
Ward Chairperson	5171	9667	5847	2952	5252	3372	2135	35396
Women members	3955	7079	4246	2237	4105	2496	2439	26557
Dalit Women member	3554	6722	3481	2031	3786	2130	2257	23961
Member	8408	14537	8980	4869	8601	5284	5088	55767

Chapter

# 5

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## Elected Representative

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## Chapter 5

# Elected Representative

### 5.1 Total Elected Representatives

Nepali Congress has won the highest number of seats in the local level member election. While it won 13773 positions in the local level, CPN UML is in second position with wins in 11929 positions. Similarly, CPN Maoists is third with 5048 wins while JSP is fourth with 1548, and CPN (S) has won 987 positions. LSP is in sixth position with 581 wins and RPP is seventh with 307 wins.

Number of Seats by post won by the political parties of national status in Local Level Election 2079 B.S.

Parties	Mayor	Chairperson	Deputy Mayor	Vice-Chairperson	Ward Chairperson	Other member	Women Member	Dalit Women Member	Total
Congress	141	188	110	190	2668	5313	2609	2554	13773
UML	83	123	115	126	2137	4698	2352	2295	11929
Maoist	25	96	33	95	963	1807	963	973	5045
JSP	9	21	12	19	295	597	299	296	1548
CPN(S)	12	8	11	12	190	390	184	180	987
LSP	7	9	5	7	103	219	118	113	591

### 5.2 Number of women winners

In the local level election 2079 B.S., a total number of 25 and 567 women won in Municipality's Mayoral/Deputy Mayoral positions respectively. Similarly, 69 women won the post of ward president, while 442 women won ward member post (other than the reserved women's quota). From the reserved women's quota, a total of 6732 women and 6610 Dalit women were elected as ward members. Thus, a total of 14,445 women won the election. In this election, 135,409 candidates were registered on behalf of the party, of which 55,719 were women candidates.



### Number of seats by post won by women candidates of major parties in 2079 local level election

Parties	Mayor	Chairperson	Deputy Mayor	Vice-Chairperson	Ward Chairperson	Member
Congress	4	5	88	139	25	150
UML	6	4	104	113	22	163
Maoist	1	3	15	48	12	64
JSP	0	0	10	17	0	21
CPN-S	1	0	7	4	2	28
LSP	1	0	4	7	3	4
RPP	0	0	2	2	0	4
<b>Total</b>	<b>13</b>	<b>12</b>	<b>229</b>	<b>333</b>	<b>64</b>	<b>434</b>

There has been two kinds of women's representation in the local level election 2079. First, due to reservation quota for women as mandated by the law in which certain number and posts are reserved for women only, i.e. for women in general, and specifically for Dalit women. Political Parties were required to nominate women only candidates in these two categories in each ward. Second type of women's representation was a sort of free competition, in which strong women (in the eyes of the parties) were given chance to contest the election. However, in this second situation also the parties gave priority to men and pushed women back. In particular, the priority given to these posts determines whether the parties are sensitive to women's rights or not. The statistics clearly shows this fact.

### Total number of post-wise elected women and Dalit women from major political parties in 2079 local level election

Parties	Dalit women member	Women member	Total number of elected members in all posts
Congress	2554	2609	<b>13773</b>
UML	2295	2352	<b>11929</b>
Maoist	973	963	<b>5054</b>
JA SA PA	296	299	<b>1548</b>
CPN-S	180	184	<b>987</b>

Looking at the number of women's win in this election, it is necessary to analyze the results from two perspectives. Parties have legal obligation to field candidacy of women members and Dalit women members in each ward. Therefore, when this number is included, the positions and percentage won by women increases rapidly.

But it is clearly seen that political parties are not interested to field women candidacy in the positions where women candidacy is not mandatory, including mayoral and deputy mayoral posts. Straightly put, women are being prevented from reaching executive role. Therefore, it is necessary to see how much priority the parties have given to fielding women in positions other than in mandatory positions. Because only this information can verify how gender friendly the parties are.

#### Total number of elected women in all posts from all parties in local level election 2079 B.S.

Parties	Total number of elected women	Number of elected women excluding wins in mandatory positions
Congress	5574	411
UML	5059	412
Maoist	2079	143
JA SA PA	643	48
UML-S	406	42

### 5.3 Men's dominance even in Independent candidacy

A total number of 9674 independent candidates filed their candidacy for various positions in the local level election 2079 B.S. Of these, 386 candidates won the election. Among these winners, seven candidates were elected as municipality mayors, six candidates as chairperson of rural municipality, one as deputy mayor, two as rural municipality vice chairperson, 137 as ward chairperson and 119 as ward members. Among them are one deputy mayor, three ward chairpersons, 58 women members, 56 Dalit women members and two other members. If we deduct the number of women members and Dalit women members which calls only for women candidacy, then the total number of women who won as independent candidate in other positions will be 6 only.

#### Number of elected women through independent candidacy in 2079 local level election (total elected women 386)

Position	Number of wins and percentage
Vice Chairperson	1
Ward Chairperson	3
Member	2
Women member	58
Dalit women member	56
Total	120

% of women wins out of total winning candidates	31.08
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% of elected women out of total candidates	1.24
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#### 5.4 Women representation in the Province

Province 1 had 3,347,384 voters, of which 1,647,561 are women and 1,699,800 are men. There are 23 other voters. In the local level election of 2079 B.S, there were 8196 candidates in this province. Of these total candidates, 2455 women were elected. Out of total number of elected women, 6 were elected as mayors/chairpersons (3 from NC, 2 from UML and 1 from Maoist). Similarly, all 5 women elected as ward president were from UML.

#### Number of elected women in Province 1

Mayor/Chairperson	Ward Chairperson
6	5

There are 2,910,023 voters in Madhesh province, of which 1,332,640 are women and 1,577,317 are men. There are 66 other voters. There were 15780 election candidates in this province, out of which 2770 women were elected. In this province, out of the 4 female mayors, 2 were from UML, 1 from NC and 1 from LSP. Likewise, women won 12 post of ward chairperson, out of which 4 were from UML, 3 from NC, and 2 from LSP, 1 from Bahujan Ekta Party Nepal and 2 are independent candidates.

#### Number of elected women in Madhesh Province

Mayor/Chairperson	Ward Chairperson
4	12

Bagmati Province consists of 294,919 voters, of which 144,959 are women and 149,954 are men. There are 6 other voters in this province. There were 8344 election candidates in this province, out of which 2347 were elected. In this province, 6 women had won the post of municipal mayor/chairperson out of which 3 are from Maoists, 2 from UML and 1 from CPN-(S). Similarly, 12 women won the post of ward chairperson, 6 are from NC, 3 from UML, 1 from Maoist, 1 from CPN-(S) and 1 is independent candidate.

#### Number of elected women in Bagmati Province

Mayor/Chairperson	Ward Chairperson
6	12

There are 1,662,246 voters in Gandaki, out of which 869,538 are women and 792,697 are men. There are 11 other voters. There were 4649 election candidates in this province. Of them, 1622 were elected. In this province, 3 women won as municipal

head of which 2 are from NC and 1 from UML. Similarly, 14 women were elected as ward chairperson of which 6 each are from NC and UML, and 2 from Maoists.

### Number of elected women in Gandaki Province

Mayor/Chairperson	Ward Chairperson
3	14

In Lumbini province, there are 409,900 voters out of which 209,099 are women and 200,799 are men. There are 2 other voters. There were 8767 election candidates in this province, out of which 2124 were elected. In this province, 2 women from UML won the post of municipal mayor/chairperson. Similarly, 14 women were elected as ward chairperson of which 5 each are from NC and Maoists, 3 from UML and 1 from LSParty.

### Number of elected women in Lumbini Province

Mayor/Chairperson	Ward Chairperson
2	14

There are 908,433 voters in Karnali province out of which 449,030 women and 459,401 are men. There are 2 other voters. There were 4878 electoral candidates in this province, out of which 1524 were elected. In this province, 2 women have won the post of Mayor/Chairperson with one each from NC and UML. Similarly, 6 women won the post of ward chairperson with 3 wins for NC, 2 for Maoists, and 1 for CPN-(S).

### Number of elected women in Karnali Province

Mayor/Chairperson	Ward Chairperson
2	6

There are 1,632,150 voters in Far Western Province with 835,607 women and 796,543 men voters respectively. There are 18 other voters. There were 5085 women candidates in this province out of which 1560 were elected. Two women have been elected as municipal heads from this Province, both of them are from NC. Similarly, 6 women were elected to ward president with 2 from NC, 2 from Maoists, 1 from UML and 1 from Naagarik Unmukti Party.

### Number of elected women in Far Western Province

Mayor/Chairperson	Ward Chairperson
2	6

Chapter

# 6

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## **Factors Affecting GESI in the Election**

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## Chapter 6

# Factors Affecting GESI in the Election

### 6.1 Self-interpretation of the law

The Local Level Elections Act 2073 states that the political parties, while submitting nomination papers, should ensure the inclusion of 50 percent women candidates in the Municipality posts of Mayor and Deputy Mayor, Chairperson & Vice Chairperson, and Chairperson and Vice Chairperson of the District Coordination Committee. This means that male candidates can be nominated for only one post (i.e., either Mayor/Chairperson or Deputy Mayor/ Vice Chairperson) in the Municipality or District Coordination Committee. But the decision-makers of the political parties interpreted this legal provision to suit their interest and forcibly established the belief that the post of Mayor is for a man and deputy is for a woman. As a result, few women were given opportunity to contest the election. Further, women who were nominated also were prevented from taking the responsibility of the Head. While the parties nominated 3,080 women candidates for deputy positions in 753 local Bodies, only 384 women were nominated for the post of Head. This is an illuminating example of non-liberal attitude of political parties towards women participation in the election.

### 6.2 Coalition

In the 2079 B.S. local level member election, the process of forming alliances between the parties for election was strong. The alliances of political parties agreed to share the seats for all posts (some for Mayor/Chairperson, some for Deputy Mayor/ Vice Chairperson, and some for other positions), and the nominations were given accordingly. Whether the alliance is right or not in party-based elections can be another issue for debate. But the direct impact of the coalition culture was felt on GESI going on to prevent gender-friendly election.

The Local Election Act, 2073 B.S. states that when party nominates the candidates, there should not be a person of the same gender in both the Mayor/Chairperson and Deputy Mayor/Vice Chairperson positions. But this legal provision was interpreted by the parties to benefit themselves. Defying the spirit of the provision made in the Law, i.e., only one position for male in the top 2 positions, the political parties argued that this provision applies to the case when the same party nominates 2 candidates for the top 2 positions. The parties described that this provision does not apply if 2 parties nominate candidates for different positions. Hence, 2 parties nominated men for both

the top 2 positions. Thus, as the number of candidates decreased, the representation of women in the higher positions automatically decreased. Looking at it this way, the alliance has turned out to be a backward step in terms of gender equality.

For example, Nepali Congress and Janata Samajwadi Party in Nepalgunj sub-metropolitan city formed a coalition. As a result, Mr. Prashant Bista of the Nepali Congress was elected as the Mayor on behalf of the alliance, while Mr. Kamarudhin Rai of Janata Samajwadi Party was elected as Deputy Mayor. Similarly, due to coalition in Khotang rural municipality, Udim Bahadur Rai of CPN Maoist was elected as the Chairperson, and Mr. Rupesh Rai of Nepali Congress was elected as the Vice Chairperson. On the other hand, in Surkhet's Birendranagar Municipality, both Mayor and Deputy Mayor positions were won by UML as there was no party coalition. Ms. Mohan Maya Bhandari and Mr. Neelkanth Khanal from UML became Mayor & Deputy Mayor, respectively.

### **Even women members too remained vacant**

There are 5 Wards in Manang's Naarpaabhumi Gaupalika. In the local level election 2079 B.S. None of them had candidacy for Dalit women. Ward no. 1 did not have women candidacy at all, despite of the fact that this ward's women population is more than men's population, i.e., out of 129 individuals, men are 63 in number and women are 66. As a result, the position of women members in this ward 1 remained vacant. This is the only one ward in Nepal which did not have women candidacy.

Analysis of the election results shows that seats for women were snatched where there was alliance of political parties. However, woman have won at least one of the head or deputy position. Nepali Congress, which became the largest party in this election, had coalition in 26 places in Far Western Province, 12 in Karnali Province, 11 in Lumbini Province, 17 in Gandaki Province, 16 in Bagmati and 33 in Province 1. Similarly, Maoists had 11 in Far West Province, 11 in Karnali, 13 in Lumbini, 1 in Gandaki, 16 in Bagmati, 1 in Madhesh Province and 10 in Province no 1. Similarly, even though CPN-UML did not form coalition in writing, it had cooperated with RPP Nepal in Madi and Bharatpur; and in various other places it had formed a local level dalliance with other political parties to suit its need to participate in the election. From this, it can be inferred that men have been forcefully made to win many positions which could have been of women.

