

अनुसूची-३

(निर्वाचन पर्यवेक्षण निर्देशिका, २०७९ को दफा ११ को उपदफा (१) सँग सम्बन्धित)

अन्तर्राष्ट्रिय निर्वाचन पर्यवेक्षण संस्थालाई मान्यता दिने सम्बन्धी पूरक निर्देशिका

International Election Observers Accreditation (Supplementary) Directive, 2022 A.D. (2079 B.S.)

Approved Date:2022/08/13

Preamble: Whereas; it is expedient to provide opportunity for the international organizations to observe the election process and procedure in relation to observe the freeness, fairness, transparency and credibility of the election, as well as regulate observers in election observation, which Election Commission of Nepal (hereinafter referred to as "ECN", in this directive,) needs to hold as per the Constitution of Nepal; by exercising the powers conferred by Section 50 of the Election Commission Act, 2017 (2073), this supplementary directive for the international observers has been issued by the ECN.

Chapter- One **Preliminary**

1. **Short Title and Commencement:** (1) This directive shall be called "International Election Observers Accreditation Directive, (IEOAD) 2022 A.D. (2079 B.S.)".
(2) This directive shall come into effect from the date of endorsement of the main directive.
2. **Definition:** In this directive, unless the subject or context otherwise requires:
 - a. 'Commissioner' means commissioner of Election Commission Nepal and it also refers Chief Election Commissioner.
 - b. 'Commission' means Election Commission as per in article 245 of the constitution.
 - c. 'Act' means Election Commission Act 2073 B.S
 - d. 'Observer' means a person permitted by the commission to observe the election and also indicates the individual observer deployed from observer organization.
 - e. 'Observation' means the observation from National or International observer during the election.
 - f. 'Observer Institution' means national or foreign institution which have taken the permission to observe the election from Commission.
 - g. 'Voters' means an individual recorded in final electoral roll according to the federal laws.
 - h. 'Polling Officers' means election officers, who are appointed according to the federal law as per section 19 of the act to complete the election, and this word also refers to assistant polling officers.
 - i. 'Polling Center' means polling center prescribed by commission for the voting purpose in election.
 - j. 'Political Parties' means political parties enrolled/registered in the commission according to federal laws.

- k. 'Proportional Election System' means as per section 5 of the Act, a system in which nation is assumed as single election constituent for the vote of political parties and each political parties' Representative will be elected according to the ratio of secured vote in House of Representative.
- l. 'Contact person' means the person who shall be entitled as an authorized point of contact on behalf of concerned organization.
- m. 'Committee' means the election observation committee as mentioned in the section 3 of the main directive.
- n. 'Election code of conduct' means the election code of conducts issued by the ECN.
- o. 'Main Directive' means Election Observation Directive, 2022 A.D. (2078 B.S.) issued by the ECN.
- p. 'Observer Organization' means an organization that shall be accredited by the ECN to observe the election.
- q. 'Observer' means a person who shall be accredited by the ECN to observe the election.

Chapter- Two

Procedures of Acquiring Observation Accreditation

- 3. **Call for Observation:** The ECN shall publish a notice, calling applications from international organizations in the format given in Annex-A, providing at least 15 days of timeframe for application and giving detail information for the application procedure of election observation.
- 4. **Eligibility for Observer Organization:** Each applicant organization should meet the following requirements for accreditation:
 - a. Applicant organization should produce evidence of registration with the relevant authority of own country,
 - b. The applicant organization should have a working experience of good governance, election, democracy, peace building and human rights,
 - c. The applicant organization should commit to fully comply with the election code of conduct issued by ECN,
 - d. If observed previously, the organization must have submitted the observation report on time to the ECN,
 - e. The applicant organization shouldn't have been punished for violation of human rights, election code of conduct and prevailing rules and regulations of Nepal,
- 5. **Submission of Application:** Each applicant organization meeting the requirements as prescribed in Section 4 may submit application to the ECN in the format given in Annex-B within the stipulated time.

