THE
CARTER CENTER

The Carter Center's Information Sessions on the
Election Commission of Nepal's Voter Registration with Photograph Program
May 9, 2012

Introduction and Executive Summary

The Election Commission of Nepal (ECN) is conducting a nationwide voter registration process to create a new computerized voter register. The Carter Center has been invited and accredited by the ECN to observe the ongoing voter registration process. The Carter Center's observation objectives are to support the electoral process, to promote confidence in the ECN and the voter registration process to the degree warranted, and to contribute to the overall strengthening of the democratic process. Carter Center observers have gathered information about the voter registration process from 49 of Nepal's 75 districts since March 2010. On the basis of observer findings and consultations at the national level, The Carter Center has issued one assessment of the pilot voter registration process (June 2010) and three full voter registration observation statements (April 2011, July 2011, and Jan. 2012).

The Carter Center recently held a series of information and discussion sessions in hub cities across Nepal focused on the voter registration process. The sessions were an opportunity for the Center to share its findings on the process to date and to solicit questions and feedback from participants, including government officials, political party representatives, civil society members, community-based groups, local media, and others. District Election Officials and District Administration Officials who attended the sessions played constructive roles and in many cases helped to address participant questions and concerns. These officials also told The Carter Center that they appreciated the events as a useful forum in which to communicate directly with key stakeholders about their efforts on the voter registration process. The main issues and recommendations raised by participants in these sessions were:

1. **People without citizenship certificates.** Participants from a range of backgrounds raised concerns that not all Nepalis have citizenship certificates, and that the requirement to possess one in order to register could potentially disenfranchise people. They expressed worries that this could ultimately undermine the credibility of the voter registration process.

   Carter Center Recommendations: The Government of Nepal should increase its efforts to distribute citizenship certificates to all eligible Nepalis. The Government should also consider amending legal barriers to registration for eligible persons who do not possess the appropriate documents, such as the children of people who received citizenship by special provision in 2007 and others such as people who are poor or from marginalized groups.

2. **Lack of citizen awareness and information on the voter registration process.** Participants expressed a clear interest in having more information about the voter registration process, and several raised concerns about the need for increased voter education efforts by the ECN. Others commented that political parties should be more active and engage citizens in the process.

   Carter Center Recommendations: The ECN should increase its efforts to share information about the voter registration process and conduct voter education across the country, with support from civil society as needed. Political parties should also increase their activities and engagement in the registration process.

3. **The need to target missing groups, such as internal migrants and people living in geographic areas of low turnout to date.** In nearly all the information sessions, participants raised questions about voters who were still missing from the voter registration list.

   Carter Center Recommendations: The ECN should target future registration efforts towards areas of low turnout. The ECN should increase its efforts to raise awareness regarding options for internal migrants to register and the Government of Nepal should also ensure that eligible Nepalis who require proof-of-migration are able to obtain such documents without undue difficulty in order to register.

Carter Center Information Sessions

From Feb. 23- March 16, 2012, The Carter Center held a series of information sessions on the ECN's Voter Registration with Photograph program. The sessions were held in a hub city in each development region of Nepal: Pokhara (Feb. 23), Janakpur (March 6), Nepalgunj (March 9), Dhangadhi (March 11), and Biratnagar (March 16). The goals of these sessions were to:

- Share the Carter Center's observation findings from our Third Interim Statement[1] on the ECN's voter registration program at the local level;
- Increase awareness and understanding about the voter registration process among political parties, civil society members, the media, and other stakeholders;
- Hear directly from participants about their perceptions, questions, and concerns regarding the voter registration process to date.

The Carter Center invited representatives from the District Election Office (DEO), District Administration Office (DAO), other government officials, political party representatives, civil society members, community-based groups, local media, and others. Attendance ranged from 25-45 participants per session. The programs began with an introduction of The Carter Center and our work in Nepal. We then presented the main findings from the Carter Center's latest voter registration observation report. Following this presentation, participants were encouraged to ask questions and share comments on the Carter Center's findings. This paper summarizes the main areas raised by participants during this portion of the program, which may be of interest to ECN and government officials at the national level.

Main Issues Raised by Participants

Although the concerns below cannot be considered fully representative, The Carter Center believes they provide a useful indication of the perceptions Nepali citizens may have regarding the voter registration process. Additionally, because many of the people who attended the information sessions can be considered opinion leaders within their communities, it is important to understand their views on the process. As well, many of the issues mentioned below have also been raised by The Carter Center in previous observation reports.

1. People Without Citizenship Certificates

The most common subject raised by participants was the requirement that individuals possess a citizenship certificate in order to register to vote. This issue was raised in all five sessions conducted by The Carter Center, and was of particular concern to participants in the Janakpur session.