The example from Makwanpur also shows clearly on how party coalition became the key factor to place women behind. Out of 10 local bodies in this district, 9 women were elected as deputy mayors in 2074 B.S. election. But due to coalition, this time

only 3 municipalities had women as deputy mayors. Only one of them had a woman winning Mayor. In 6 municipalities, however, men won in both of the positions.

It is confirmed that coalition has been highly successful in taking away the positions of women as both the Mayor and Deputy Mayor or Chairperson and Vice Chairperson of 163 local levels were won by men.

### **6.3 Patriarchal mindset**

Most of the men still have the mindset that all, except men, are weak, cannot work, and lack leadership quality. Therefore, women are suitable only to assist men. There is also a strong belief that political field is an exclusive domain of men. Therefore, women's participation in the political field is very low in the world. Nepal is no exception to this.

A total of 6333 candidates had been filed for 753 positions for Mayor/Chairperson out of which women candidacy 384 only or say it was only 6% which is an illuminating example related to it. In one hand, according to the national census released by the Central Statistics Department, shows there are 609,858 more women than men in Nepal, while on the other hand, only 6 percent of female candidates are seen in the local elections, which makes it very clear how dominant patriarchal mindset is. 'Other members' are among the most junior positions in the municipality. Political parties did not want to bring women even at this lower level. Among other members, there are 50,782 candidates from various parties, and women are only 2,411 in number, which shows how unaccountable party leadership is towards women.

### **6.4 Lack of Gender Sensitivity**

First of all, no one needs to be informed about legal provisions. It is political party's responsibility of their own to follow the law. Secondly, the Election Commission, through repeated press releases, has been carrying out its work to draw the attention of the relevant parties/stakeholders on the provisions in law and regulations.

For example – The Election Commission, through a press release, instructed the political parties that they should make appropriate arrangements to ensure gender & inclusive representation of nominated candidates at the local level in line with the provision in clause (4) of Article 38 and clause (1) of Article 42 of the Constitution of Nepal and the provisions regarding the implementation of fundamental rights in Article 47 of the Constitution of Nepal. While conducting election-related activities, political parties shall remain loyal to the Constitution of Nepal and respect different castes, sex, genders, religions, languages, regions and cultures and not allow any activities that disturb mutual relations<sup>10</sup>.

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<sup>10</sup> Press Statement of Election Commission dated 16 Chaitra 2078 B.S.



Likewise, the political parties running for only one of the positions of Municipal Mayor and Deputy Mayor or Chairperson and Vice Chairperson shall provide for women candidacy. The political parties, except for reservation quota for Dalits & Minority groups, shall also ensure the nomination of one-thirds women candidates based on the principle of proportional inclusion reflecting social diversity of Nepal. The instructions of the election commission to the political parties also says that political parties are required to facilitate and train their cadres to make the candidate nomination process sensitive on issues of gender and inclusion<sup>11</sup>.

Election commission's instruction especially to the political parties participating in coalition, was to prioritize woman while nominating candidates for only in either of the head or deputy position<sup>12</sup>. But this was not abided by at all. When political parties fielded 4,243 candidacies for municipal head position, women candidacy was 384 only, yet, the Commission did not say anything on this. Similarly, the Commission's instructions that at least one-third of the candidates, except for the mandatory seats, should be women and based on the principle of proportionality was also not adhered to.

For example – in local level election 2079 B.S., the parties registered a total of 135,409 candidates for all positions. Out of these, the number of mandatory women candidates and Dalit women candidates was 25,036 and 22,891 respectively. After deducting the number of these two types of mandatory candidates, the total number of candidates given by the party comes to 87,482. According to the Commission's instructions, the number of women and inclusive candidates should have been 29,160. However a glance at the women candidacy only, this number comes to 6,823 only.

The Election Commission had issued a directive for political parties to make the management and operation of the local level member elections, 2079 B.S. gender-inclusive . The directive included making arrangements to ensure candidate nomination process is gender inclusive, helping implement principle of gender and social inclusion during the election; addressing issues of gender and social inclusion in political manifestos and related documents; ensuring nomination of women candidates if the parties are running for only one of the positions of Mayor and Deputy Mayor or Chairperson and Vice-Chairperson at the local level; and make an effort to ensure Dalit women's nomination in all of the wards.

However, following the opposition from political parties, the Election Commission itself amended the directive on 29 Chaitra 2078 which was thirteen days after the initial date, i.e., 16 Chaitra 2078 when this directive had been issued, because of which the clause where women should be prioritized while nominating candidates for one of

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<sup>11</sup> Press Statement of Election Commission dated 16 Chaitra 2078 B.S.

<sup>12</sup> Press Statement of Election Commission dated 16 Chaitra 2078 B.S.

the positions of Head/Deputy was removed. Therefore, the parties got the opportunity to push women behind. This was a big weakness of the Election Commission.

When analysed, it clearly shows that the spirit of the law and the Commission's directives is in one side while its practice is headed to the other side. Firstly, the Commission's instructions were not binding, and secondly, implementation of the laws and directives were not monitored at all. Since there was no monitoring, those who did not comply did not have to face any action against them. The fact that no party, until now, has faced any action against them confirms the weakness of Election Commission. In such situation, the instructions to be issued by the Commission simply remained as a formality. This situation negatively impacted the campaign for gender equality and social inclusion.

The Election Commission takes three types of action against those violating the code of conduct. First, demanding clarification, second - warning if the answer is not satisfactory, and the third – keeping under investigation if further action is necessary. The Commission has informed that the exact statistics has not been prepared about the number of people punished on various charges in this election<sup>13</sup>.

## **6.5 Devaluing of own manifesto**

It is a practice for political parties to issue manifestos explaining their priority activities to be implemented following their win in the elections. The political manifestos are the basis on which one can guess the main priorities of the parties; how will the parties proceed if they win the election; and what will be the state of the country under the regime of the said political parties. In such manifesto, the parties outline their policies, strategies, tactics and plans. Voters are believed to be voting on this basis. During this local level election 2079 B.S., the main parties except CPN (Maoist Center) issued manifestos, in which they mentioned the following issues related to gender equality and social inclusion -

### **CPN-UML**

#### **1) Women's journey to equality: The characteristic of a socialist-oriented state**

Guarantee gender equality by ensuring meaningful participation of women in every part, sector and activity of the State

- Ensure meaningful participation of women in every structure and activity of the State and society.
- Implement women's constitutional rights including education, health, employment and social security.
- Ensuring women's rights to safe maternity and reproductive health,

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<sup>13</sup> Based on conversation with Guru Prasad Wagle, Deputy Attorney General of Election Commission on 14 Asar 2079 B.S.

- Valuing women's contribution to domestic labor, and employing women in productive and social sectors by reducing their burden of domestic work,
- increasing self-employment through promotion of women's entrepreneurship,
- Implementing special campaigns for equal wages for women; to eliminate gender-based violence in the workplace & family; and eliminate exploitation in the name of religion, culture, customs & traditions, etc., to maintain social harmony.
- Effective implementation of "President's Women Upliftment Program" with the help of Federal government.
- Declare municipality of being free from violence against women, from child marriage, witchcraft and from Chaupadi system. Discourage dowry and tilak practices. To create necessary mechanisms for effective implementation and monitoring of declarations.
- Run special campaign to free society from sexual violence, rape, and misogynistic rituals. Take strict action against perpetrators of violence.

## **2) Happy Senior Citizens, Happy Children: Every Municipality is Disable friendly.**

To build a civilized and cultured society by protecting senior citizens, children, people with disabilities and destitutes through a social security program based on a life cycle.

- Effective implementation and monitoring of life-cycle-based social security from childhood to old age.
- Conducting campaigns to collect information on the elderly, people with disabilities and the helpless, and then provide them with free health check-up services at home.
- Make disabled-friendly public structures, and comfortably provide basic facilities for people with disabilities.
- Establish constitutional provisions related to Dalit rights
- Collaborating with various non-governmental, social and religious organizations for the rescue and rehabilitation of children at risk, orphans, street dependents, mentally challenged, sexually exploited and abused. Declare municipalities of being child-friendly and street-child free.
- Implement special programs for the protection and development of endangered, marginalized, religious, gender minorities, ethnicities and families at risk.

## **Resolution of Nepali Congress**

### **Social Security: From womb to bereavement**

#### **Reproductive health and rights**

- Free reproductive health education for youth
- Guaranteeing freedom of choice for reproduction

### Pregnancy

- Free pre-natal check-ups during pregnancy
- Arrangement of free shelter and nutrition for homeless and economically poor pregnant women

### Safer motherhood

- Door to door health services for mothers of new born babies and/new born babies
- Five thousand rooms to help mothers of new born babies

### Child Development

- Free vaccination & nutrition chart
- Childcare center & afternoon lunch

### Education

Move away from mug by heart education system to development of an education system in which students will learn to become analytical, questioning and learning

### Health

- Health insurance for all citizen, and free insurance for senior citizens above 65 years, persons with disabilities and economically poor.
- Ways to minimize out of pocket health treatment expenses

### Labour and Employment

- Skill & personality development of youth
- Running of self-employment programs
- Provision of contribution based pension through Social Security Fund for all citizens
- Provision of 50% contribution by the government to the self-employment programs run by single women and disabled citizens.

### Old Age

- Free health insurance for senior citizens (above 65 years of age)
- Provision of senior citizen allowances for all citizens above 65 years and above
- Provision of treatment expenses for all senior citizens
- Provision of door to door health services for senior citizens

## Death rites

- Provide separate cremation sites based on different community and religion
- Provision of funeral expenses

## Janata Samajbadi Party

### 2.16 Women upliftment program

Following policies and programs will be implemented for women upliftment -

- a) Women's capacity will be enhanced and empowered by conducting 'Women's Empowerment Program' such as agriculture, micro & small cottage industries, business etc.
- b) 'Fast Track Women's Justice Unit' to end violence against women will be set up
- c) Provision of upto 10 million rupees loan at 5% interest rate will be provided for women who are willing to start production-based and employment generating enterprises.
- d) The policy of equal pay for equal work for men and women will be implemented. Free nursing services and delivery services will be provided to pregnant women and breast feeding mothers. Arrangements will be made for nutritional allowance to the pregnant women from farming and workers background. In addition, women-specific diseases such as uterus, breast cancer, uterus prolapse, urinary leakage., etc. will be treated free of charge.
- e) Land tax will be 75 percent of total prescribed tax for women.

### 2.17 Dalit, Minority, & Physically Handicapped Community Upliftment Program

- (a) Dalits, minority, physically handicapped persons will be taught self-reliance skills through special capacity building and empowerment programs.
- (b) If Dalits, minorities, & persons with physical disabilities want to start production-based and employment generating enterprises, they will be provided with subsidized interest rate of above 5% on loans upto 1 crore.

## Rashtriya Prajatantra Party (RPP)

RPP's 'Commitment of Rashtriya Prajatantra Party: Local Level Election 2079' does not even have a separate section for women related commitments. In this, women related promises are addressed under the section 'physical structure, social, employment'. The document mentions ending violence against women, dowry system and child marriage, and prioritizing women's empowerment programs. Also mentioned in this document are - arrangement of free caring & medical treatments for single and widowed, physically and mentally disabled, and helpless senior citizens.

The commitment to work for gender equality, sexual minorities, people with disabilities, street children, Dalits, endangered, etc. after winning the election is one aspect. But, whether the party leaders are willing to promote representation of these communities to the decision-making positions and bodies will be reflected from their will-power to fulfill their commitments

First of all, the main political parties in their manifestos were silent on giving priority to women in governing positions. The parties considered GESI only as a subject of welfare work & mercy/sympathy. Secondly, the failure of political parties to implement GESI related commitments, including parties helping women and marginalized communities to win elections as mentioned in their own election manifestos clearly showed that they could not do justice to their manifestos.

For example, local level election 2079 B.S. had 753 municipal head positions for which CPN-UML fielded only 55 women candidates. Then, CPN-Maoist fielded 47 women while Nepali Congress fielded 32 and RPP fielded only 40. Janata Samajwadi had fielded 24. It is alright if they did not want to give women candidacy for main posts but political parties treatment is the same towards women for ward president position too. For example, UML, CPN-Maoist, Nepali Congress, Janata Samajwadi Party, and RPP fielded 118, 80, 91, 64 and 121 women respectively in this position whereas there are 6743 wards in the country.

### Political Party's Women Candidacy for Ward Chairperson

Parties	UML	Congress	CPN (M)	Ja Sa Pa	RPP
No of candidate	118	80	91	65	121
Total Candidates	6523	6142	4449	2083	3189
% women	1.80	1.30	2.04	3.12	3.79

This statistic shows that CPN-UML did not heed its provision of 'guaranteeing gender equality by ensuring the meaningful participation of women in every part, sector and activity of the state' as mentioned in its manifesto. Similarly, the provision mentioned in election manifesto of Nepali Congress saying "proportional representation 'from womb to bereavement' did not find place in election. On the other hand, JSP despite of including women related welfare programs in its manifesto, it had not included the issue of proportional participation. Similarly, RPP has only included welfare programs based on mercy/sympathy.

