

The Himalayan Times

April 1, 2008

NEPALI PRISONERS' RIGHT TO VOTE

Somsri Hananuntasuk

Asian Network for Free Elections (ANFREL)

International observers in Nepal have much to learn from the forthcoming Nepal Constituent Assembly (CA) elections. An interesting aspect that observers must have noted is the rights of those who remain behind bars. No matter if they are guilty or innocent, whether they have committed minor or serious crimes, they all have the right to vote for the CA election. Nepal has been considered one of the poorest countries in the world, with an illiteracy rate of more than 50 percent and widespread unemployment. The world looks at Nepal only through the lens of tourism and its beautiful landscapes. For the last several years, Nepal's significance to the international community has sprung mainly from its complicated conflicts and political violence but not many people have considered the rights that have been given to wrongdoers.

Certainly Nepal has high rate poverty but a rich legal spirit!!

Nepal is one of the few countries in Asia that has done away with capital punishment, even though there are many serious crimes and prisoners have not been prevented from voting. It is because the state cares for the electoral rights of all groups of people here, except for the internally displaced persons (IDPs) and the landless. Credit, however, must be given to the Election Commission of Nepal (ECN), and the Home Ministry, who will provide polling stations outside the prisons and allow all prisoners to cast their votes. Such is the practice, that has been observed, in elections in Indonesia, East Timor and Afghanistan, but have not been seen in many established democracies.

Why still give the rights to the accused?

It may just simply be that prisoners are citizens of Nepal too. There are concerns that prisoners may not vote in a desirable way and that they are those whose voices should not be heard. But prisoners are citizens too and allowing them electoral rights will make them feel that life is still meaningful. Nepal is their homeland and they too have a stake in its future and a responsibility to fulfill, even from behind the bars. They should be given the opportunity to vote for those whom they feel may improve the living conditions in the prisons, do more for rehabilitation programs for the prisoners and try to get innocent people languishing in prisons out. It is not true that criminals will vote for other criminals to walk into parliament.

Allowing prisoners to cast their ballot also serves to remind the politicians of the existence of this group of people and that they are an eternal part of the society and country. Politicians and administrative bodies know that prisoners are voters whose votes

can impact electoral results. They must take care of them in prison, see that prison conditions are not humane and do not violate the fundamental human rights of prisoners. These bodies are accountable for the judicial system that they have established and follow and also for necessary reforms in the system.

It is confirmed that the prisoners will vote outside the prisons as temporary voters and they will go to polling stations near the prisons, no polling station will be set up inside the prison buildings as was done in Indonesia and East Timor. They will vote for the Proportional Representation (PR) list only, can not vote for First Past the Post (FPTP) list. Meanwhile, political parties are not allowed to campaign inside the prisons. Any information to prisoners will be sent only with permission of the Election Commission and Home Ministry.

Despite the commendable measure of allowing prisoners to vote, there are interestingly, two key groups who are disenfranchised in the upcoming CA elections in Nepal: the internal displaced people (IDPs) and the landless. It would have been perfect if they could have been enfranchised as well!