6. **Accreditation of Organization:** (1) After receiving the application from applicant organization, the ECN shall review all requirements and documents as prescribed in Section 4.
- (2) If the applicant organization meets all the requirements as mentioned in Section 4, the ECN shall first accredit and inform the applicant. However, the ECN fully deserves the right to provide accreditation.
7. **Eligibility of Observer:** (1) Each observer should meet following eligibility criteria:
- a. Minimum 21 years of age,
 - b. Minimum proficiency certificate level equivalent academic qualification.
- (2) If any international observer organization intends to mobilize Nepali nationals as their staff, they should also meet the eligibility criteria as prescribed in Section 14 of the main Directive.
8. **Submission of Observers' Details:** (1) After receiving the accreditation notice from the ECN, the observer organization must submit the following evidences, documents and observers' details for further accreditation of observers:
- a. Authorization Form for the Contact Person as per the format given in Annex-C,
 - b. Observer's Information and deployment details in the format given in Annex-D,
 - c. Declaration and Pledge of International Observers in the format given in Annex-E,
 - d. Curriculum Vitae certified by the concerned observer organization,
 - e. A copy of the passport of the observer certified by the concerned observer organization.
- (2) The application forms submitted must have a cover page on the observer organization's letter head with a listing of the name of each observer and his/her nationality in the sequence in which the completed forms are enclosed.
- (3) Applicant can directly apply online through observer.election.gov.np and the ECN will inform whether the application has been received or further information is required to fulfill the predetermined criterias. The applicant organization shall submit hard copies if required.
- (4) If any international observer organization intends to mobilize national local staff (Nepali staff) they also need to undergo the due process of accreditation.
9. **Accreditation of Observer:** (1) After receiving the application of the observer organization with details of observers, ECN shall review all requirements as prescribed in section 7.
- (2) If the applicant meets all the requirements as prescribed in section 7, then ECN shall accredit the observers.

10. Issuance of Observer Identity Cards: (1) After completion of accreditation as prescribed in section 8 ECN shall provide international election observer identity cards to the accredited observers in the format given in Annex-F for each observer.

(2) After the preparation of identity cards of observers, the contact person shall be informed to collect the cards for further distribution.

(3) The contact person shall then be responsible for the distribution of identity cards of the concerned observer organization.

(4) The observer should always carry his/her observer's identity card while he/she is performing his/her functions/duties as an observer.

Chapter- Three
Special Guest Observer Accreditation

11. **Call for Special Guest Observer:** The ECN may invite internationally renowned and experienced person in the field of electoral observation as the special guest for the observation of election, as per the recommendation of the committee.
12. **Submission of Details:** (1) After receiving the invitation as per Section 11, the special guest who wants to observe the election day activities has to submit the details of the Special Guest Observer to the ECN in the format given in Annex-G for the purpose of observer identity card.
(2) If the Special Guest Observer wishes to bring security personnel, support staffs, including interpreter, s/he must include the details of the accompanying persons in the form. The ECN encourages keeping the number of the accompanying persons limited.
(3) Attachment of a copy of the passport of those applying for an observer identity card is mandatory.
(4) The details of the Special Guest Observer will be reviewed by the ECN for accreditation after the submission of the application.
13. **Issuance of Special Guest Observer Identity Card:** (1) After the completion of accreditation as prescribed in Section 12, the ECN shall provide Special Guest Observer identity card in the format given in Annex-H to the Special Guest Observer.
(2) The Special Guest Observer should always carry his/her identity card while s/he is performing his/her functions/duties as a special guest observer.

Chapter- Four
Functions, Duties, Right Privileges of Observer Organizations and Observers

14. **Function and Duties of Observers:** The function and duties of observers shall be as follows:
- a. Observers shall at all times recognize and respect the custom, culture and sovereignty of Nepal;
 - b. Observer organization has a duty to brief their observers thoroughly on the electoral process and procedure and the provisions of the Election Code of Conduct issued by ECN prior to the deployment of observers;
 - c. Observers must carry out their roles with impartiality, objectivity and independence and must at no time indicate or express any political bias or preference;
 - d. Observers must refrain from carrying, wearing and displaying any electoral campaign material or any article of clothing, emblem, badge, pictures, symbols or other items denoting support for or opposition to any political entity;