Looking at the manifestos of various main parties, it is clear that they took initiative to include welfare and mercy-based programs for women, Dalits, minorities, etc. But the rights-based aspects are overshadowed. Likewise, even if the words like 'proportional and inclusive' were included in manifestos, these words remain silent when it comes to implementing it for governing positions. Denied candidacy at any cost will of course mean no chances of winning it.

Chapter

# 7

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## **Minorities, Endangered and Marginalized in Local Election**

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## Chapter 7

# Minorities, Endangered and Marginalized in Local Election

### 7.1 Gender and Sexual Minorities

The United Nations has stated that intersex is an umbrella term for people with sexual characteristics that do not confirm to traditional notions of a masculine or feminine body. Such characteristics mean genitalia, reproductive glands and pattern of characteristics. This means that gender identity is a personal experience of each person regarding gender. Similarly, the World Health Organization has said that gender identity is 'neither a disease nor a disorder'. The Supreme Court of Nepal has interpreted gender identity as the right of an individual to self-determination.

Gender and sexual minority means community of lesbian (female homosexual), gay (male homosexual), bisexual, transgender (male/female), intersex, queer, asexual (who does not have sex or sexual senses), etc., which is called LGBTIQA in short.

#### It is impractical to collect data on sexual minorities

During previous census, an attempt was made to collect data on sexual minorities.

During the Census, it was not possible to talk to each of the individual. Even if there were discussion with head of the household, such sexual identity of any individuals from their family was hidden, therefore, accurate statistics could not be obtained. On top of that, there is no consensus on who is a sexual minority and who is not. Hence, it was difficult to get such data. And it is not possible to take such data of all citizens.

**Dhundiraj Lamichhane,**

*Director,*

*Central Statistics Department*

This community, in particular, is suffering from issues related to birth registration, citizenship, passport and other certificates that includes gender identity. Citizenship



is considered as the rights of every individual to enjoy all other rights. Hence, one can easily understand how denial of this very right has compelled them to accept innumerable pain. The Constitution of Nepal has protected the rights of sexual and gender minorities under Article 12 related to citizenship rights, under Article 18 related to right to equality, and under Article 42 related to social justice. Article 35 (4) of the Constitution mentions the issue of inclusion and proportional participation.

Government's Policy and program submitted to Federal Parliament by President Bidya Devi Bhandari on 10 Jestha 2079 also discussed gender and sexual minorities, in which it mentions about establishing a coordination unit at the district level in cooperation with the provincial and local levels to protect interests of gender and sexual minorities and address their problems. It is mentioned that such unit will protect interests and address the problems of women, children, senior citizens, people with disabilities, including that of gender and sexual minorities.

Election history of Nepal, when looked at, is not an encouraging one from gender equality and social inclusion perspective. However, the gradual progress in this area has definitely generated some hope. As soon as one opens the website of the Election Commission, a statistic appears on the front page mentioning - the number of voters who have completed 18 years of age as of 29 Baisakh 2079: Female: 8741530, Male: 8992010, Others: 183. Total: 17733723.

What does others mean? No one knows the answer. Therefore, the situation we have now here is to analyze and explain assuming that this other means the LGBTIQ community. The foundation of this dilemma is the national census itself. The National Census has mentioned three options in its questionnaires to distinguish the gender of a person - male, female, other gender.

First of all, many enumerators do not even ask what the sex of the respondents is. They simply write male or female looking at the face & behavior of the respondents. The gender identity is not something that can be confirmed from the outlook. Second, even if someone says that they do not belong to either gender, they are referred as other gender. It does not reveal gender identity (such as female, homosexual, transgender male, intersex, etc.)

Thus, on one hand, the Central Statistics Department, which took responsibility for the Census, carried out the slogan of 'my census, my participation, no one should be repeated, no one should be missed'. On the other hand, a large number of other genders were left unaccounted. The department provisioned for Others in the House and Family enumeration form (which is filled by supervisors), but not in the core questions (which are filled by enumerators). Therefore, it is almost certain that the upcoming result will not be accurate.

Therefore, the National Census has been neglecting to find out the number along with the identity of sexual minorities. Hence, the number of sexual minorities along with their identity has not been determined due to incomplete information in the National Census. As a result, it is impossible to find out neither the exact population nor the voters of this community. In such situation, it is not possible to tell how many candidates were nominated and how many won from this community. Therefore, the participation of sexual minorities in Nepal's political sphere and elected representatives, until today, has been ongoing on the basis of assumption only. Various parties have mentioned the rights of sexual minorities in their manifestos. But the important question is how much attention have these main and big parties given to this community in the local elections.

One has to fill the nomination form to become a candidate for any municipality position, and this nomination has a section to disclose gender as male/female/ others in addition to name and address of the candidate. Male and Female are separated not only in the list of candidates published by the Election Commission, but also in the list of elected officials and zero is mentioned under Others category. This means that either the candidates themselves did not want to reveal 'other' in gender or Election Commission did not want to reveal it, even if it was mentioned.

In this election, Janmat Party led by CK Raut had nominated Geeta Saithwar as the candidate for the position of Vice Chairperson of Palhinandan Rural Municipality of Nawalparasi from. She is the only one known candidate from the sexual minority community. However, while registering her candidacy, she too has mentioned her gender as a woman in the form. Some other people of this community had also filed their nominations, but had identified themselves as either male or female in their nomination forms. Therefore, it is not clear how many people from sexual minority community filed their nominations.

According to Mitini, an organization working for the rights of sexual minorities, a total of 3 people from sexual minority community had contested election in the local level election 2074 B.S. But, none of these 3 candidates won the election. However, one transgender man and one transgender woman were elected as ward members in in the local level election of 2079<sup>14</sup>. As per the statistics provided by MITINI, It is confirmed that the participation of sexual minorities in the entire governance system of the country is represented by these 2 elected members.

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<sup>14</sup> Based on 2079 B.S. Jestha 17 conversation with Laxmi Ghalan, President, Mitini

## 7.2 Endangered community

There are about 7 lakh indigenous women with disabilities in Nepal<sup>15</sup>. However, they have not been proportionally represented in any structure of the state. For example, out of 82,778 civil service employees, 13,296 (16.07%) are indigenous peoples. Of the total indigenous peoples in civil service, 3,619 (4.38 %) are women<sup>16</sup>. Their representation in the central committee of political parties also show how much indigenous women have been pushed behind. For example, there are only 11 indigenous women in UML's 202-member committee, while Nepali Congress has only 3 members in its 80-member committee.

As far as ethnic/linguistic minorities are concerned, their participation in elected positions is also not satisfactory. Moreover, some communities are not even able to participate in the election process. Neither are these minorities aware of their rights, nor are the political parties fulfilling their responsibility to include them in the mainstreaming of governance and development of the country. This is the reason why the minorities are lagging behind in exercising their constitutional rights.

According to government statistics, there are 125 ethnicities in Nepal. Out of these total castes, 98 are minority castes. Ten of the total minority castes are considered endangered, including the Kusunda, Raute, Hayu, Kisan, Meche, Vankaria, Surel, Raji, Lopcha and Kusbadia (Patharkatta, Silkat, Kusbadhia, Kuchbadhia)<sup>17</sup>. Those castes having less than 0.5 percent of population in total country population are listed as minorities. It is useless to seek proper participation of the endangered castes in governing positions in the context of inadequate representation of the minority castes itself. It means, the presence of these communities in elected positions is very poor, which is confirmed by the following examples –

Kusunda has a population of 273, of which 150 are women. In the local level election of 2074 B.S., Dhan Bahadur Kusunda<sup>18</sup> of this endangered community was nominated by UML as a member of the executive committee of Ghorahi Sub-Metropolitan City. The population of the Hayu community living around Sindhuli and Ramechhap is 2,925, of which 1,524 are women. In the last election, Jamuna Hayu of this community was elected as member of executive body in Ramechhap Municipality-2. Similarly, Indramaya Hayu was elected as a member of executive body in Golbanjar Municipality of Sindhuli district. While, Asmita Hayu was elected in Sunkosi Rural Municipality-2.

<sup>15</sup> 14 NIDWAN, 2020, et al, Statement on the Impact of the Global COVID-19 Pandemic on Persons with Disabilities from Minority, Indigenous and other Marginalised Communities, 2020. <https://minorityrights.org/2020/04/27/statement-covid-19-pandemic-on-persons-with-disabilities-from-minority-indigenous-communities/>

<sup>16</sup> Access of Indigenous Peoples to Nepal's Inclusion Policy and Public Service

<sup>17</sup> Social Security Act, 2075 B.S.

<sup>18</sup> President, Nepal Kusunda Development Society

Kisan is another endangered community living in Jhapa. This community has a population of 1739, of which 908 are women. No candidacy in any positions was found from this community in the local elections. Likewise, population of Meche community living in Mechinagar Municipality-12 Jorsimal of Jhapa is 4,867, in which the number of women is 2,602. In the last election, 1 person each from Nepali Congress and UML became ward chairpersons from this community. Similarly, one person of this community was also elected as an executive member of Karyapalika and one person was nominated as a ward member.

Lepcha is another endangered community living in Ilam. There are 1,696 women in this community which has a total population of 3,445. Another endangered community called Raji is found in Tikapur Municipality of Kailali. There are 2,191 women in this community with a total population of 4,235. There were 3 ward members and one executive member from this community in the previous election. Similarly, the number of Kuswadia found in Nepalgunj sub-metropolitan area is 3,182, in which the number of women is 1,595. They have no permanent residence as they are engaged in the profession of hunting and begging. Therefore, their representation is not found in any elections.

### Number of Political Parties With Elected Candidates from Endangered Community

Political Parties	Number of Winners
UML	9
NC	1
Total	10

*Raute* is a nomadic community, with a total population of 618 and women's population is 298. Because they do not have citizenship, they can neither be candidates nor voters. The population of *Surel* living in Suri area located in Gourishankar Municipality-5 of Dolakha is uncertain. However, Saraswati Surel of this community became a member from UML in the local election 2074 B.S. The population of *Bankariya community* living in Handikhola area of Makwanpur is also unknown<sup>19</sup>.

Indigenous peoples constitute 35.7 percent of Nepal's total population<sup>20</sup>. Among them, the presence of minority and endangered communities in government positions is really embarrassing. In such situation, looking for the participation of the women of this community seems to be like looking for water in the desert. Hence, It seems that those who are mocking our constitutional system, policies and laws, are also mocking all international documents to which Nepal is a party that are related to gender equality and social inclusion.

<sup>19</sup> This population of endangered community has been referenced from census taken by Central Department of Statistics, 2068 B.S.

<sup>20</sup> Diwas Rai, General Secretary – Nepal Federation of Indigenous Nationalities

In this way, in local level election 2079 B.S., only a few people from endangered communities had an opportunity to participate. Anant Hayu of CPN-UML was elected as the ward president from Katari Municipality-11 of Udaipur. Similarly, Ram Bahadur Hayu from Nepali Congress from Ramechhap Municipality-7, Khem Bahadur Rai Hayu from Kamalamai Municipality-3 of Sindhuli and Lakshmi Hayu from Golanjor Rural Municipality-3 were elected as ward members.

### Elected Endangered Community Candidates in Local Level Election 2079

Name	Position	Representing Party	Name of local body
Ananta Hayu	Ward Chairperson	CPN UML	Katari Municipality
Ram Bahadur Hayu	Member	NC	Ramechhap-7
Khem Bahadur Rai Hayu	Member	CPN UML	Kamalamai Municipality-3
Laxmi Kumari Hayu	Member	CPN UML	Golanjor Rural Municipality-5
Pashupati Sunuwar (Surel)	Woman Member	CPN UML	Gaurishankar Rural Municipality-5
Khadga Bahadur Raji	Member	CPN UML	Bhajani Municipality-5
Bhim Bahadur Raji	Member	CPN UML	Bhajani Municipality-9
Rajkumar Lopcha	Ward Chairperson	CPN UML	Rong Rural Municipality-4
Akash Lopcha	Member	CPN UML	Municipality-5
Vishu Lal Meche	Member	CPN UML	Mechinagar Municipality-12

Pashupati Sunuwar (Surel) was elected as a woman member from UML in Gourishankar Rural Municipality-5 in Dolakha, while Rajkumar Lopcha was elected as the ward chairperson of Rong Rural Municipality-4 in Ilam. Akash Lopcha from UML won as a member from Suryodaya Municipality-5 in Ilam. Vishulal Meche was elected as a member from Mechinagar Municipality-12 in Jhapa.

Jawanti Mahaut was elected as a ward member from UML in Duduwa rural municipality-8 of Banke. This community is called *Maganta* because they survive by begging. There are only 115 households of this community, but has not been listed as an endangered community.

