

# Equal Access

## How to Include Persons with Disabilities in Elections and Political Processes





**USAID**  
FROM THE AMERICAN PEOPLE

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*Easy-to-read portion prepared by Grainne de Paor, Down Syndrome Ireland.*

This publication is dedicated to YUSDIANA, an ambassador for the disability community. Her tireless efforts provided continued inspiration to her partners in Southeast Asia and beyond.



# About IFES and NDI

## International Foundation for Electoral Systems

The International Foundation for Electoral Systems (IFES) supports citizens' right to participate in free and fair elections. Our independent expertise strengthens electoral systems and builds local capacity to deliver sustainable solutions.

As the global leader in democracy promotion, we advance good governance and democratic rights by:

- Providing technical assistance to election officials
- Empowering the underrepresented to participate in the political process
- Applying field-based research to improve the electoral cycle

IFES has extensive experience in leading initiatives around the world that promote electoral and political enfranchisement of persons with disabilities. IFES collaborates with a cross-section of disabled persons' organizations, as well as civil society groups and governments. This includes applying expertise to global tools such as [www.ElectionAccess.org](http://www.ElectionAccess.org) – the first online global resource on political participation of persons with disabilities. In recognition of its efforts, IFES received the InterAction Disability Inclusion Award in 2011.

Since 1987, IFES has worked in over 135 countries – from developing democracies, to mature democracies. For more information, visit [www.IFES.org](http://www.IFES.org) and [www.ElectionAccess.org](http://www.ElectionAccess.org).

## National Democratic Institute

The National Democratic Institute (NDI) is a nonprofit, nonpartisan, nongovernmental organization that responds to the aspirations of people around the world to live in democratic societies that recognize and promote basic human rights.

Since its founding in 1983, NDI and its local partners have worked to support and strengthen democratic institutions and practices by strengthening political parties, civic organizations and parliaments, safeguarding elections, and promoting citizen participation, openness and accountability in government.

With staff members and volunteer political practitioners from more than 100 nations, NDI brings together individuals and groups to share ideas, knowledge, experiences and expertise. Partners receive broad exposure to best practices in international democratic development that can be adapted to the needs of their own countries. NDI's multinational approach reinforces the message that while there is no single democratic model, certain core principles are shared by all democracies.

The Institute's work upholds the principles enshrined in the Universal Declaration of Human Rights. It also promotes the development of institutionalized channels of communications among citizens, political institutions and elected officials, and strengthens their ability to improve the quality of life for all citizens. For more information about NDI, please visit [www.NDI.org](http://www.NDI.org).





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# Acronyms and Abbreviations


<b>ADA</b>	Americans with Disabilities Act
<b>AGENDA</b>	General Election Network for Disability Access in Southeast Asia
<b>ASEAN</b>	Association of Southeast Asian Nations
<b>CRPD</b>	Convention on the Rights of Persons with Disabilities
<b>CSO</b>	Civil society organization
<b>DPO</b>	Disabled persons' organization
<b>EMB</b>	Election management body
<b>ICCPR</b>	International Covenant on Civil and Political Rights
<b>IFES</b>	International Foundation for Electoral Systems
<b>INGO</b>	International non-governmental organization
<b>LGBT</b>	Lesbian, Gay, Bisexual, Transgender
<b>NDI</b>	National Democratic Institute
<b>NGO</b>	Nongovernmental organization
<b>PSA</b>	Public service announcement
<b>UN</b>	United Nations
<b>UDHR</b>	Universal Declaration of Human Rights
<b>UN ESCAP</b>	United Nations Economic and Social Commission for Asia and the Pacific
<b>UN OHCHR</b>	United Nations Office for the High Commissioner for Human Rights
<b>USAID</b>	United States Agency for International Development
<b>WHO</b>	World Health Organization



# Definition of Key Terms


Throughout this manual, the terms listed below are frequently mentioned. Figure 1 defines how the word is used in this context and provides an example for additional guidance.