- e. Observers shall respect the election officials, and exhibit a respectful and courteous attitude towards election officials, voters, volunteers and candidates;
- f. Observers shall cooperate with the electoral and polling officials;
- g. Observers must undertake their duties in an unobtrusive manner and not interfere with the election process. Observers shall refrain from influencing or providing guidance to persons involved in the electoral process/voting;
- h. Observers shall respect the instructions given by polling officer to limit the number of observers to enter into the polling centers in order to maintain calm and conducive environment for polling.
- i. Observers must observe the voting on polling day from a reasonable distance, and refrain from talking to voters inside the polling station and from asking voters about their political inclination. Observers must respect the secrecy of the voting and not interfere with the orderly conduct of the voting process;
- j. Observers shall abstain from adjudicating disputes, certifying results, or providing written statements as evidence to be used in relation to dispute resolution;
- k. Observers shall not issue any disputable statement disturbing the operation of polling.
- l. Observers should register any information or event which may be in contradiction with the electoral laws or regulations or the Code of Conduct issued by the ECN and shall immediately bring this to the attention of the ECN. While obliged to inform the Commission thereof, the observers shall refrain from intervening in the incident itself;
- m. Observer organization shall be accurate and comprehensive in their review of the election and must consider all factors that affect the electoral process when issuing statements and reports;
- n. Observer organization shall be transparent and reveal all methods used for information-gathering including facts and methodologies upon which conclusions are based;
- o. Observers must refrain from slanderous or defamatory public statements regarding the ECN or any other electoral stakeholders or voters;
- p. Observers must refrain from announcing election results issuing any statement pertaining the process and result prior to the formal announcement of result from the ECN;
- q. Observers shall maintain due secrecy on the matters pertaining to voting and counting;
- r. Observers must not bring, use or carry any arms/weapons and other restricted items

- s. Observer organization must submit a preliminary report within 15 days of election and a final report within 30 days after the election result is published;

15. Right and Privileges of Observer Organization and Observers: The rights and privileges of observer organization and observers shall be as prescribed in this Section;

- a. To observe all phases of the electoral process, including party and candidacy registration; election campaign; preparation for polling; voting process (except secrecy of the voting), vote counting, issuance, and dissemination of the election results;

- b. To observe the use of traditional media and social media during electoral process;

- c. To move to the areas designated in the accreditation;

But the list of restricted areas shall be provided to the contact person while providing accreditation to the observer organization.

- d. To access at all times to all facilities (including the polling and counting centers) utilized for the electoral operation in the permission of the concerned returning officers and polling officers;

- e. To communicate freely to all the stakeholders involved in the electoral process, including the ECN officials, voters, political parties, government officials, non-governmental organizations, civil societies, professional organizations and media.

- f. To seek information and get timely responses from all stakeholders involved in the electoral process on matters within the scope of the observation;

- g. To communicate the findings of the observation in an accurate and comprehensive manner at any time.

Chapter- Five **Miscellaneous**

16. Cost and Expenses Incurred: Each observer organization duly accredited shall be solely responsible for all its support arrangements and the costs thereof. The ECN shall not be responsible for any costs incurred for election observation.

17. Revoking Accreditation: The ECN may revoke accreditation of any observer organization or observer on the recommendation of the committee if the organization or the observer fails to abide by the laws of Nepal or violates the Election Code of Conduct issued by ECN.

18. Further Instruction to the Observer Organization and Observers: (1) All applications should be delivered by the authorized contact person of the observer organization directly to the ECN.

(2) The ECN shall provide an information kit to each observer with minimum required information.

(3) ECN shall provide orientation to the authorized contact persons, and the contact persons must participate in the orientation.

(4) The observer organization must provide orientation to the observers including comprehensive training on electoral system, the Election Code of Conduct and observation process including all the materials as prescribed in Section 22 of the main procedure to be used for respective election.

19. Applicability of the main Directive: This directive shall be a facilitating directive for international observer for the purpose of Section-11 of main directive, and related provisions set by the main directive shall be applicable for all international observer organization.

Annex-A
(Relating to Section 3)

१.१. Call for international observers to observe ".....Election, (Year)" of Nepal

(Published on: dd/mm/yy)

The Election Commission Nepal (ECN) announces its call for international organizations to submit applications for the observation ofElection, (Year)" of Nepal being held on *dd/mm/yy*.

Interested applicants must submit their application and the requested documents through the Election Observation Management System (*...link...*) no later than *dd/mm/yy*.

1. Application Procedures for Accreditation for the Observer Organization:

- a. Applicants must carefully review the Election Observation Directive, 2022 A.D. (2079 B.S.) and Election Code of Conduct issued by the ECN to ensure compliance of the provisions therein.
- b. Applicants must send the request letter (available at the above-mentioned online portal) to (*...email...*) in order to obtain login credential.
- c. Applicants shall obtain login credential in their email address after the request has been made.
- d. Completed online application form entitled "Application Form for Accreditation for International Observation" should be submitted to ECN through the above-mentioned online portal.
- e. Completed online application form entitled "Authorization Form for the Contact Person" should also be submitted to ECN through the above-mentioned online portal. This form will identify the person acting on behalf of the applicant organization with whom the ECN shall interact on observation matters.

2. Accreditation Requirements for the Observation Organization

- a. Evidence of registration with the concerned authority of their own country;
- b. Working experience in the field of good governance, election, democracy, peace building and human rights;
- c. Should have submitted observation report on time to ECN if observed in previous election;
- d. Should have never been punished and convicted on human rights violation and violation of election code of conduct and Nepalese laws before.