In discussions with The Carter Center, senior officials of the Ministry of Home Affairs, which is responsible for citizenship certificate distribution, have stated that access to citizenship certificates is not a problem for eligible Nepalis, apart from a small number of exceptional cases. The officials acknowledged that some people may lack motivation to apply for a citizenship certificate – for example because they do not see any benefit in doing so – but that any motivated and eligible Nepali can obtain a certificate without difficulty. The officials further noted that the Ministry has supported

[1] See: "Third Interim Statement on the Election Commission of Nepal's 'Voter Register with Photograph' Program," The Carter Center, Jan. 31, 2012, at: http://www.cartercenter.org/news/pr/nepal-013112.html.

government efforts to expand eligibility criteria to include children of Nepalis who received citizenship by special provision during the 2007 citizenship distribution drive (see below).

Reliable data on the number of eligible Nepalis who lack citizenship certificates is unfortunately not available. However, Carter Center observers continue to find that interlocutors in many districts believe that access to citizenship certificates is a problem for at least some Nepalis. These perceptions are notable because they are: 1) widespread and 2) show that there is local concern about how the citizenship certificate requirement could affect the inclusiveness and political acceptability of the voter roll. The Carter Center is currently collecting limited data on citizenship certificate issues but believes it may also be useful to share the concerns that were raised by participants during the voter registration information sessions, which fell into four categories.

First, there was strong concern that different groups of people lacked citizenship cards and thus were at risk of disenfranchisement. In particular, various participants identified people from historically marginalized backgrounds, the poor, people from remote areas, and the children of those who received citizenship in 2007[2] as at particular risk. One participant in Janakpur said "The citizenship certificate requirement is preventing a big chunk of people from being registered." Another raised concerns about people who received citizenship by special provision in 2007 but whose children are not legally eligible for citizenship certificates and therefore cannot register. Participants in several sessions expressed concern about individuals who were very poor and did not possess any required documents to receive citizenship certificates but had been on the previous voter list, and now would be left out. Finally, a representative of a Dalit organization in Nepalgunj noted that some poor migrants (including Dalits) from the Karnali districts did not possess citizenship cards when they migrated to the Tarai, and that the cost of returning to their home districts to obtain their cards is prohibitive.

Second, there was concern over the Government of Nepal's capacity to distribute citizenship certificates effectively to all eligible citizens – and to prevent non-eligible individuals from receiving them. One participant said he thought it would be "impossible" for the Government to distribute citizenship certificates to everyone who needs one before the next election. Since he felt the Government does not have this capacity, he questioned how the citizenship certificate could be required as a mandatory document. At the same time, other participants questioned whether the Government would be able to prevent "fake" applicants from getting citizenship certificates. One person proposed an investigation committee to deal with this issue, while another said, "Yes some non-Nepalis did receive citizenship certificates, but there are also many people we see everyday who are real citizens but do not have citizenship certificates."

Third, there was debate about whether the citizenship certificate was an appropriate document to use as proof of identity for the voter registration process or not – even though this issue has already been decided centrally by the Supreme Court. Views on this issue were mixed: some thought that other documents which had been accepted in the past should be sufficient, while others thought the citizenship certificate was the best document to use as long as the Government was able to distribute it effectively to all eligible citizens. Some individuals did not understand why the citizenship certificate requirement had been introduced and wanted an explanation from the Government or the ECN, and also to know whether this was common international practice or not.

Fourth, there was a feeling expressed by some participants that the citizenship certificate requirement would disproportionately affect Madhesis. Some of this sentiment was expressed in strong language, and some individuals specifically objected to a series of Supreme Court decisions regarding the voter

[2] The Government of Nepal found that in 1995 between 3.4 and 5 million Nepalis did not possess citizenship certificates (Dhanapati Upadhyay Commission Report, HMG/N (1995)). Subsequently, the government engaged in a massive citizenship certificate distribution campaign in 2007 and issued over two million citizenship certificates. However, the legal provisions that allowed for this citizenship certificate distribution drive did not specify that the children of the individuals who received certificates by special provision would also be eligible. Therefore, as per the current law, these children cannot legally obtain citizenship certificates at present.

registration process including the Feb. 2011 decision to require citizenship certificates and the Feb. 2012 decision to stay the Ministry of Home Affair's proposed distribution of citizenship certificates to children of individuals who received certificates in 2007. These sentiments were concerning to the Carter Center because they indicated a lack of trust in the Nepali state and state institutions such as the Supreme Court. It is therefore important for the Government of Nepal to be aware of the strength of these feelings amongst some of its citizens and to take steps to mitigate these concerns if possible.

Finally, several participants raised concerns about the idea of a national ID card that would be based on the new voter's list. Their concerns were similar to those listed above regarding the voter registration process.