**Figure 1: Definition of Key Terms**

Term	Definition	Example
Accessible	A site, facility, work environment, service or program that is easy to approach, enter, operate, participate in and/or use safely, independently and with dignity by persons with disabilities	A polling station where a voter who uses a wheelchair can maneuver unaided
Accessible formats	Print, audio or visual information that is accessible to persons with disabilities	Braille, tactile, large print, sign language, easy-to-read
Assistive tool	A device that aids completion of a task or other function that might otherwise be difficult or impossible	Tactile ballot guide or magnifying glass
Braille	Writing system comprised of raised dots used by people who are blind or have low vision	
Cross-disability organization	An organization that is comprised of people with different types of disabilities	Disabled People's International <sup>1</sup> is a network of national disabled persons' organizations
Disabled persons' organization	A civil society organization that is run by and for persons with disabilities	Nigerian National Association of the Deaf <sup>2</sup> is comprised of deaf and hard-of-hearing Nigerians and works to promote and protect their rights

<sup>1</sup> Disabled People's International. <<http://www.dpi.org/>>.

<sup>2</sup> Nigerian National Association of the Deaf. "Nigerian National Association of the Deaf." <<http://www.nnadeaf.org/>>.

Easy-to-read	Text where the content, language, illustrations and graphic layout are simplified for ease of use by persons with intellectual disabilities and/or non-native speakers of a language	Inclusion Europe’s Recommendations for Accessible Elections in Europe <sup>3</sup> or the Executive Summary found on page 8 of this manual
Inclusion	Persons with disabilities are involved in all electoral activities on an equal basis with other citizens, including leadership positions, rather than just having accommodations that might segregate persons with disabilities from other citizens	Rather than only having a mobile ballot box that brings the ballot to a voter’s home, the polling center should also be accessible so the voter can vote in the same location as other citizens, if he or she so desires
Intellectual disability	Term used when there are limits to a person’s ability to learn at an expected level and function in daily life	Down syndrome or autism
Mainstreaming	Process whereby persons with disabilities are integrated as equal participants and leaders in assistance programs and society	Developing a public service announcement that includes actors with disabilities in the TV spot, as was done in Guatemala <sup>4</sup>
Psychosocial disability	Conditions that affect cognition, emotion and behavior	Depression or schizophrenia
Reasonable accommodation	Provision of materials or environment that allow persons with disabilities to participate and contribute on an equal basis with others	A tactile ballot guide is a reasonable accommodation because it gives voters who are blind or have low vision the same opportunity to vote in secret and without assistance
Tactile	Raised symbols that can be used in contexts where persons are not fluent in Braille	

<sup>3</sup> Inclusion Europe. “Recommendations for Accessible Elections in Europe.” European Union. <[http://www.inclusion-europe.org/images/stories/documents/Project\\_ADAP/ETR\\_Policy\\_Recommendations\\_EN.pdf](http://www.inclusion-europe.org/images/stories/documents/Project_ADAP/ETR_Policy_Recommendations_EN.pdf)>.

<sup>4</sup> Guatemala’s Supreme Electoral Tribunal. Ahora todos somos del mismo equipo, Votando vamos por Guate. Guatemala’s Supreme Electoral Tribunal, 2011.



Twin-track approach	Includes mainstreaming disability throughout activities and policies, as well as providing disability-specific programming. This is USAID's preferred approach to disability inclusive development	Featuring persons with disabilities in voter education materials, as well as developing voter education materials targeted solely at persons with disabilities
Umbrella group	A disabled persons' organization that is comprised of member organizations that focus on a specific type of disability or group of persons with disabilities	The National Federation of the Disabled Nepal <sup>5</sup> includes members such as the Mental Health Foundation Nepal and the Nepal Disabled Women Association
Universal design	All buildings, materials and processes are designed to be accessible for both persons with and without disabilities from their inception	A new building that is constructed with access ramps and elevators rather than adding these features after the building is completed

<sup>5</sup> National Federation of the Disabled Nepal. <<http://www.nfdn.org.np/>>.