3. Terms and Conditions for Accreditation of Observers

The application of observers will be processed only after the observer organization to which they are affiliated with is accredited. Each observer organization is required to submit the following documents of the observers for accreditation through the above-mentioned online portal:

- a. The completed "Declaration and Pledge of International Observer" form along with a passport sized photograph and a copy of the passport,
- b. Curriculum Vitae certified by the concerned observer organization,
- c. A copy of any publication related to election observation, if any.
- d. The applicant organization shall submit hard copy evidences, if required.
- e. Organizations intending to mobilize their Nepali staffs also need to undergo the due process of accreditation.

4. Issuance of Observer's Identity Cards

Each observer's identity card will be issued once his/her application is approved by the ECN. The decision to this effect will be communicated to the contact person of the observer organization.

5. ECN fully reserves the right to accreditation.

Annex-B
(Relating to Section 5)

Application form for International Election Observer Organization Accreditation

Please tick the appropriate box:

- | | |
|--|--|
| <input type="checkbox"/> International Organization | <input type="checkbox"/> Regional Organization |
| <input type="checkbox"/> Governmental Delegation | <input type="checkbox"/> Other |
| <input type="checkbox"/> Non-Governmental Organization | |

Name of Organization:

Area of Specialization:

Address of Headquarter:

Government Registration Detail (a copy of the association of article should be included)

:.....

Objectives of Organization:

.....

.....

Office location in Nepal:

Telephone no. in Nepal:

Fax no. in Nepal:

Webpage/Email of Observer Organization (if any):

Name of Head/Deputy Head of

Observer Organization including title.....

Mobile No.:

Email :

Anticipated No. of Observers:

Anticipated Period of Stay in Nepal:

Place and Date of Signature:

I/we hereby commit to comply with the Election Code of Conduct issued by the ECN.

Seal and Signature of the Head of the Observer Organization:

Annex-C
(Relating to Section 8, Sub-section (1-a))
Authorization Form for the Contact Person

The contact person will be the sole point of communication between the Election Commission, Nepal (ECN) and the Observer Organization. Please submit this form with complete contact details, as well as a passport sized photograph and a copy of passport.

Name of Observer Organization:
Personal Detail of Contact Person:.....
 Name :
 Gender:
 Nationality:.....
 Office Location:.....
 Mobile No. :.....
 Telephone No.:.....
 Fax no.:.....
 Email :.....

*Please glue or
staple a passport
sized photo of
the
Contact Person
here*

I, the Head of the Observer Organization, hereby authorize the contact person to perform the following tasks:

- a. Sign all necessary documentation on behalf of the Observer Organization.
- b. Receive/submit all documents and materials to/from the observer organization and the ECN.

Signature of Contact Person:

Place and Date:

Seal and Signature of the Head of the Observer Organization:

Annex-D
(Relating to Section 8, Sub-section (1-b))
Observer's Information and Deployment Details

Name of Observer organization:

Address :

S.N.	Name of the Observer	Age	Gender	Type of Disability (If any)	Nationality	Passport No.	Academic Qualification	Experience	Proposed Deployment		
									Province	District	Rural Muni./Muni

Name of the Head of the organization/Contact Person:

Signature:

Seal of the observer organization

Date:.....



Annex-E
(Relating to Section 8, Sub-section (1-c))
Declaration and Pledge of International Observers

Observer Organization:
 Observer's Information:
 Surname:Middle Name:..... First Name:
 Nationality:
 Date of Birth (dd/mm/yy):
 Gender: Male Female Others
 Passport Number: Passport Type:
 Country of Residence:
 Home Address:
 Email Contact No:

<p>I hereby declare that I have received and read the Election Code of Conduct issued by the Election Commission, Nepal, and that I have received or will receive training in Electoral Observation from the above-mentioned observer organization.</p> <p>I pledge to abide by the Election Code of Conduct and by the laws of Nepal. I have not been punished in human rights crime violation till to date.</p> <p>With this pledge I submit the following documents:</p> <ul style="list-style-type: none"> • A copy of my passport • One passport size photograph (attached to this document) • A copy of certificate of my highest academic qualification • Proof of election observation experience if any • Publication on election observation if any 	<div style="border: 1px solid black; width: 100%; height: 100%; display: flex; align-items: center; justify-content: center;"> <p style="margin: 0;"><i>Please glue or staple passport sized photo of the observer here</i></p> </div>
Signature of the Observer:	
Place and Date:	
Seal and Signature of the Head of the Observer Organization:	

Signature:.....
Seal of the observer organization
Date:.....