## 7.3 Madheshi women

Madheshi women living in 22 districts of Nepal are suffering from problems such as poor education, lack of awareness, dowry system, and belief in witchcraft. Entire Madhesh region is struggling for proportional representation in every State structures. Some achievements are being achieved in this regard. But in case of Madheshi women,

proportional distribution of resources and rights is far from satisfactory. As a result, they are forced to face all sorts of problems.

Women are relatively behind in Madhesh. They are looked at also from a different perspective. The local level election held in 2079 B.S. confirms this situation. Janata Samajwadi Party is the largest party in Madhesh politics of which is focused on Madhesh issues. Even this party had neglected women in local level election of 2079 B.S. For example – this party nominated male candidates for mayoral positions in 146 municipalities, where as fielded women candidates were 15 only. Similarly, male candidates fielded in 180 rural municipalities, while women were only for 10 rural municipalities.

### Elected Women from Madhesh Pradesh (except Dalit member & Women member) in Local Level Election 2079

Parties	Victorious women candidates in various positions
NC	78
CPN UML	57
JSP	40
Maoist	24
LSP	16

Similarly, LSP, another big party of Madhesh, nominated male candidates for mayoral position in 89 municipalities. On the other hand, they nominated female candidates only in five Municipalities. In the same manner, the party fielded male candidates in 94 rural municipalities, while women candidates were only in 3 rural municipalities. LSP won in 295 wards but none of them were a woman. Similarly, when LSP won 103 ward president positions, only 3 of them were women.

The election results of Madhesh province helps to reflect on the situation of women elected in local government. There were 15,780 women candidates in this province, out of which 2,770 have got elected. If the mandatory numbers of 1,271 elected women members and 1,265 elected Dalit women members gets deduced from the total elected number, the actual number of women who won the election comes to be 234 only.

In this way, in Madhesh, 78 women were elected from Nepali Congress, 57 from UML, 40 from Janata Samajwadi Party, 24 from Maoist and 16 from LSP . In total, 73 men won the mayoral position whereas only 4 women won the same position. Similarly, 59 men won the position of chairperson of rural municipality, while woman won in none of them. However, women were successful to win 68 out of 77 Vice Chairperson position. In ward member positions, only 12 out of 1271 were won by women. Likewise, in other member position, women won 91 only out of 2451.

## 7.4 Women with disabilities

People with disabilities, and especially women and girls among them, have been victims of multiple discrimination. The extent of this problem can also be understood by analyzing the complaints filed by Nepal Disabled Women's Association. For example, from the year 2018 to 2021 A.D., there have been 50 such incidents, many of which are incidents of rape, denial of parental property, polygamy, eviction from home, lack of care, etc.<sup>21</sup>

The extent of pitiful condition of women with disabilities becomes clear from the fact that 60% of them are victims of domestic violence, 36 % are deprived of their basic needs, 45% are deprived of education and training, 10% do not receive health care, and 9 percent suffer from physical and sexual violence.<sup>22</sup>

The Act on the Rights of Persons with Disabilities 2074 states, under the section on right against discrimination, that persons with disabilities shall not be discriminated against or deprived of their personal freedom on the basis of disability. Similarly, in section 19 of this Act, under the title of the rights of women with disabilities, it is mentioned that the Government of Nepal shall make necessary arrangements as prescribed to protect the rights of women with disabilities and to create a suitable environment for the highest utilization of their knowledge, skills and abilities. The Act also includes the provision that the Government of Nepal should make necessary arrangements for the protection of their health and reproductive rights, taking into account the special situation of women with disabilities.

### Number of Elected People with Disabilities in Local Level Election, 2079 B.S.<sup>23</sup>

Representing Parties	No of Winners
UML	20
NC	13
Maoist	2
Rastriya Janamorcha	2
JA SA PA	1
Nagarik Unmukti Party	1
Independent	1
<b>Total</b>	<b>40</b>

<sup>21</sup> Situation of Women in Nepal, National Women Commission

<sup>22</sup> Study by Nepal Disabled Women Association

<sup>23</sup> Details as availed by Nepal Disabled Women Association



In local level election 2079 B.S., 124 people with disabilities had filed their candidacy for various positions, and 40 of them have been elected to various positions. Of the elected position, one got elected as Mayor, four as Deputy Mayor, 20 as the Ward Chairperson and 15 as Ward Members). Thirty-four of the elected were men. Most of the winners were from UML with 20, while Congress had 13, Maoist had 2, Rashtriya Jan Morcha had 2, JSP had 1, Naagarik Unmukti Party had 1, and one independent candidate.

### Sex-wise disaggregation of Elected People with Disabilities Sex<sup>24</sup>

Female	6
Male	34
<b>Total</b>	<b>40</b>

The Act on the Rights of Persons with Disabilities, 2074 B.S., has classified disabilities related to physical, visual, hearing, sight, voice and speech, mental or psychosocial intellectual, hemophilia, autism and multiple disabilities into 10 categories. In 2068 B.S. Census, the number of people with disabilities across the country was 513,913. Out of this population, 40 people (0.0077%) won the election in this local level election 2079 B.S.

## 7.5 Single woman

A single woman means (a) a woman whose husband has died, (b) an unmarried woman of 35 years and above, (c) a divorcee woman, (d) a woman who has lived separately without divorce, and (e) a woman whose husband has disappeared and is living alone. Single women face different problems such as – societal discrimination based on marital status; denial as family members by own family; lack of education; unaware of their rights; high financial burden; non-acceptance in religious and cultural activities; lack of access to justice; and geographical inequality. Due to such reasons, the problems faced by single women differ from one to another.

### Elected Single Women in Political Parties

Representing Parties	No of winners
UML	24
NC	52
Maoist	9

<sup>24</sup> Details as availed by Nepal Disabled Women Association



CPN-S	1
<b>Total</b>	<b>86</b>

There are 498,606 widows in Nepal, of which 9000 were widowed during armed conflict. In local level election 2074 B.S., a total number of 146 widows won election in various positions.<sup>25</sup>

### Elected Single Women in the Provinces

Province	No of winners
Province 1	20
Madhesh	5
Bagmati	5
Gandaki	14
Lumbini	14
Karnali	7
Sudurpaschim	21
<b>Total</b>	<b>86</b>

The issue of single women is covered in Nepal's 10/11th Five-Year and Interim Plans. Since National Census 2068 B.S., the system of collecting data of single women has started. In coordination with the Ministry of Women, Children and Senior Citizens, a single women's protection service fund has been established for single women who are underprivileged and below the poverty line.

### Single Women elected Positions

Positions	No of Winners
Vice Chairperson	13
Deputy Mayor	8
Ward Chairperson	1
Member	64
<b>Total</b>	<b>86</b>

In Province one, 20 single women have won various positions, including 6 as Deputy Mayors, 2 as Rural Municipality Vice-chairpersons and 12 as ward members. Likewise, in Madhesh Province, one single woman has won as Deputy and 4 as ward members. In Bagmati province, one single woman has won ward presidency and 4 have won as

<sup>25</sup> Single Women Group

ward members. In Gandaki province, 3 single women have won Deputy Mayor, 2 as Rural Vice-chairperson and 9 as ward members. In Lumbini province, 2 single women have won as Vice Chairpersons, 1 as Vice Chairperson, and 11 as ward members. In Karnali province, 1 single woman has won as Vice Mayor, 2 vice-chairpersons and 4 as ward members. In Far Western province, one single woman has won the position of Vice-chairperson and 20 as ward members.

## 7.6 Dalit women

According to 2068 census of Nepal, population of Dalits is 13.8 percent. Of the total population, 8.12% are hilly Dalits and 4.41% are Madheshi Dalits. Out of the total number of Dalits, there are 1,454,097 males and 1,611,981 females. Dalit women constitute 15 percent of total female population.<sup>26</sup>

Dalit women are behind in all aspects such as economic, social, political, cultural and educational. Even now, untouchability is widespread against Dalit community. Dalit women suffer the most from such incidents. From Kartik 2077 to Ashoj 2078 B.S., a total of 67 incidents related to caste discrimination and untouchability against Dalit community were registered. Of these incidents, 61.11% was against Dalit women. Such incidents clearly show the extent of the sufferings of Dalits from societal and caste-based discrimination.<sup>27</sup>

### The Chairperson said 'Sorry'<sup>28</sup>

I was elected as a Dalit woman member from ward number 4 in previous election also. After closely watching the work of the ward for 5 years, I felt confident that I can now run as a Ward President. Therefore, I said that I want to contest for the position of ward president. Ten other candidates also came forward for the same position. Then, our party recommended all 11 candidates' name for the position. The other 10 candidates were male, and all of them are non-Dalits. Then I met Narendra Singh - district chairperson of Nepali Congress – and told him that I am the only woman, that too a Dalit. I am experienced. I will prove through work. Give me an opportunity. But he did not. Among 10 men, Birendra Shah was given the ticket. Dissatisfied with this decision, Yogendra Kathayat filed nomination as independent candidate.

<sup>26</sup> Situation of Women in Nepal, National Women Commission

<sup>27</sup> Dalit Women Association

<sup>28</sup> Based on conversation dated 2079 Jestha 16

Birendra Shah, the official candidate of Nepali Congress got 213 votes. Yogendra Kathayat (independent candidate of NC) got 258 votes. Both of their votes when combined comes to 471. But Ashok Kumar Sop from Maoists won the election with 312 votes. After that, the district chairperson who had refused to give ticket to me called and said, 'Not giving you the ticket was a mistake, sorry'. Not only that, he also nominated me to municipality executive to compensate for this mistake.

**Parvati Karki**

*Dipayal Silgadhi Municipality, Doti*

Local Level Election Act, 2073 B.S. states that the adopted election system will include 2 ward members including 1 Dalit woman, and two ward members getting the highest number of votes in the election of 2 ward members will be elected in the ward committee of rural municipality or municipality. This means that at least one Dalit woman member must be elected in all wards of the country. Nepal has 6,743 wards in 753 local levels and in each of them one Dalit woman, at the least, must be elected as ward member.

### **When Enough is Enough**

I became UML candidate for ward president in 2074 B.S. election. But I lost. I was expecting party ticket in this election as well, but they showed it will not be. Party had split into two so it was not enough for them only. Who will look after us the Dalits? On top of that no one pays attention to resolve our problems even if our number is greater than non-Dalits.

Therefore, all of us at Dalit community decided to form our own Dalit team and independently contest in the election. As a result, we won 4 positions including the position of ward president. In relation to women members, we filed male candidacy since we did not understand it properly and the staff also said it can be done. That is why Ram Devi Kafle of Nepali Congress got elected in women ward member position. Otherwise we would have won that position too. Now, we have shown our strength to those who ignore us, saying Be It!

**Dhan Bahadur Kami**

*Ward President, Kankasundari Rural Municipality-8, Jumla*

However, Dalit women could not be elected in all of the places even in the mandatory position provisioned by law. According to Election Commission itself, a total of 154 such positions were left vacant in local elections of 2074 B.S. There were no candidates in 37 wards of Karnali province. Even in local elections 2079 B.S., there were no Dalit women candidates in all of the places. The Election Commission has declared that in 123 places are vacant since there was no candidacy of Dalit women.

Thus, Karnali province is at the forefront among the places where Dalit women did not get nominated. In Karnali province, there are 718 wards in 79 local local bodies. No Dalit woman candidate was nominated in 36 wards. District-wise, there was zero Dalit women candidacy in 22 wards of Dolpa. There was no Dalit woman candidate in ward no. 1, 3, 6, 7, 8 and 9 of She-Foksundo Rural Municipality of Dolpa. No need to go far for such incidents. Take the example of Kathmandu Valley where there was no Dalit woman candidate in 26 wards of 21 local bodies. However, 16 Dalit Women were elected unopposed since there was candidacy of only 1 Dalit woman in each of these 16 wards.

#### Elected Dalit Women (mandatory positions) in Local Level Election 2079 B.S.

Party	No of Winners
NC	2554
UML	2295
Maoist	973
JA SA PA	296
CPN-S	180
LO SA PA	113
RPP	54

In Bhaktapur Municipality also, there was no Dalit woman candidates in ward no. 1, 2, 3, 4, 7, 8 and 9. This position remained vacant in Suryavinayak Municipality-3 of Bhaktapur as well. Likewise, there was no Dalit woman candidate in Ward No. 1, 6, 7, 8, 12, 16, 17, 21, 26 and 27 of Lalitpur Metropolitan City. Similarly, no woman candidate was there in Ward No. 25 & 26 of Kathmandu Metropolitan City.

In Gosainkunda Rural Municipality of Rasuwa, there was no Dalit woman candidate in ward no. 1, 3 and 4. Moreover, in Manang, not only Dalit women, but also women members were not nominated. Similarly, in all 5 wards of Naarpaabhoomi rural municipality, no Dalit women as well as women members were nominated. Dalit women were not nominated in 2 wards in Ngisyang rural municipality.