## Equal Access: How to Include Persons with Disabilities in Elections and Political Processes



This manual tells you about the ways that people with disabilities can take part in elections and politics.



This manual explains how taking part in politics can help people with disabilities to influence **policies** that are important to their lives.

**Policies** are action plans that the government carries out.



One of the ways that people with disabilities take part in politics is when they vote in elections.

Voting gives people with disabilities a stronger political voice.

People with disabilities who vote in elections show the public that they are equal citizens.



This manual outlines the challenges that people with disabilities face when they take part in politics.

This manual gives ideas about how to address these challenges.

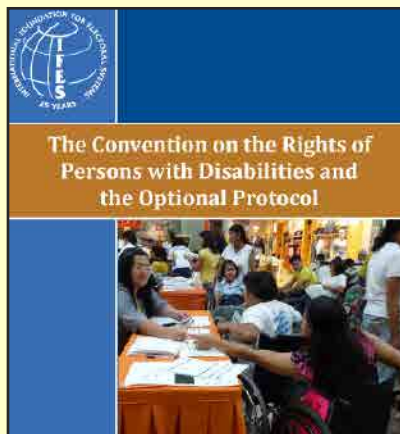


This manual gives ideas about the different ways people with disabilities can take part in elections and politics.

This manual explains that working in partnerships is important.

People with disabilities need to be involved in any decisions that will affect their lives.

Politicians, the media and disability organizations are some of the groups that should work together.



The United Nations Convention on the Rights of Persons with Disabilities is called CRPD for short.

The CRPD is a legal document about the rights of people with disabilities to take part in public life.

Parts of this document called Article 12 and Article 29 talk about people with disabilities taking part in elections.



This manual supports the aims in the CRPD.

This manual gives 4 main ideas of ways to help people with disabilities to take part in politics.

1. Provide training about politics to people with disabilities and disability organizations.
2. Support governments and people working in politics to develop policies and partnerships that will help more people with disabilities take part in politics.
3. Involve organizations for people with disabilities in developing education campaigns about voting for the public.
4. Help political parties to include people with disabilities during election planning and preparations.

There are 4 main parts in this manual.



Part 1 explains the correct words to use when talking about different disabilities.



Part 2 talks about what happens before an election. This part is about making sure that people with disabilities can be a part of elections and politics. Some ideas in this section include:

- Making sure that the information about elections is **accessible**.

**Accessible** means a place that a person is able to enter.

Accessible also means information that people can understand.

- Changing laws that make it too difficult for people with disabilities to take part in elections.

Part 2 also talks about programs that disability organizations can use to develop a stronger voice at different times of an election.



Part 3 of this manual talks about what happens during the election.

Part 3 of this manual gives ideas about:

- Disability organizations and people with disabilities working in partnership with other groups. The job of the partnership would be to observe elections to make sure that people with disabilities can take part in elections.
- Finding ways to make sure that people with disabilities can be candidates if they wish.
- Helping political parties to make information in accessible formats.
- Helping disability organizations to have a voice during elections.
- Making rules about ensuring that information about elections is accessible.
- Helping to make sure that voting in the election is accessible.
- Making sure election results are accessible to people with disabilities.



Part 4 talks about what happens after an election.



The last part of this manual talks about people with disabilities taking part in elections and politics in the Dominican Republic.





# Executive Summary

*Equal Access: How to Include Persons with Disabilities in Elections and Political Processes* is a manual that provides strategies and tools for strengthening the participation of persons with disabilities in elections and political processes. Drawing on experiences from the International Foundation for Electoral Systems (IFES) and the National Democratic Institute (NDI), this manual recognizes the fundamental role political participation plays in helping persons with disabilities influence policies that affect their lives and establish a foundation for inclusion in all aspects of society.

Elections provide a unique opportunity to increase participation and change public perceptions about the abilities of persons with disabilities. As a result, persons with disabilities can have a stronger political voice and be increasingly recognized as equal citizens. This sets the stage for ongoing participation in their communities and social and economic integration.