2. Missed Voters

In nearly all the information sessions, participants raised questions about eligible voters who were still missing from the voter registration list. They asked about the reasons why many citizens have not registered yet. One participant in Biratnagar asked what communities the people who had been missed out were most likely to belong to, and expressed concern that differently-abled and third-gender individuals could face particular challenges getting registered. In Nepalgunj, several participants were concerned that the level of voter education was not high enough. One person cited his own personal experience that he was not aware that voter registration was going on in his ward and had not been reached by any voter education efforts. Another participant suggested that people in rural areas did not have enough awareness and information about the process, and that voter education should be conducted in local languages. One participant in Dhangadhi said that he thought registration at DAO and Area Administration Offices (AAO) should not have been closed, and that the ECN should continue registration outside of the DEO office such as at the DAO and AAO and with mobile delivery teams. Finally, in Janakpur, several participants noted that the turnout for Dhanusha district was not very high, and questioned why this would be the case since the district is very accessible and does not have any remote areas.

In all sessions, Carter Center representatives and in some cases District Election Officers used these questions as an opportunity to inform the participants that the ECN planned to conduct a "missed voter" registration drive from mid-April and that they should encourage their friends and families to obtain the appropriate documents and register if they have not done so yet.

3. Groups Facing Challenges due to Internal Migration

A small number of participants raised questions about internal migrants. One participant in Dhangadhi said, "Migration is a big issue for freed Kamaiyas and landless people. Because they do not have land in their name, a lot of them have been missed in the voter registration process. I would like to thank the DEO and ECN for conducting a mobile team to register freed Kamaiyas." Another participant in Nepalgunj said that people who have migrated from Mid-Western region hill and mountain districts to Banke, especially Dalits, are not able to register because they cannot show proof of residency in Banke. They often lack official documents such as marriage certificates, birth certificates, land or house ownership certificates, or citizenship certificates to use to register.

4. Technical Issues

Across all of the information sessions, many questions and comments about technical voter registration issues were raised. Several people believed that the ECN is planning to create a voter identification card for the next election, and were not happy about this because they believed it was not a good use of money and that the citizenship certificate could be used instead. One person was curious how the ECN was planning to catch those individuals who register in more than one place and how the de-duplication process will work. Several people asked questions about the new voter list: one person wondered how accurate the new list will be, while another asked whether it will be possible to hold an election based on the new list soon. Others wondered whether people will be able to keep registering in the future since some will become eligible by the time the next election is declared. Another participant asked about the verification process and whether it was mainly minor or major errors that the ECN was finding in the data. One person shared a comment that he was unhappy

with the long lines and technical delays experienced in registration. Finally, one participant raised the issue of booth capture in the Constituent Assembly elections and asked whether the new voter list would help solve this problem.

5. Identity Issues

In several sessions, issues related to identity were raised. One person in Janakpur asked why the ECN was asking questions about language and education and how this was relevant to the voter registration process. The same individual noted that he was disappointed that his language was not recognized by the ECN's system. This concern was repeated by another person who said that his language was Magahi, not Maithali, and that the concerns of indigenous groups and "backward" communities were not given enough attention in the process. A third individual said that the voter registration process seemed unable to recognize various identities in the Tarai beyond the Madhesi identity. Other participants wondered about the participation of different groups in the process to date. Finally, a participant in Dhangadhi noted that he thought the ECN should increase its efforts to reach indigenous people, Dalits, and Muslims, and suggested it would be useful if individuals from these groups were recruited by the ECN to work as part of the registration process as they would be more effective in reaching to their own communities.

Carter Center observers and some DEOs noted that the ECN has already made adjustments to recognize citizens' self-identifications, such as in Sankuwasabha, Solukhumbu, and Sunsari where ECN officials recognized individuals as "Kulung Rai" following their requests. The DEO from Sunsari described to participants his personal experience in this regard.

6. Provisions for Nepalis Abroad to Participate in the Process

In nearly all sessions, the issue of participation of Nepalis abroad was raised. Participants were concerned that there was no provision for these individuals and requested The Carter Center to raise this issue with the ECN. In these sessions, The Carter Center informed participants that the ECN was studying the feasibility of addressing this issue, but that the problem was complicated and that efforts to reach citizens outside of their home country were often very expensive and resulted in low turnout.

7. Limited Activities by Political Parties

Finally, several participants mentioned that they had seen low activity by the political parties to support the voter registration process and wondered why this was the case. They believed that parties should do more to engage citizens and support the registration process. A political party representative in Biratnagar replied that he felt the parties were actively supporting the process.