On one hand, untouchability and humiliation against entire Dalit community is continued; on the other hand, women of same Dalit community are facing additional problems because of being a woman too. In such situation, it is a matter of irony not to have the presence of Dalit women, no matter how small, even in the mandatory positions provisioned by law. In the context, where the presence of even the Dalit males in such positions (other than such mandatory ones) is minimal, for sure, to look for Dalit woman's presence in such positions is for sure like searching water in the desert.

In the local level member election 2079 B.S., only 9 people from Dalit community were elected as the municipal head. Fifteen women have been elected as deputy.

### Elected Dalits as Municipal Heads of Local Bodies in Local Level Election 2079

Name	Elected Position	Representing Party	Name of Local Bodies
Dev Kumar Nepali	Mayor	CPN UML	Dhorpatan Municipality
Bechan Das	Mayor	CPN UML	Bidreha Municipality
Pushpa Badi	Mayor	CPN (Maoist Center)	Chaurjahari Municipality
Dhan Bahadur BK	Chairperson	CPN (Maoist Center)	Tarakhola Rural Municipality
Sher Singh Parki	Chairperson	CPN (Maoist Center)	Alital Rural Municipality
Dhung Raj Bishwokarma	Chairperson	CPN (Maoist Center)	Tapli Rural Municipality
Khadka BK	Chairperson	CPN (Maoist Center)	Chaukune Rural Municipality
Dambar Bahadur BK	Chairperson	CPN (Maoist Center)	Khajura Rural Municipality
Jhag Bahadur Bishwokarma	Chairperson	CPN UML	Sarumarani Rural Municipality

Constitution, including various laws/commitments related to inclusion/proportional system, have stated that proportional representation system will be established in all State structures. However, local level member election 2079 B.S. results show that Dalit community lags far behind. In other words, only about 1 percent of main positions have been won by this community in this.

Moreover, women are in more pitiful condition. Nine people from Dalit community got elected as municipal deputy, but all were men, and there was no woman. However, 11 Dalit women got elected as deputies out of 15 Dalits elected as deputies. This data also confirms here that women are limited to being 'alternative' of men only.

## Elected Dalit Candidates in Municipal Deputy position in local election 2079 B.S.

Name	Elected Positions	Representing Party	Name of Local Bodies
Khum Bahadur Bishwokarma	Deputy Mayor	CPN (Maoist Center)	Shuklagandaki Municipality
Dipak Bishwokarma	Deputy Mayor	CPN (Maoist Center)	Nilkanth Municipality
Maina Bishwokarma	Deputy Mayor	Nepali Congress	Gurbhakot Municipality
Susmita Sapkota Sunar	Deputy Mayor	Nepali Congress	Sharda Municipality
Uma Gotame	Deputy Mayor	Nepali Congress	Bhanu Municipality
Bharat Gopali	Deputy Mayor	Nepali Congress	Thaha Municipality
Kalpana Harijan	Deputy Mayor	CPN UML	Lumbini Sanskritik Municipality
Mira Devi Das Kewarat	Deputy Mayor	CPN UML	Sunbarshi Municipality
Raju Tiruwa	Deputy Mayor	Nagarik Unmukti Party	Bhajani Municipality
Dhansuwa BK	Vice-Chairperson	CPN UML	Bhajani Municipality
Basmati Chamar	Vice-Chairperson	CPN UML	Sarawal Rural Municipality
Dipodevi Paswan	Vice-Chairperson	Janta Samajwadi Party	Mahottari Rural Municipality
Shiva Kanti Chamar	Vice-Chairperson	RPP	Rohini Rural Municipality
Kalpana Nepali	Vice-Chairperson	Nepali Congress	Arughat Rural Municipality
Raj Kala Saarki	Vice-Chairperson	CPN UML	Himali Rural Municipality

When viewed in totality, definite number of winning candidates from many communities is unavailable. Even in the available number, number of women is very poor. According to the final results of the Election Commission, only 4 women have won as head, 3 in ward president, 79 in deputy, 73 in vice-chairperson, 1 in ward chairperson and 3% in other members.

Out of the total winners, the percentage of women (except that of mandatory positions) from the main parties, are: 2.98 % from Congress, 3.45% from UML, 2.83% from Maoist, 4.25% from CPN (Unified Socialist), 3.10 % and 2.60 from RPP.

## 7.7 GESI in District Coordination Committee Election

District Coordination Committee officials are elected by votes of municipal head and deputy. As mentioned in Article 220 of the Constitution, the function of the District Coordination Committee is to coordinate and monitor the development work in accordance with the laws formulated by the Province. Such committees are also given

the task of coordinating between the provincial, federal and the local governments, managing information, statistics and records, and coordinating the local and district level works.

Similarly, Local Government Operation Act, 2074 B.S., also mentions that district coordination committee has the responsibility to coordinate with the State and federal government offices and the local bodies, i.e. municipality/rural municipality, for the capacity development of the local bodies of their districts. In this way, even though the direct functions of the district coordination committee is not seen, its role seems to be important.

### Women Elected as Mayor/Deputy Mayor of District Coordination Committee (Province One)

District	Name	Position	Party
1. Okhaldhunga	Tara Karki	Deputy Mayor	NC
2. Ilam	Chitrakala Baraili	Deputy Mayor	CPN-Samajbadi
3. Solukhumbu	Tika Maya Magar	Deputy Mayor	NC
4. Jhapa	Mina parajuli	Deputy Mayor	UML
5. Morang	Usha Jha	Deputy Mayor	UML
6. Bhojpur	Anisha Khadka	Deputy Mayor	Maoist
7. Sankhuwasabha	Babita Khatri	Deputy Mayor	NC
8. Dhankutta	Sabitra Rai	Deputy Mayor	UML
9. Sunsari	Kamala Dahal	Deputy Mayor	NC

There are 14 districts, out of which, women won in deputy positions of 9 District Coordination Committees, and did not win as the head in any of these 14 district coordination committee. Among the women winners, 4 were from NC, 3 from UML, and 1 each from Maoist and CPN-S.

### Elected Women as Chairperson/Vice Chairperson of District Coordination Committee (Madhesh Province)

District	Name	Position	Party
Bara	Chandi Sapkota	Deputy Mayor	UML
Dhanusha	Sangita Devi Thakur	Deputy Mayor	NC

There are 8 districts in Madhesh Province. Women candidates, one each from NC and UML, won the Vice Chairperson position of the District Coordination Committees. Woman could not win the position of Chairperson in this province also.

### Women Elected as Chairperson/Vice Chairperson of District Coordination Committee (Bagmati Province)

District	Name	Position	Party
1.Ramechhap	Cheena Khadka Karki	Chairperson	NC
2.Sindhuli	Shanti Karki	Vice Chairperson	NC
3.Kathmandu	Shanti Pandey	Vice Chairperson	NC
4. Chitwan	Kalpana Kafle Sapkota	Vice Chairperson	CPN=S
5. Bhaktapur	Sujatey Wadey Shrestha	Vice Chairperson	NC

There are 13 districts in Bagmati province. Out of these districts, Ramechhap was the single district where 1 woman candidate from NC was elected as the Chairperson of District Coordination Committee. Besides, 4 women candidates, 3 from NC & 1 from UML, were also elected as the Vice Chairpersons of the district coordination committee.

### Women Elected as Chairperson/Vice Chairperson of District Coordination Committee (Gandaki Province)

District	Name	Position	Party
1. Mustang	Maya Gurung	Chairperson	UML
2.Nawalparasi (East)	Shakuntala Lamsal	Vice Chairperson	UML
3.Kaski	Sarita Kumal	Vice Chairperson	UML
4.Gorkha	Lila Pariyar	Vice Chairperson	Maoist
5.Lamjung	Buna Rima	Vice Chairperson	UML
6.Myagdi	Dil Kumari Khatri	Vice Chairperson	UML

There are 11 districts in Gandaki province. Maya Gurung from UML has been elected as the Chairperson of District Coordination Committee of Mustang. In addition, 5 women, 4 from UML and 1 from Maoist, were elected as the Vice Chairperson of District Coordination Committee.

### Women Elected as Chairperson/Vice Chairperson of District Coordination Committee (Lumbini Province)

District	Name	Position	Party
1. Arghakhachi	Laxmi Sharma Gyawali	Vice Chairperson	UML
2. Bardiya	Amita Kumari Yadav	Vice Chairperson	N C
3. Rolpa	Sita Acharya	Chairperson	Maoist
4. Palpa	Kasika Gaire	Vice Chairperson	UML
5. Pyuthan	Durga Regmi	Vice Chairperson	Maoist
5. Banke	Rita Karki	Vice Chairperson	N C
6, Dang	Chetana Chawdhary	Vice Chairperson	NC



There are 12 districts in Lumbini province. In Rolpa district, one woman from Maoist got elected as head of district coordination committee. Apart from that, 6 women, 3 from NC, 2 from UML and 1 from Maoist, have been elected as deputy of District Coordination Committees.

### Women Elected as Chairperson/Vice Chairperson of District Coordination Committee (Karnali Province)

District	Name	Position	Party
1. Mugu	Naili Karki	Vice Chairperson	NC
2. Kalikot	Mina Raut (Bishwokarma)	Vice Chairperson	Maoist
3. Rukum (West)	Lumbini Gautam	Chairperson	Maoist

There are 10 districts in Karnali province. Out of these, Rolpa is the single district in the province where the position of District Coordination Committee Chairperson was won by a female candidate from Maoist). Besides, 2 women, 1 each from NC and Maoist, have also won the positions of Vice Chairpersons of the District Coordination Committee.

### Women Elected as Chairperson/Vice Chairperson of District Coordination Committee (Far Western Province)

District	Name	Position	Party
1. Achham	Danmati Bam Shahi	Vice Chairperson	NC
2. Doti	Smriti Chunara (Bishwokarma)	Vice Chairperson	NC
3. Dadeldhura	Amrita Kumari Thadali Magar	Vice Chairperson	NC
4. Kanchanpur	Ram Kumari Rana	Vice Chairperson	NC
5. Bajura	Laachu Sarki	Vice Chairperson	CPN-UML

There are 9 districts in Far Western province. In this province, 4 women are elected as Vice Chairpersons of district coordination committees in five districts. Four of them are from NC and one is from CPN-UML.

### Representation of Dalits as Chairperson/Vice Chairperson of District Coordination Committee

S.N./District	Name	Position	Party
1. Surkhet	Ganga Ram Sunar	Chairperson	UML
2. Parbat	Vishnuram Bishwokarma	Chairperson	UML
3. Kalikot	Mina Rawat (Bishwokarma)	Vice Chairperson	Maoist
4. Ilam	Chitrakala Baraili	Vice Chairperson	CPN-S
5. Rukum (west)	Dev Bahadur Kami	Vice Chairperson	Maoist

6. Rolpa	Karma Lal Pariyar	Vice Chairperson	Maoist
7. Gorkha	Lila Pariyar	Vice Chairperson	Maoist
8. Doti	Smriti Chunara	Vice Chairperson	NC
9. Nawalparasi	Baburam Bishwokarma	Chairperson	UML
10. Dhading	Kulman Bishwokarma	Vice Chairperson	CPN-S
11. Udaypur	Gaurav Bahadur Bishwokarma	Vice Chairperson	CPN-S
12. Rautahat	Mahesh Baitha	Vice Chairperson	CPN-S
13. Bajura	Laachu Sarki	Vice Chairperson	CPN-UML

Out of 77 District Coordination Committees in Nepal, only 4 Dalits have won as the chairperson of district coordination committee and 9 Dalits have won the position of vice chairperson. Out of the elected Dalits in Chairperson positions, none are women. However, 5 women won the position of Vice Chairperson. Similarly, district coordination committees have 77 Dalits or minority group members out of which 33 are men and 44 are women.

### Dalits in District Coordination Committee

Chairperson	Representing Party
3	UML
1	CPN-S

Party-wise numbers of elected Dalits, 3 Dalit from UML and 1 Dalit from CPN-S were elected as Vice of the District Coordination Committees. Similarly, out of the 8 people who won the position of Vice Chairperson, 4 are from Maoists, 3 are from CPN-S and 1 is from NC.

### Elected Women to Vice Chairperson of District Coordination Committees (on party basis)

Party	Vice Chairperson
NC	16
UML	11
Maoist	4
CPN-S	2
<b>Total</b>	<b>33</b>

In this way, only 4 District Coordination Committees in the country have Dalit Chairpersons, and 33 District Coordination Committees have Dalit women as Vice Chairpersons. Hence, 40 district coordination committees do not have women as chairperson or vice chairperson.

Chapter

# 8

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## **Role of National Women Commission for gender-friendly elections**

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## Chapter 8

# Role of National Women Commission for gender-friendly elections

### 8.1 Activities in the Provinces

National National Women Commission, organized an interactive program in all seven provinces targeting local level member elections 2079 B.S. Discussions were held with political parties local leadership on “provincial level interaction with the main representatives of political parties for women's political participation and empowerment to establish their access to policy level”.<sup>29</sup>

The purpose of such programs was to coordinate and collaborate with political party representatives and other stakeholders for the participation and empowerment of women, to prevail gender equality and gender representation in governance system as well as to increase women's access to policy and leadership levels.