Annex-F
(Relating to Section 10, Sub-section (1))
International Election Observer Identity Card

  निर्वाचन आयोग, नेपाल ELECTION COMMISSION, NEPAL	
<p>..... Election, (Year)</p> <p>अन्तर्राष्ट्रिय पर्यवेक्षक परिचयपत्र</p> <p>INTERNATIONAL OBSERVER IDENTITY CARD</p>	
<p>परिचय पत्र नं ID Card No.</p> <p>नाम, थर Name</p> <p>पर्यवेक्षण संस्था Observer Organization</p> <p>राष्ट्रियता Nationality.....</p> <p>परिचय-पत्र बहाल रहने अवधि Validity.....</p> <p>परिचय-पत्र पाउनेको दस्तखत Signature of ID Card Holder.....</p> <p style="text-align: center;">निर्वाचन आयोगको आधिकारिक व्यक्तिको</p> <p style="text-align: center;">The designated official of the ECN</p> <p>दस्तखत Signature</p> <p>नाम, थर Name.....</p> <p>पद Designation.....</p> <p>जारी मिति Date of issue.....</p>	<div style="border: 1px solid black; padding: 5px;"> <p>पासपोर्ट साईजको फोटो /passport sized photo</p> </div>
<p>This holder of this card will have access to the electoral premises. परिचयपत्र बहाकलाई मतदान केन्द्र र मतगणना स्थलसम्म प्रवेश अनुमति रहनेछ ।</p> <p style="font-size: small;">Website : www.ecn.gov.np Email : sec@ecn.gov.np</p>	

Observers shall at all times abide by the prevailing laws of Nepal and Election Code of Conduct issued by the Election Commission Nepal.

This code includes:

- Observers shall at all times recognise and respect the customs, culture and sovereignty of Nepal;
- Observers shall exercise their role with impartiality, objectivity and independence;
- Observer organization shall be accurate and comprehensive in their observations;
- Observers shall undertake their duties in an unobtrusive manner and not interfere with the election process;
- Observers shall respect the role, status and authority of election officials;
- While inside electoral facilities, Observers shall identify themselves immediately and follow the instructions of the electoral officials;
- when requested, Observers shall present a passport or a national ID with a picture in conjunction with presenting this card; and
- Observers shall observe the voting from a reasonable distance, and refrain from talking to voters inside the polling station.

यो परिचयपत्र हराएको खण्डमा, पाउनु हुने महानुभावले कृपया निर्वाचन आयोग वा निर्वाचन कार्यालय वा जिल्ला प्रशासन कार्यालय वा नजिकको प्रहरी कार्यालयमा दुइघण्टा दिनुहोला ।

Annex-G
(Relating to Section 12, Sub – section (1))

Details of Special Guest Observer for Accreditation

Title:

Full Name:

Designation:.....

Gender:

Nationality:

Passport No:

Email:.....

Organization (if any):

Address while staying in Nepal:

Contact Person(if any):

Name:.....

Mobile No:

Email:

Accompanying Person/s:

Full Name and Designation:

Full Name and Designation:

Full Name and Designation:



Full Name and Designation:

Place and Date of Signature:

Special Guest Signature:

Annex-H
(Relating to Section 13, sub-section (1))

Special Guest Observer Identity Card

	 निर्वाचन आयोग, नेपाल ELECTION COMMISSION, NEPAL
<p>..... Election,...(year)...</p> <p>(..... निर्वाचन,...(वर्ष)...</p> <p>SPECIAL GUEST OBSERVER IDENTITY CARD</p> <p>विशिष्ट अतिथि अवलोकनकर्ता परिचय- पत्र</p>	
ID Card No परिचय पत्र नं.	<div style="border: 1px solid black; padding: 10px; width: fit-content; margin: auto;">पासपोर्ट साईजको फोटो (passport size photo)</div>
Name नाम/थर.....	
Nationality राष्ट्रियता	
Area of Observation अवलोकन गरिने क्षेत्र.....	
Validity of ID Card परिचय-पत्र बहाल रहने अवधि.....	
Signature Of Card Holder परिचय-पत्र पाउनेको सही.....	
Official Of ECN निर्वाचन आयोगको आधिकारिक व्यक्तिको Signature सही	
Name नाम	
Designation पद	
Date मिति / /	
<small>Website : www.ecn.gov.np Email : info@ecn.gov.np</small>	

"The holder of this card will have access to the electoral premises"