*Equal Access* identifies the challenges persons with disabilities face in political participation and provides ways to mitigate them. This manual also recognizes that – alongside these unique barriers – persons with disabilities confront the same challenges affecting citizens in new and emerging democracies. *Equal Access* includes guidance on how to empower persons with disabilities to play active roles in the electoral process as election administrators, poll workers, voters, candidates, policy advocates, monitors, educators and/or campaigners. Involvement empowers persons with disabilities and positively shapes the political process and democratization outcomes.

Many of the approaches outlined in *Equal Access* emphasize partnerships with a range of stakeholders, such as electoral officials, media, political parties, disabled persons' organizations (DPOs) and other civil society organizations. However, regardless of the approach used to increase political inclusion, it is important to engage persons with disabilities from the outset of program design. This ensures that persons with disabilities are also equal partners who have a voice in decisions that affect their lives.

The United Nations Convention on the Rights of Persons with Disabilities (CRPD) serves as the guiding framework for the manual and provides the legal basis and a set of standards for the full and equal participation of persons with disabilities in public life. Articles 29 and 12 are particularly relevant for election-related activities.

In support of the CRPD's objectives, the manual presents four mutually supportive strategies to increase the political participation of persons with disabilities:

- Build the capacity of DPOs and empower their members through trainings on the electoral system, government structure, and basic organizational and advocacy skills. This helps build the political profile of DPOs and enables organizations to get their issues onto the political agenda.
- Support government institutions such as legislatures and election management bodies (EMBs) to create legal and regulatory frameworks that provide an opportunity for increasing political participation of persons with disabilities and encourage partnerships with DPOs.

- Include DPOs in broad-based civil society coalitions to conduct domestic election observation or voter education campaigns.
- Assist political parties to conduct meaningful outreach to persons with disabilities when creating election campaign strategies and developing policy positions, and encourage parties to include persons with disabilities as candidates and in leadership roles.

This manual begins with a review of disability concepts and terminology, highlighting the diversity of the disability community and the best practice of consulting the local disability community on their preferred terms. The central part of *Equal Access* is organized around the electoral cycle, highlighting how programs can address barriers and increase the ability of DPOs to exercise power and influence at various stages throughout an election. The manual then ends with a case study on efforts taken in the Dominican Republic to increase election access – providing lessons learned on how to increase program impact.

*Equal Access* also highlights challenges to implementing inclusive election programming, such as:

- Lack of available data on the number and location of persons with disabilities in developing countries
- Societal discrimination
- Politically challenging operating environments where citizen participation is discouraged by government authorities
- Mandatory voting provisions that fine persons with disabilities for not voting or automatically remove them from voter lists
- Scarcity of leadership opportunities for persons with disabilities
- Limited capacity of local EMBs to implement accessible technology solutions

Additionally, the manual discusses benefits of monitoring and evaluating the impact of election programs that disaggregate data by disability and collect qualitative data on disability inclusion. IFES launched [www.ElectionAccess.org](http://www.ElectionAccess.org) to serve as a platform for sharing lessons learned on addressing these challenges.<sup>6</sup>

The approaches and program examples highlighted throughout the manual can help ensure persons with disabilities participate in political life as equal citizens. To address the full range of barriers, efforts must focus beyond just Election Day. While setting precedent is important, one election does not break down all physical and social barriers or alter the prevailing negative perceptions of persons with disabilities. *Equal Access* seeks to give local and national governments, international organizations, civil society groups, development professionals and donors the tools and knowledge needed to ensure every voice is heard on Election Day and beyond.

*A true democracy is one that includes all citizens, including those with disabilities.*

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<sup>6</sup> [www.ElectionAccess.org](http://www.ElectionAccess.org) was launched in 1998; the site is currently being redesigned.

## What's Inside

Section 1 reviews disability concepts and preferred terminology, highlighting the diversity of the disability community.