Main suggestions received from such programs were to increase the political participation of women, their one-third representation at the decision-making level should be made in line with constitutional provision, not only men but women also should be included in Chairperson/Vice Chairperson positions if the political parties form coalition for election; women should be nominated for major positions and political parties should take initiatives to increase women's candidacy; ensure effective monitoring system for peaceful election, to protect voters so they could exercise their voting rights without fear and to control expenses. The suggestion also asked all political parties to pay attention to support for women's participation in decision-making level as their leadership in politics is necessary to build a violence-free society.

In all of the programs, presentations were made by officials of National Women Commission, experts on related subjects and women's rights activists. The presentations made by different participants included various activities and arrangements were carried out by National Women Commission to increase the participation of women in governance. The Commission accepted the suggestions received during presentation and discussion. All suggestions received from all the places were extracted and submitted to the main parties in the form of an attention letter.

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<sup>29</sup> Press release dated 16 Chaitra 2078 B.S.

## **8.2 Whistleblower for political parties**

National Women Commission, with the participation of other Commissions and agencies, a special attention letter was submitted to major political parties requesting them to prepare candidates in a gender and socially inclusive manner in the upcoming elections.

The attention letter requests political parties to pay attention to the fact that Periodic elections are the basis of democracy. Also the letter points out that elections should be held in a free, fair, economic and periodic manner adhering to the constitutional provision of inclusion and equality. The elections should also ensure the participation of all class, castes and communities in such a way that the sovereignty vested in people is exercised effectively.

The attention letter, mentions that the local government is close to the citizens to practice democracy, and asks the political parties to emphasize on women's participation since it also is a means of developing local leadership, delivering public services, involving people in the governance process and mainstreaming national political system.

Likewise, the attention letter requests Nepal Government and all political parties to hold upcoming local election in such a manner that coalition of political parties and electoral processes will not hinder implementation of these provisions, spirit and meaning of the Constitution, valid principles of elections and adoption of political justice to become election candidates as well as exercise of voting rights.

This letter has also requested to ensure participation of senior citizens, people with disabilities, pregnant women and physically weak voters by ensuring their protection, their safety, freedom and confidentiality.

The letter is signed by Kamala Kumari Parajuli, Chairperson of National Women Commission;; Krishna Kumari Paudel Khatiwada, Bidhya Kumari Sinha, Jaya Ghimire and Savitree Kumari Sharma, members of National Women Commission; Devraj Vishwakarma, Chairperson of National Dalit Commission; Meena Devi Sob, member of National Dalit Commission; Dr. Ramakrishna Timalsena, Chairperson, National Inclusion Commission; Bishnumaya Ojha, Haridatta Joshi and Pushparaj Timilsina, members of National Inclusion Commission, Ram Bahadur Thapa Magar, Chairperson of Indigenous Peoples Commission; Reena Rana, Dr. Meen Sris, Sharan Rai and Surya Bahadur Gurung, Members of Indigenous Peoples Commission, Vijay Kumar

Dutt, Chairperson of Madheshi Commission, Renu Devi Sah, member of Madhesh Commission; Bishnu Prasad Chaudhary, Chairperson of Tharu Commission; Samim Mia Ansari, Chairperson of Muslim Commission, Mohammadin Ali and Mohammad Samsul Haque, members, of Muslim Commission.

### **8.3 Monitoring**

National Women Commission had monitored local level election 2079 B.S. The team comprising of chairperson, members and employees of the commission continued their monitoring in various places before the election, on the day of the election and for a few days after the election.

The main purpose of monitoring were to take into the account of gender and social inclusion in local level election, 2079 B.S., to determine if incidents of gender violence in the election campaign and election atmosphere had taken place, to maintain balance in gender and social inclusion aspects during the election, and to support concerned bodies for gender friendly election.

Besides these, the objectives of the monitoring were to understand the local level election knowledge among women voters, to find out influence and participation of women candidates in the coalition, to understand the state of election campaigning and its management, to find out the incidents of violence against women during election campaigning, to collect information on the candidacy of women in mandatory seats provisioned by the law, to enquire about the priority of major political parties for nomination of women in the elections. Similarly, monitoring activities also focused on the appropriateness of polling stations in view of gender equality and social inclusion, women's interests in key positions and behavior of parties in addressing such interests, whether or not attention was paid to balance castes/ethnicity of candidacy, whether comfortable environment was created for voters with disabilities, senior citizens, and single women.

**Some of the problems found during the monitoring are as follows:**

- Most of the Election Officer's offices were located in municipal buildings, but such buildings were not disabled-friendly
- Minimal candidacy of female candidates in key positions, even in places with high population.
- Minimal Candidacy of disabled, senior citizens and single women.
- Electoral offices had not maintained data related to GESI.

- Voter education for women was found to be ineffective.
- Unwillingness of political parties to nominate women for positions other than those made mandatory by law
- Information about women employees and security personnel assigned for the election was not given.
- In some hilly districts, especially women and senior citizens, were deprived of voting because they had to graze their cattle and therefore did not go to vote.
- In case of far-away polling stations, some voters were deprived of voting because they could not leave cattle, senior citizens, disabled family member and children at home.
- The Election Commission had already made policy arrangements with the belief that every stage of the election would be gender-friendly, However, this aspect was given less priority in the management of district offices and polling centers and polling stations.

#### The districts monitored and supervised are as follows-

Sunsari, Morang, Jhapa, Ilam, and Panchthar of Province 1. Rautahat, Bara, Parsa and Sarlahi of Madhesh province. Dolakha and Ramechhap of Bagmati province. Kaski, Syangja and Tanahun of Gandaki province. Palpa in Lumbini Province. Kailali, Kanchanpur, Dadeldhura, Doti and Achham in Sudurpaschim Province.

National Women Commission will process/prioritize these suggestions received from monitoring/supervision program, and submit them to Election Commission and relevant government agencies for a GESI friendly upcoming federal elections and other elections in future.

#### Other Commissions election related activities

- **Indigenous Peoples Commission:** We issued a press release and monitored with an objective to see if the rights of indigenous peoples were used by indigenous peoples to vote freely in local elections and if election was inclusive or not from indigenous people's perspective. We requested everyone related to indigenous peoples to support our monitoring team. Besides that, we requested related agencies to prepare an environment where indigenous peoples and other citizens can freely and fearlessly exercise their right to vote. We have also put our press release at Commission's website so that everyone can see it as soon as they open our website.  
- *Tek Bahadur Pulami, Spokesperson*

- **Muslim Commission:** We encouraged the people to participate in voting by organising programs in the districts with large Muslim communities such as Bara, Parsa, Saptari, Dhanusha, Kapilvastu, and Bhairahwa. Apart from that, we broadcasted messages prepared in local language through local radios in these districts to increase awareness.  
- *Samim Mia Ansari, Chairperson*
- **National Dalit Commission:** We did not do any program targeting elections. Did not participate in monitoring as well.  
- *Bhojraj Sripaili, Information Officer*
- **National Inclusion Commission:** We monitored elections. Apart from that, nothing special was done.  
- *Bishnumaya Ojha, Member*
- **Madheshi Commission:** Commission officials monitored on their own. Apart from that, there was no special program targeting the election.  
- *Ramesh Kumar Das, Information Officer*
- **Tharu Commission:** We monitored the election. Apart from that, we did nothing.  
- *Bishnu Prasad Chaudhari, Chairman*



Chapter

# 9

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## **Election process from GESI perspective**

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## Chapter 9

# Election process from GESI perspective

The Election Commission had issued instructions to political parties to make the management and operation of the local level election, 2079 B.S. gender and social inclusive in order to allow for maximum representation and participation of women and people from inclusive groups in the election process. The directive had stated to manage candidate nomination process to ensure inclusive representation; to assist in the implementation of gender and inclusive policy in election management; to address gender and inclusive in all documents including the manifesto; to nominate women if only one of the positions of Head and Deputy or Chairperson and vice Chairperson of the local level is nominated; and to make efforts to ensure nomination of Dalit women candidates in all wards.

To implement this directive of the Commission, it was necessary to have staff, security mechanism, safe polling centers and safe environment. Therefore, without analyzing these aspects, it is not possible to say whether the gender and inclusive representation sought by the Commission was possible or not.

### **9.1 Staff / Security Personnel**

The Election Commission has issued 'Human Resource Policy on Election Management, 2077 B.S.' Under the sub-title 'Promotion of Equality', it is stated that - 'in order to ensure equal access of women and inclusive groups to the election process, it is important to make elections clean, free and credible based on the principle of proportional inclusion and participation in all stages and processes of the election'.

### Display of excellent competency<sup>30</sup>

I started working as an officer only from Bhadra 2078 B.S. At the beginning of my job, I was assigned as head of land surveyor's office in Humla. I am a resident of Kushadevi in Kavrepalanchok. I did not hesitate even when I had to go that far at once, I did not hesitate. A 23-year-old woman went to Humla with her luggages.

I had been carrying out my responsibilities. In the meantime, I, as a polling officer, had to go to the polling station set up in Bhimsen Secondary School of Simkot Rural Municipality-5 of Humlain local level election 2079 B.S. Another interesting thing was that all of the team members under my leadership were women. One assistant polling officer, 2 assistant staff and 1 office assistant, and all of the 5 police personnel led by police constable and 4 temporary police, all were women.

I was worried thinking because I am a woman, maybe election staff won't support me. Maybe political party cadres won't listen to me. Maybe the voters will not support me. I feared that because of these reasons, I might fail.

But the environment became completely different than what I had expected. Everyone helped and encouraged me. As a result, we were able to complete the voting process of the polling center with 810 voters quite easily, that too by 3 p.m. This experience has increased my confidence of being able to carry out challenging duties. I am also happy to hear that everyone including Chief Election Officer praised my work. In fact there is nothing that one cannot do when you are given an opportunity.

**Sudha Sapkota**

*Polling Officer, Humla*

Similarly, the directives, under the sub-title 'end of gender based discrimination', states that the Commission will remain active to reduce gender-based violence during elections for the protection, development, empowerment, opportunities and access of all classes, gender regions, castes, and communities. The Directives also states the Commission will remain active for the protection of all economically and socially discriminated backward classes and women.

A total number 109,088 employees were mobilized in local level election 2079 B.S. Similarly, 65,000 Nepal Police, 32,000 Armed Police and 71,000 Army men were

<sup>30</sup> Based on conversation dated 2079 Jestha 16

involved in integrated security plan prepared for the elections.<sup>31</sup> About 100,000 temporary policemen were recruited. The Election Commission does not have information about the number of women among the security personnel deployed in the election. The commission says it is not necessary to tell the concerned to include certain number of women, since the commission has made a gender policy for the election.<sup>32</sup>

In Humla, 5 women polling officers were deployed in local level elections 2079 B.S. According to Chief Election Officer Jagat Bahadur Paudel, this arrangement was made to maintain inclusiveness among the staff conducting the election. According to him, 21.25 percent of the staff deployed for voting purposes was women.

The 5 women polling officer included - Renuka Neupane, Head of Division Forest Office assigned to Tooling Polling Station of Simkot Rural Municipality-7; Pratima Paneru, Assistant Forest Officer, was assigned to Kalashilta Mavi Polling Station of Simkot 6; Savita Shahi, Manager of National Commercial Bank, was assigned to Rawling Mavi Polling Station of Simkot Rural Municipality-3; Sarita Bohra, Health Service Office Senior Anami, was assigned to Motiram Pravi Polling Station of Namkha Rural Municipality; and Sudha Sapkota, Survey Office staff, was assigned to Bhimsen Mavi Polling Station of Simkot Rural Municipality-5. It is interesting to note that all staff – staff, police and temporary police – deployed at Bhimsen Secondary School polling station in Simikot-5 were women.

## **9.2** **Polling Center**

According to the Election Commission, the polling center had to be prepared this way – arrange for separate rows for female and male voters to line up outside open space of the polling station; provision of a resting place for pregnant, disabled, elderly, sick, pregnant, and mourners; and make arrangements for easy exit of the voters after voting.<sup>33</sup>

But the polling stations were not prepared as instructed. Even though priority (not having to stand in queue) was given especially to senior citizens, other voters such as disabled and pregnant women did not get priority of any kind. Similarly, individuals from LGBTI+ group experienced difficulties as there was no separate rows for them in polling stations. Election Commission had instructed to arrange separate rows

<sup>31</sup> Police Spokesperson Senior Police Superintendent Bishnu Kumar K.C., Setopati, 10 Baisakh 2079

<sup>32</sup> Conversation on 14 Asar 2079 with Surya Prasad Acharya, Communications Officer, Election Commission

<sup>33</sup> Instruction dated 2079 Baisakh 19 released by Election Commission for staff deployed for election

for women and men for voting process. There was also provision for senior citizens, disabled and disabled people to vote without queuing through volunteers' assistance. But there was no separate row to queue for other gender. Tulsi Bahadur Shrestha, joint secretary of the commission, said that 'if you feel uncomfortable standing in the male or female queue, there is a provision that you can vote in coordination with the polling officer'.<sup>34</sup> Rather than going through such a complicated process, the sexual minority felt uncomfortable, but they were forced to vote by standing in the queue of women or men.