A small number of questions were raised on the issue of obstruction of the voter registration process by Madhesi parties and the Federal Limbuwan State Council faction led by Kumar Lingden. In some sessions, some participants felt that the obstructions had been positive because they had received national attention. One participant in Janakpur requested The Carter Center to recognize which parties had obstructed and for what reasons. In another session a participant asked if the obstructions were "legitimate" or not. A Madhesi party representative in Nepalgunj said that the Madhesi parties still have concerns but are "silent" right now to allow the process to move forward. However, he said that the concerns related to citizenship certificate issues must be addressed.

Role of District Election Officials and District Administration Officials

The Carter Center wishes to thank the DEOs and DAOs who participated, as their support was greatly appreciated. In all sessions, DEO and/or DAO officials played a positive role. Carter Center observation teams discussed with DEOs and DAOs several days prior to the sessions to ensure that they were consulted about the content and to talk through any concerns. DEOs participated in all sessions, and in Biratnagar three DEOs (from Morang, Sunsari, and Jhapa) attended. In several programs, the DEOs helped answer technical questions and concerns raised by participants, and clarified points raised by Carter Center observers. DAO officials were also present in several sessions and helped to answer questions raised. In Nepalgunj, for example, the chief district officer addressed questions and comments on citizenship certificate issues in a friendly and professional manner.

Several DEOs mentioned that they appreciated the opportunity to have a forum to discuss the voter registration process with relevant stakeholders. Some suggested that perhaps the ECN could also sponsor such programs in the future in order to raise awareness, increase understanding, receive feedback, and clarify any misperceptions.

Conclusion and Recommendations

The Carter Center commends the positive efforts undertaken by the ECN thus far to implement the voter registration process. There are several recommendations that can be drawn from the feedback collected in the recent information sessions, some of which overlap with those already shared in the Carter Center's previous observation reports. The Carter Center encourages the ECN and the Government of Nepal to build on their positive efforts to date and to take further steps to promote greater fairness, access and opportunity for all Nepalis who wish to register. The following recommendations are offered in the spirit of cooperation and respect:

- **The Government of Nepal should consider undertaking a statistically sound survey to document the number of people without citizenship certificates and the reasons why they lack them.** There is currently no reliable data on the number of eligible Nepalis who do not have citizenship certificates. This absence has led to disagreement about the scale of the citizenship certificate issue. It also makes it more difficult to design programs to reach Nepalis who lack these important documents. The Government should undertake or commission a scientific survey to determine the number and locations of people who lack citizenship certificates and document the reasons why.

- **The Government of Nepal should increase its efforts to distribute citizenship certificates to all eligible Nepalis.** A large number of participants were concerned that some individuals or groups may be disenfranchised due to their lack of citizenship certificate, notably people from marginalized groups and remote communities. In response to these concerns, the Ministry of Home Affairs should increase its efforts to distribute citizenship certificates using mobile teams and other mechanisms, and should consider using the existing ECN lagat data to target areas where large groups of people may be without certificates.

- **The Government of Nepal should also consider amending legal barriers to registration for eligible persons who do not possess the appropriate documents, such as the children of people who received citizenship by special provision in 2007 and others who may not possess the required documents to acquire a citizenship certificate.** This should be done through the appropriate legal channels. At the same time, the Government should also seek to ensure sufficient protections so that only eligible Nepalis receive citizenship certificate documents.

- **The ECN should increase its efforts to raise awareness regarding options for internal migrants to register and the Government of Nepal should ensure that eligible Nepalis who require proof-of-migration documents can obtain them without undue difficulty.** Increased awareness among voters and government officials of the importance of proof-of-residency documents in the current process would help to mitigate some of the problems facing internal migrants. For example, as the Carter Center has reported previously, the option for voters to obtain a proof of residency letter from their Village Development Committee (VDC) secretary is a positive development, but appears to have been underutilized due to low awareness among voters and VDC secretaries.

- **The ECN should increase its efforts to share information about the voter registration process across the country.** Nepali citizens and key stakeholders are clearly interested to learn more about the voter registration process. Additionally, they have technical questions and feedback about the voter registration process that DEO officials can answer or use to improve the registration process in their areas. There are also citizens who are unaware of the

voter registration process who would benefit from increased ECN efforts to raise awareness. Through direct communication and via the media, the ECN can share information about its achievements, challenges, and upcoming phases of the process.

- **The ECN should target future registration efforts towards areas of low turnout.** By analyzing the existing turnout data, the ECN can target its future efforts to people who may have been missed to date. This includes people living in remote areas, people without documents, and poor or marginalized groups who may be less aware of the process.

- **The ECN should continue to be sensitive to identity issues raised by citizens while implementing the voter registration process.** Given the sensitivity of identity issues in Nepal currently, the ECN should continue to seek ways to accommodate citizen concerns and to be inclusive as the process moves forward.

- **Political parties should increase their activities and engagement in the voter registration process.** Participants noted that party activities to encourage their supporters to register have been limited. Increased political party participation can help ensure a successful voter registration process.