Section 2 summarizes the following approaches and considerations in the **Pre-electoral Period**:

- Pre-election assessments with a specific disability lens
- Election law reform to remove outright barriers to voting and increase overall accessibility
- Inclusive election administration with a disability lens in all areas of preparation

Section 3 examines the following aspects and potential interventions during the **Electoral Period**:

- Supporting partnerships between national or international observer groups and DPOs, and including persons with disabilities as short and long-term observers and monitors
- Empowering persons with disabilities during the nomination process to be viable candidates
- Supporting the EMB and political parties in providing information in accessible formats and conducting specific outreach to persons with disabilities during campaigns
- Assisting DPOs in securing election pledges from candidates and political parties to increase awareness of advocacy initiatives and constituent concerns, and hold elected officials accountable
- Promoting codes of conduct for political parties and candidates that feature language on providing information in accessible formats and including persons with disabilities in activities
- Organizing debates with candidates on policies that affect persons with disabilities and ensuring all candidate debates are accessible to persons with disabilities
- Supporting EMBs in Election Day implementation of accessibility provisions
- Transmitting results in accessible formats
- Ensuring access to election dispute mechanisms and complaint adjudication processes

Section 4 explores the following opportunities for continued engagement in the **Post-electoral Period**:

- Polling station audits that include the authority to impose penalties when accessibility standards are not followed
- An inclusive review process to capture lessons learned and assess the impact of actions taken to increase access
- Ensuring accessibility of government institutions

The manual ends with a case study of the Dominican Republic which:

- Provides lessons learned
- Shows how to increase program impact by including persons with disabilities during program design



*A Libyan voter has ink applied to his finger to indicate he cast his ballot on Election Day.*

# Introduction

*“We have a moral duty to remove the barriers to participation, and to invest sufficient funding and expertise to unlock the vast potential of people with disabilities.”*

Stephen Hawking  
Author, Physicist, Advocate  
World Health Organization World Report on Disability, 2011

Effective democratic development involves making sure the poorest and most marginalized have a meaningful voice in decisions affecting their welfare. Yet persons with disabilities, often the poorest of the poor, are frequently overlooked and struggle to achieve a better quality of life. The World Health Organization (WHO) estimates that 15 percent of the world’s population has a disability, with 80 percent of these persons living in developing countries, with potentially higher levels in post-conflict States. Democracy assistance programs can empower persons with disabilities to engage politically and become mainstream members of society with the rights, responsibilities and respect afforded to all citizens. People with disabilities represent various ethnic, religious, socioeconomic and gender groups. When such a large, cross-cutting portion of society is not participating politically, it prevents democracy from deepening and allowing all citizens a voice in the way they are governed.

Persons with disabilities participate politically for a variety of reasons. In some cases, they are pursuing interests specifically tied to their disability, such as making public buildings accessible or having sign-language interpretation in schools. In other cases, their interests coincide with wider segments of society when it comes to basic human needs, such as access to clean water, education for their children or developing a safe and secure community. Like all citizens, persons with disabilities want the opportunity to shape their communities and, in doing so, they can become recognized and valued community members.

To achieve this status, persons with disabilities need to participate politically. Elections provide an opportunity for their power and influence to be exercised and strengthened. As with other citizens, elections are a fundamental way for persons with disabilities to express their preferences and shape political outcomes. Elections also allow persons with disabilities to develop leadership and organizing skills, build relationships, publicly raise issues important to them, demonstrate their abilities and set the stage for continual participation and leadership. For this reason, the election programs described in this manual are framed as ways to position persons with disabilities as equal, active and engaged citizens before, during and after elections.

While providing direct financial assistance can be part of the equation, there are many additional ways to include persons with disabilities in elections and political processes, starting with their involvement in program-planning decisions. This means that persons with disabilities and disabled persons' organizations (DPOs) should always have a voice in programs that affect them. The principle of "nothing about us without us" is a cornerstone of disability inclusion.

Persons with disabilities and disabled persons' organizations should always have a voice in programs that affect them. The principle of "nothing about us without us" is a cornerstone of disability inclusion.