The environment of some polling stations showed that the polling stations were not women and disabled friendly. For example, the arrangements made for voter's the exit at Amarjyoti Secondary School polling station under Nagarjun Municipality-10 in Kathmandu was very difficult. It was like a sort of torture for the disabled, senior citizens since they had to descend from the bamboo ladder.

Similarly, people with disabilities could not vote easily at the Adarsh Secondary school Ranjha polling station of Nepalgunj sub-metropolitan city-20. They had to crawl for a long time to reach the polling station. Faguram Chaudhary complained that he had to crawl and sit in the queue after the security personnel did not allow him to use his wheelchair. He complained that when he reached the polling place, his hands were completely muddy and the voting table was too high, so he had to ask for help to cast his vote.<sup>35</sup>

This case indicates that not all of the polling centers were not GESI friendly. Although polling stations in schools or other buildings had toilets, polling stations set up in open space were without toilets. There was neither resting place nor an arrangement for drinking water. In some places including Surkhet, there was a stampede among the voters when it rained during voting time. Even though it was known in advance that it would rain on the polling day, the preparations to protect against the rain were inadequate, due to which the voters were deprived of the right to vote easily.

### **9.3 The Safe Environment**

Election Commission had issued an election code of conduct stating that misleading comments such as insult and hate speech should not be made. The code of conduct also stated that the political parties, candidates and party's political wings should

<sup>34</sup> pahichan.com

<sup>35</sup> shilapatra.com

not carry out or get others to conduct any propaganda during processions, general meetings, corner meetings, meetings and gatherings that could hurt the feelings, honor, character and reputation of senior citizens, sexual and gender minorities, and people with disabilities.

Tarun Dal, the youth wing of Nepali Congress, locked the Congress party office in Makwanpur regarding the issue of candidate selection in the election. The party Chairperson called 'hijda' to the workers who were involved in locking party office. Later, due to widespread protests, the Congress Chairperson had to apologize for using such words.

25-year-old Santalal Paswan of Khadak Municipality-4, Pansera, Saptari, died in a dispute during the election. Dalit Sagam, an organization working for Dalit rights, also protested saying that he was brutally beaten to death by a youth group of the village for helping an independent Dalit candidates.<sup>36</sup>

Similarly, the group of Rahul Tharu, who became the candidate for the ward president from RPP in Shivraj Municipality-1 of Kapilvastu, attacked 35-year-old Asha Tharu of Sonapur blaming her for not voting for him. The victim Asha Tharu, who is still under treatment in Butawal City hospital, has registered complaints in police station.

Election Commission had stated that voters who cannot vote themselves in the local level elections could allow their family members to vote on behalf of them. The statement issued by the Commission<sup>37</sup> also stated that those voters who cannot identify voting code due to blindness or physically disability or other reasons should be permitted to take a member of their family to the secret polling place.

However, such provisions made by the Election Commission got mocked by the political party workers who voted to suit their interest and some of the polling staff were alleged to have done similar activity. And in some places, there was no reliable basis to confirm if such helpers were from the same households or not, and the polling staff also did not do any cross-checking due to which obstacles against voting rights of people with disabilities surfaced. For example, in Sindhupalchok's Melamchi Municipality-4, tension was created for a while when people with disabilities were 'helped' to vote by the political party representatives instead of the voter's relatives. For this reason, army had to be mobilised at the polling station of polling station at Jamire health post.

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<sup>36</sup> Press release dated 2079 Baisakh 15

<sup>37</sup> Press statement dated Baisakh 25 released by Shalik Ram Sharma, Spokesperson of Election Commission

Chapter

# 10

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## Local Level Member Election 2074

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## Chapter 10

# Local Level Member Election 2074

### 10.1 Summary

First phase of voting for the election of members in local level 2074 had taken place on 2074 Baisakh 31 in 383 local levels of 34 districts. In the second phase, voting had taken place in 334 local levels of 35 districts on 14 Asar. Third phase of voting had taken place in 136 local levels of 8 districts of Province no.2 (presently known as Madhesh Province) on 2 Asoj 2074. A total number of 1,04,89,204 voters had voted in these three phases.

This election had 1,48,364 candidates out of which women candidates were 57843 only. The winning number in all of these posts combined totals to 14,352. This election saw undisputed win for 412 while 34629 were elected through voting. Due to various reasons election could not take place for 180 positions. 1,37,000 staff were mobilized in this election.

Local Level Member Election 2079, however, was completed in one phase throughout the country on 30 Baisakh 2079.

#### Local Level Election 2074 Result<sup>38</sup>

Province	Position/ Gender	Mayor/ Chairperson	Deputy Mayor/Vice Chairperson	Ward President	Women Member	Dalit Member	Other members	Total	Women in percent
1	Women	1	131	11	1156	1145	45	2489	41.19
	Men	136	6	1145	0	0	2267	3554	58.81
2	Women	1	133	9	1071	1262	47	2723	41.15
	Men	135	3	1262	0	0	2495	3895	58.85
3	Women	5	110	6	1121	1070	47	2359	40.73
	Men	114	9	1115	0	0	2195	3433	59.27
4	Women	6	71	15	759	728	38	1617	41.10
	Men	79	14	744	0	0	1480	2317	58.90

<sup>38</sup> History of Nepal's Election-2, Election Commission Nepal



5	Women	1	100	7	983	983	41	2115	41.20
	Men	108	9	976	0	0	1925	3018	58.80
6	Women	2	8	7	0	0	1415	2211	40.03
	Men	77	79	718	718	657	1436	3687	59.97
7	Women	2	84	6	734	722	24	1572	41.00
	Men	86	4	728	0	0	1444	2262	59.00
Total	Women	18	700	61	6742	6567	264	14351	40.95
	Men	735	53	6681	0	0	13221	20690	59.05
<b>Final number</b>		<b>733</b>	<b>753</b>	<b>6742</b>	<b>6742</b>	<b>6567</b>	<b>13484</b>	<b>35041</b>	

Eighty political parties had applied to participate in this election. However, only 57 political parties gave fielded their candidacy. Twenty-three political parties did not field any candidates. This election saw only 2% of women winning the chairperson position.

### Women winning Municipality Chairperson position in 2074

Political Parties	Number
CPN-UML]	7
Nepali Congress	6
CPN (Maoist Centre)	5

## 10.2 On the basis of Province

In 2074 Local Level election, 41.19% of women were elected from Province 1, and 41.15% from Madhesh Province. 40.36% had been chosen from Bagmati Province, while 41.10, 41.20, 40.03 and 41 percent were chosen respectively from Gandaki, Lumbini, Karnali and Far Western Province. Thus, it is seen that 40.95% of women got elected through this election. However, in reality, this percent was due to law that provided for mandatory representation of Dalit women and women members. Should one separate these two, then, women winners in other position give a very bleak picture. Women winning in as Municipality Mayor/Chairperson position comes to only 2.39%. Similarly, only 0.90% of women won in ward presidential position.

## Local Level Member Election 2074 and 2079 B.S. – Women Candidacy and Wins

Year	Total Candidacy	Women candidacy	Women winners	Percentage of women Women wins	Women winning in other positions besides the mandatory ones
2074	1,48,364	57,843	14352	9.67	0.70
2079	1,35,409	55719	14445	10.66	0.81

### 10.3 On the basis of Age

In Local level member election 2074, the largest number of 18584 winning candidates were from the age group of 41-60 years, out of which 4057 had won in ward presidents and majority of 7543 had won in other positions. The least winning age group was 61 years and above with a large number of 1399 of them winning in other positions and 649 as ward presidents.

#### Local Level Member Election 2074 Winners: On the basis of age

Year	Mayor	Deputy Mayor	Chairperson	Vice Chairperson	Ward President	Women Members	Dalit Members	Members	Total
21-40	52	111	112	137	2036	3097	3513	4542	13700
41-60	205	172	296	215	4057	3359	2737	7543	18584
61and above	36	10	52	8	649	286	317	1399	2758
<b>Total</b>	<b>293</b>	<b>293</b>	<b>460</b>	<b>460</b>	<b>6742</b>	<b>6742</b>	<b>6567</b>	<b>13484</b>	<b>35041</b>

Chapter

# 11

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## **Present Election: Learnings through GESI perspective**

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## Chapter 11

# Present Election: Learnings through GESI perspective

### 11.1 Law's weakness was used

There is a saying in Nepali – Freedom for the big, law for the small. Local level member election 2079 B.S. proved it true. Especially, political party leaders really brainstormed for a preventative strategy against bringing women in main positions. For example, Local Level election Act, 2073 B.S. has mentioned that the candidates contesting in both Mayor and deputy positions should not be of the same gender. The spirit of this is to ensure that two individuals of two different gender get elected to these two different positions. But, the political parties interpreted this provision to serve their interest and stated that this provision is applicable to the candidates of the same party and is not applicable for the candidates of different parties, and thereby created a situation where men would get elected in both of these posts. Therefore, it became clear that judicial or legal remedy is needed to address such situation.

### 11.2 Concerned over legacy

In one hand, political parties leadership adopted the strategy, to the extent possible, of not fielding any woman as their candidates. On the other hand, if woman candidacy had to be fielded then priority was given to 'your own' over committed, competent, honest cadres of the party. For example, daughter, wife, sister-in-law, relatives, were looked for and if they were not found, then only, the ones who are well-versed and/or active in politics got the chance. This way also can see women reaching the leadership. However, it will not be of competent and appropriate representation as required by the country. This would help in increasing the number. Yet, quality will be eclipsed. Concerned party leadership especially women leadership needs to be aware of such practices. Similarly, it is equally important to create moral pressure on the leadership to leave such practice.

### **11.3 Zero attention to meaningful participation**

Result of this election in brief at a glance and when compared with the one from last election, women winning the major posts did not decrease. But the main question is not about how many of them became winners but how many of them reached the main or executive position. Women's representation is seen to be more in this election only because of the mandatory law related to mandatory provision on women and Dalit women members. Except for this, 2.60% and 4.43% of women candidates from main political parties Congress, UML, Maoist, JSP, CPN(S) and LSP won chair position and mayoral positions and this clearly shows how pathetic is the situation for women's meaningful participation. Similarly, it is a matter of embarrassment that only 0.94% of women from these parties got elected in ward president position when this position with the rights to carry out complete ward related responsibilities. Therefore, it clearly shows that elections in the future should focus on qualitative or meaningful participation over quantitative participation.

#### **Mockery of the term 'proportional'**

Constitution has mentioned that all bodies in the country will have proportional representation. But local level election 2079 has mocked this constitution provision only. For e.g., number of men voters in Doti is 58282, while, women voters are more than men voters by 6990, which means the number of women voters is 65272. But there is no presence of women as Mayor and ward president in any of the 9 local levels and 65 wards of this district.

Similarly, Parbat district has 62066 women voters and 59984 men voters, thereby, women voters are more by 2082 voters. This district has 7 levels and 62 wards, yet, it does not have a single woman as its mayor or ward president.

### **11.4 Limited to 'deputy'**

In one hand, political parties did a foul play on the issue of mandatory women's candidacy for either of Mayor/Chairperson or Deputy/Vice-Chairperson citing political coalition, understanding or partnership. On the other hand, if women candidacy had to be fielded in either of these two positions because of mandatory law, women candidacy was confined to 'deputy' position. Political parties, i.e., Congress, UML, Maoist, JSP, CPN-(S) and LSP had 4.43% women candidates winning as head of the municipality but this percent is 77.47% as deputy mayor/vice chairperson and while

2.60% women won as ward presidents, there has been win of 71.95% of women as ward vice-president. This clearly shows that women have been confined to 'deputy'. Let us remember that Nepali Comprehensive Dictionary has stated the meaning of deputy as 'a prefix indicating minimal, assistance expression'. In practice however, the role of deputy is necessary only in the absence of head except in conditions clearly ascribed by the law. That is why, especially women should either exude pressure to reach main or executive position or work towards equipping deputy positions with more power.