### **About this Manual**

The *Equal Access: How to Include Persons with Disabilities in Elections and Political Processes* manual aims to provide local and national governments, international organizations, civil society groups, development professionals and donors with the tools and knowledge to strengthen the political participation of persons with disabilities in elections and political process programs so they have a greater voice in decisions that impact their welfare and communities. The manual draws on experiences from the International Foundation for Electoral Systems (IFES) and the National Democratic Institute (NDI) and places emphasis on partnerships with election management bodies (EMBs) and organizations run by and for persons with disabilities.

### **Benefits of Disability Inclusive Elections Programming**

Inclusion of persons with disabilities is fundamental to democracy. Without the inclusion of all citizens, a country is not a true democracy. Including persons with disabilities in political life also provides the basis for mainstreaming their inclusion in all aspects of society. During elections, the concept of citizenship is often featured in State and non-State media, and thus defined in the public conscious. This provides a unique opportunity to break down social stigmas by ensuring that persons with disabilities appear alongside other citizens as active participants in the political process. Persons with disabilities can play the same roles as all other citizens in the electoral process, including serving as election administrators or poll workers, voting, running for office, advocating for policies, monitoring the voting and counting process, reporting, educating voters and campaigning for candidates and political parties. Involvement in these different activities not only empowers persons with disabilities, but can also help transform the electoral process and public perception. This sets the stage for ongoing participation and integration in society, ensuring the equal rights of persons with disabilities.

By empowering persons with disabilities to take their place alongside other citizens, barriers are broken down and equality is promoted. For example, hiring persons with disabilities to work at polling stations empowers individual poll workers and provides a valuable opportunity to eradicate stereotypes. Likewise, ensuring women with disabilities are involved in programs designed to increase the political participation of women provides an opportunity to shift perceptions about disability and gender.

Additional benefits of disability inclusive elections programming include:

### *More Inclusive Government Policies*

Elections programming can lead to more inclusive government policies across the board. If persons with disabilities demonstrate their numbers and interests at the ballot box, politicians will be more inclined to develop policies that appeal to this base, such as inclusive education, employment, transportation and health care. By participating in political life, persons with disabilities have the opportunity to affect wide-ranging policies. For example, the electoral process often includes electoral legal framework review. This provides an opportunity to get progressive legal concepts about disability into high-profile national legislation.

### *Empowered DPOs as Effective Civil Society Leaders*

DPOs can be well placed for political activism, as they are most often already organized through different types of support groups and networks and, with some technical assistance, can be mobilized as a dynamic, enthusiastic segment of civil society. DPOs are, in some ways, ahead of the curve compared to more nascent civil society organizations that may not have a clear constituency or focused set of issues that are deeply felt and require political action. While many DPOs may still require additional capacities to effectively engage in politics, their fundamental characteristics provide them a strong foundation for political organizing and activism.

### *Greater Inclusion of All Citizens*

Inclusive election programming can also open the process to other citizens. Many reforms targeting persons with disabilities typically benefit a much wider segment of the population. For example, simplifying the voter registration process is beneficial for persons with intellectual disabilities, as well as older people, immigrants and those who have low literacy skills. Ensuring polling stations are physically accessible benefits parents with strollers, older people and voters with temporary injuries, such as a broken leg. This concept – that all buildings, materials and processes are designed to be accessible for persons both with and without disabilities – is known as universal design.

### *Openings to Address Barriers for Wider Population*

Assistance to local partners living under repressive regimes in conducting advocacy can sometimes be started with activities that will not be perceived as a “threat” to the government. EMBs that are not willing to discuss wide-ranging reforms are often willing to discuss a typically neutral issue like improving election accessibility for persons with disabilities. Access for other marginalized groups can be politically contentious, but this is a unique instance where “charitable” attitudes of government officials toward persons with disabilities can often lead to an increase in rights. Initial discussions of disability rights can