Chapter

# 12

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## **GESI through Election Monitoring**

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## Chapter 12

# GESI through Election Monitoring

Sixty-eight agencies obtained permission from the Election Commission for election monitoring of Local level election 2079 B.S. Some of these agencies have pointed out gender equality and social inclusion related issues which are as following:

**“***National Human Rights Commission (NHRC) had conducted election monitoring. Commission had been involved since the time of candidacy nomination and had drawn Election Commission’s attention to the fact that women candidacy was not meeting 33%. Additionally, Commission had also drawn Election Commission’s attention to less number of women candidates fielded in main positions, rise of the situation where women were denied filing their candidacy because they faced financial constraints since they had to submit money to their political parties and also had to spend money in elections, to take special measures to address pregnant and other problems faced by women staff and security personnel.*

Similarly, some of the issues that the Commission raised are t-shirts had been printed with party logo placed on the chest indicative of wrong intention when a woman wears these t-shirts, polling centres did not have breast feeding facility, schools were turned into polling centres that affected students’ education, practice of using children in election being still prevalent. During Commission’s monitoring, it had found out that if women faced any problems then that was not prioritized, they were trusted less, voters list did not have names of voters from sexual minority.

Similarly, it had been said that accessible and easy system has been managed for senior citizens, people with disabilities including individuals needing assistance, however, State had not created any supportive mechanisms to carry out this task because of which political parties had to take care of this responsibility. Commission noted that when political parties while assisting these voters were found to have been influencing them.<sup>39</sup>

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<sup>39</sup> Based on information given on 14 Baisakh 2079 by Manju Khatiwada, Under Secretary, National Human Rights Commission



**“ Human Rights Organization INSEC has mentioned how a person with disability in Banke was disallowed to use wheelchair to vote while being seated in the wheelchair, and therefore, stated that Election Commission has to pay serious attention to manage polling centres and its accessibility. Similarly, voters faced a lot of problems related to drinking water and toilet facility but people with disabilities, senior citizens and sickly voters were cooperated by everyone at the polling centres.**

INSEC while mentioning that women representation will decrease due to coalition has also stated that political party leadership needs to be serious towards ensuring proportional representation of all ethnicities and gender as guaranteed by the constitution.

**“ Election Monitoring Committee Nepal (EOC) has mentioned that attempts to financially influence voters from Dalit and backward community for their votes were made, and it also mentioned that legal gaps obstructing women representation in elections in the future should be eliminated.**

**“ General Election Monitoring Committee (GEOC) has stated that senior citizens, women and persons with disabilities have significantly participated in the election. It has pointed out to arrange for disability friendly polling centres.**

**“ According to Shekhar Parajuli, senior citizens, sickly, and persons with disability were prioritized in polling centre of Machhapucchre rural municipality, Kaski district. An arrangement to disallow voters unable to ink the ballot sheet if unaccompanied by unverified assisting family member.<sup>40</sup>**

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<sup>40</sup> Shekhar Adhikari, Himal, 2079 Asar

### **'Rebel' Sumita**

In the local level member election, Sumita Dallakoti had won ward presidency as CPN-UML candidate from Rapti Municipality-7. She had claimed that her performance was good and therefore had requested her party to field her candidacy either in higher position or repeat her in ward president only. But UML did not give her the ticket.

After that, she contested for ward president position as independent candidate and won by getting 899 votes while her contender from her own party Chhabilal Bhusal got 601 votes only. Her claim has been proved of being appropriate by the locals.

Chapter

# 13

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**Work to be done for  
GESI friendly election**

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## Chapter 13

# Work to be done for GESI friendly election

### Implementation of Constitution

Article 38 (2) of Nepal's constitution, under women rights, states that women based on principle of proportional representation have the right of their representation in all State levels. It means that women participation in elected posts should be 51.04%. However, this constitutional provision is not being implemented in practice. Therefore, if constitution is implemented well then State will naturally be GESI friendly.

### Local level election Act, 2073 Amendment

Local level election Act, 2073 B.S. mentions that candidacy nomination list filed by the political parties should have 50% women candidates nominated to contest as Chair or Vice-Chair, Mayor or Deputy Mayor, and Head or Deputy head of District Coordination Committee.

This Act needs to be amended so that any of the political parties contesting only for one position either for Mayor and/Deputy, and Chair and/Vice-Chair should field mandatory women candidate. This arrangement will not strip women's right to candidacy even when political party coalitions are formed.

Similarly, ward president position come after chief executive position in municipality known as local government, therefore, half the candidates number of any of the parties nominating candidacy for ward president in municipalities should be women.

In this way, while filing women candidacy, a provision providing specific quota for Dalit, persons with disabilities, and marginalized should be in place.

Similarly, local level election Act, 2073 B.S. states a concession of 50% in deposit amount for the interest of women and Dalit or minority community or financially weak candidates nominated to contest in the election. However, more than the deposit amount, the problem here is election campaign related expenses. Therefore, election expenses should be minimized so that election will not be costly and everyone can contest in equal footing.

The law should be amended with an alternative provision allowing the position reserved for women or marginalized to be filled by in case this position remains vacated owing to some reasons, for e.g., in this election, many of the places did not have Dalit women's candidacy. In such condition, Dalit men should be given the opportunity or a provision to fulfill the same number in the ward or executive level.

## **GESI friendly booths**

Polling booths have to be GESI friendly. For e.g., breast feeding space, toilet and drinking water facility should be appropriately managed. Senior citizens and disabled need a place to rest; and arrangement for persons with disabilities and disabled allowing them to vote easily should be in place.

## **Number of women election officers should be increased**

Women voters feel more at ease in the presence of women staff (including security personnel) than with men staff. Therefore, polling booths should respectively increase number of women staff in polling booths. Police women and security personnel and women staff must be mandatorily deputed in women voters' line. This increases the morale of the voters and has less possibility of ballots turning invalid.

## **Ammendment in nomination framework**

Election Commission has provided a form to be filled by the local level candidate while filing the candidacy. Such form should not only mention the candidate as a woman or a man but other gender identity also, if they have disability or not, whether they are Dalit, caste, single, endangered, etc. If it is created this way then it will be easy to find out information related to participation, interest and winning number of marginalized in the local election and this will also help in formulating policy, planning and programmes.

## **Commission should advance beyond justification**

Election code of conduct is morally binding only. This is not obligatory. Therefore, Election Commission should strongly move against any work that strikes the spirit of gender equality and social inclusion, disturbs and humiliates it, and pushes it further back. Commission does ask for explanation on such incidents. But it is not enough. It should proceed for prosecution related action. Then only perpetrator will be punished and realise the mistakes and probabilities of such ill activities taking place in the future will be minimized.

## आसन्न स्थानीय निर्वाचनमा लैङ्गिक तथा सामाजिक समावेशी उम्मेदवार

### तय गर्न राजनीतिक दलहरूलाई विशेष ध्यानाकर्षण :

आवधिक निर्वाचन लोकतन्त्रको आधार हो र यसबाट नै जनतामा निहित सार्वभौमसत्ताको प्रयोग हुन्छ भन्ने कुरा मनन गर्दै, निर्वाचन स्वतन्त्र, स्वच्छ, मितव्ययी र आवधिक रूपमा हुनुको साथै समावेशी र समतामुलक हुनुपर्छ भन्ने संवैधानिक मान्यतामा अडिग रही देशका सबै वर्ग, जाति र समुदायका नागरिकको सहभागिता, स्वामित्व र प्रतिनिधित्व हुनुपर्ने नेपालको संविधानले सुनिश्चित गरेको कुरा प्रति सचेत रहँदै,

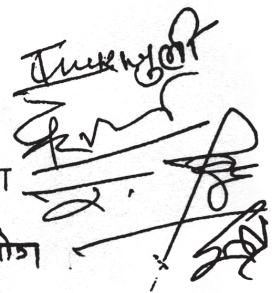
संवैधानिक आयोगका हामी देहाय बमोजिमका पदाधिकारीहरु निर्वाचनमा उम्मेदवारको समावेशी प्रतिनिधित्व र मतदाताको निर्वाचन र उम्मेदवार प्रतिको चासो र विश्वास आवश्यक पर्दछ भन्ने कुरामा सहमत भएका छौं । त्यसैले निर्वाचन र जनप्रतिनिधिप्रतिको विश्वास क्षयीकरण हुन नदिन, लैङ्गिक तथा सामाजिक समावेशीतालाई केन्द्रबिन्दुमा राख्दै यिनै मान्यता भित्र रही उम्मेदवार छनोट देखि नै योग्यता, दक्षता, लैङ्गिकता, वर्गीयता, भौगोलिकता लगायतको समावेशिता सहितको प्रतिनिधित्व सामाजिक समानुपातिक रूपले हुने गरि निर्वाचन सम्पन्न गर्न सम्बन्धित सबैको ध्यानाकर्षण गराउँदछौं ।

स्थानीय तह लोकतन्त्रको अभ्यास गर्ने नागरिकको नजिकको सरकार हो । स्थानीय नेतृत्व विकास गर्ने, सार्वजनिक सेवा वितरण गर्ने, जनताको शासन प्रक्रियामा सहभागिता गराउने र राष्ट्रिय राजनीतिक प्रणालीमा मुलप्रवाह गर्ने माध्यम पनि भएकोले राजनीतिक दलहरूको गठबन्धन, चुनावी प्रक्रिया समेतले संविधानको व्यवस्था, भावना र मर्म, निर्वाचनका मान्य सिद्धान्त एवं राजनीतिक न्यायको अवलम्बन अवरोध नहुने गरी आगामी स्थानीय तहको चुनावमा उम्मेदवार बन्न र मताधिकारको प्रयोग गर्नका लागि नेपाल सरकार र सबै राजनीतिक दलहरूलाई ध्यानाकर्षण गराउन चाहन्छौं ।

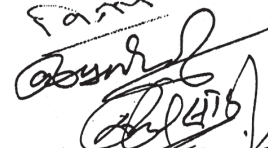

यसका अतिरिक्त ज्येष्ठ नागरिक, अपाङ्गता भएका व्यक्ति, गर्भवती तथा शारीरिक रूपमा कमजोर मतदाताको मतदानमा सहभागिता, सुरक्षा, स्वतन्त्रता र गोप्यताको रक्षा हुनेगरी सहभागिता सुनिश्चित गर्न समेत ध्यानाकर्षण गराउँछौं ।

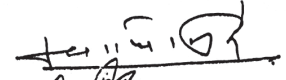
### आयोगका पदाधिकारीज्यूहरूको नाम तथा आयोग

१. माननीय अध्यक्ष कमला कुमारी पराजुली, राष्ट्रिय महिला आयोग
२. माननीय अध्यक्ष देवराज विश्वकर्मा, राष्ट्रिय दलित आयोग
३. माननीय अध्यक्ष डा. रामकृष्ण तिमल्सेना, राष्ट्रिय समावेशी आयोग
४. माननीय अध्यक्ष रामबहादुर थापाभण्डारी, आदिवासी जनजाति आयोग



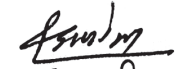
४. माननीय अध्यक्ष डा. विजय कुमार दत्त, मधेशी आयोग
५. माननीय अध्यक्ष विष्णु प्रसाद चौधरी, थारु आयोग
६. माननीय अध्यक्ष समिम मियाँ अन्सारी, मुस्लिम आयोग
७. माननीय सदस्य कृष्ण कुमारी पौडेल खतिवडा, राष्ट्रिय महिला आयोग
८. माननीय सदस्य विद्या कुमारी सिन्हा, राष्ट्रिय महिला आयोग
९. माननीय सदस्य जया घिमिरे, राष्ट्रिय महिला आयोग
१०. माननीय सदस्य सावित्रा कुमारी शर्मा, राष्ट्रिय महिला आयोग
११. माननीय सदस्य विष्णुमाया ओझा, राष्ट्रिय समावेशी आयोग
१२. माननीय सदस्य हरिहर जोशी, राष्ट्रिय समावेशी आयोग
१३. माननीय सदस्य पुष्पराज तिमिल्सिना, राष्ट्रिय समावेशी आयोग
१४. माननीय सदस्य रीना राना, आदिवासी जनजाति आयोग
१५. माननीय सदस्य डा. मिन खिस, आदिवासी जनजाति आयोग
१६. माननीय सदस्य कारण राई, आदिवासी जनजाति आयोग
१७. माननीय सदस्य शूर्य बहादुर गुइडा, आदिवासी जनजाति आयोग
१८. माननीय सदस्य महमदिन अलि (अधिकारी), मुस्लिम आयोग
१९. माननीय सदस्य मोहम्मद शमसुल हक, मुस्लिम आयोग
२०. माननीय सदस्य मिना देवी शीब, राष्ट्रिय कलित आयोग
२१. माननीय सदस्य रेणु देवी यादव, मधेशी आयोग


प्रसाद  
  


विद्या कुमारी सिन्हा  


सावित्रा कुमारी शर्मा  


विष्णुमाया ओझा  

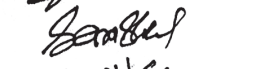

हरिहर जोशी  


पुष्पराज तिमिल्सिना  


रीना राना  



डा. मिन खिस  


कारण राई  


शूर्य बहादुर गुइडा  


महमदिन अलि  


मोहम्मद शमसुल हक  


मिना देवी शीब  


रेणु देवी यादव  




**National Women Commission**