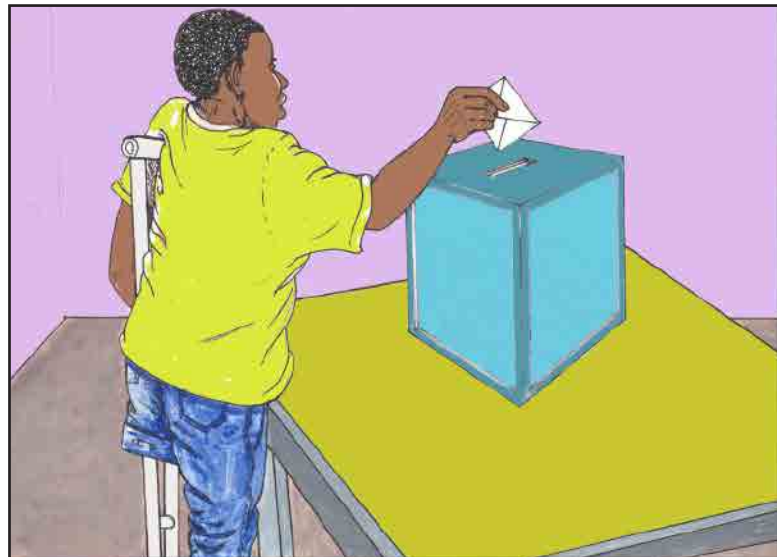


*A man uses a ramp to push his daughter into a polling center on Election Day in Guatemala.*

lead to greater comfort in discussing human rights more generally. Encouraging politicians and government institutions to partner with DPOs to address issues facing the disability community also sets a precedent for engagement with civil society, which may lead to the adoption of this practice in other areas.

### How to Use this Manual

This manual identifies barriers persons with disabilities encounter when participating in political life and provides ways to reduce these barriers. It identifies actions key stakeholders involved in electoral processes – such as electoral officials, media, civil society organizations and political parties – can take to foster greater inclusion. Twin-track approaches are discussed; that is, some programming ideas are targeted specifically to the disability community, while others give suggestions on how to mainstream the inclusion of persons with disabilities in assistance work targeted to the entire population.



*This image was used as part of a voter education campaign in Senegal in 2012. Describing the voting process using pictures can help people with intellectual disabilities and those with low literacy to understand the process.*

Practical steps to include persons with disabilities in elections and political processes will be discussed. There are no easy solutions to all barriers, and in some cases there is not a clear best practice. This manual summarizes some of these issues and options for addressing them, as well as potential drawbacks from an election standards perspective.

The manual also underscores a number of lessons, the foremost being the value of reaching out to persons with disabilities to understand their needs, interests and expectations, and to build relationships that will help contextualize approaches. Fear of saying the wrong thing or causing offense should not prevent communication and interaction, as long as mutual respect and a willingness to learn are demonstrated. The manual suggests ways to begin this learning process, recognizing the preferred terminology and means of communication might vary from one situation to another.

The opening section of the manual provides background and a widely-accepted perspective on disability. The remainder of the manual focuses on inclusion in elections and political processes and is organized around the electoral cycle,<sup>7</sup> with section two addressing the pre-election period; sections three and four focus on the election and post-election periods, respectively. Section five provides a case study that illustrates some of the issues and opportunities associated with inclusive elections and political process programs.

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<sup>7</sup> Please refer to Figure 4 on page 37.





*A voter from Liberia practices using a tactile ballot guide.*



*A woman inserts her ballot into a folder during May 2013 elections in the Philippines.*

# Section 1: Disability 101

This section provides an overview of the concept of disability and the terminology used in the disability rights community. It is important to note that the idea of disability is evolving; terminology might differ from country to country. It is fine if you are unsure how to address persons with disabilities – just ask them their preference.

Section 1 will also introduce core international standards relating to electoral rights of persons with disabilities and how some international development agencies are supporting these rights. The section will conclude with a discussion of opportunities elections can offer persons with disabilities when barriers are removed.

## What is Disability?

The definition of who has a disability varies from country to country. This manual uses the definition found in Article 1 of the UN Convention on the Rights of Persons with Disabilities<sup>8</sup> (CRPD):

Persons with disabilities include those who have long-term physical, mental, intellectual or sensory impairments which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others.

There are several different approaches to addressing disability, from antiquated charity and medical views to more contemporary social and rights-based models. The models help describe social attitudes toward disability and are not mutually exclusive. A concise description of each approach:

*Charity model* – assumes persons with disabilities are unable to be full participants in society and need help. Persons with disabilities are pitied.

*Medical model* – persons with disabilities are treated as though their disability is the cause of all barriers. In this model, persons with disabilities are encouraged to adjust to their environments, rather than the other way around.

*Social model* – describes disability as a result of a person’s interaction with their environment. The preamble of the CRPD says, “Disability results from the interaction between persons with impairments and attitudinal and environmental barriers that hinders their full and effective participation in society on an equal basis with others.”

*Rights model* – emphasis is shifted from dependence to empowerment. Persons with disabilities have the same basic human rights as all other citizens and governments should guarantee rights and be held accountable for protection.

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<sup>8</sup> International Foundation for Electoral Systems. “UN Convention on the Rights of Persons with Disabilities.” <[http://www.IFES.org/~media/Files/Publications/Books/2012/CRPD Final.pdf](http://www.IFES.org/~media/Files/Publications/Books/2012/CRPD%20Final.pdf)>.

Aspects of the social and rights-based models can help inform inclusive political participation strategies. The social and rights-based models complement each other. The social model highlights that it is barriers put in place by society that exclude persons with disabilities, while the rights-based model emphasizes equal human rights of all citizens and an advocacy role for persons with disabilities.



A signed pledge by a political party in Macedonia, promising ratification of the CRPD within the first 100 days of the new parliament following the 2011 elections.

### Rights-based Language

There are various points of view about the words used to describe disability. Social model theorists prefer to use the term “disabled person” because it is consistent with the idea that people with impairments may be “disabled” by external, societal forces rather than by their impairment. These theorists use “disability” to refer to the exclusion resulting from that societal process rather than the impairment.

Another method is to use “people-first” language. According to this method, a person’s disability is not his or her defining feature; it is one of many attributes. The phrases “persons with disabilities” and “people with disabilities” can be used interchangeably. This manual will use people-first language, as it is the standard set in the CRPD and USAID best practice. An exception to this rule is the use of “disabled persons’ organization,” or “DPO” to describe organizations comprised of and run by persons with disabilities. The term is not in keeping with people-first language, but has become the commonly preferred term to refer to this type of civil society organization. Do not be surprised if some persons with disabilities refer to themselves with words considered negative by other persons with disabilities. Disability is a constantly evolving concept. The chart below gives some examples of people-first language.

Figure 2: People-first Language

Say:	Instead of:
Persons/people with disabilities	Special needs, PWDs, handicapped
He uses a wheelchair	He is confined to a wheelchair/wheelchair-bound
Voters without disabilities	Normal/healthy people/able-bodied
She has a physical disability	She is crippled
She is deaf/She is hard-of-hearing	She is hearing impaired
He has autism	He is autistic
She has an intellectual/psychosocial disability	She is mentally retarded
A child with Down syndrome	Down’s child
An individual with AIDS	He suffers from AIDS/is afflicted with AIDS/is a victim of AIDS

### Diversity of the Disability Community

When supporting political inclusion, the differences and disparities among persons with disabilities should be taken into account. Persons with disabilities are not uniform; they are members of all ethnic and religious groups. Often, the combination of multiple identities can lead to double or triple marginalization.

Persons with different types of disabilities face unique challenges. Persons with certain physical and visual disabilities might have an easier time interacting with persons without disabilities because there is not a communication barrier. However, people who are deaf often face a greater difficulty in trying to communicate with people who do not know sign language. This communication gap can lead to greater marginalization. In the context of elections and political processes, this means political actors such as EMBs and political parties must be aware of different communication styles. Featuring sign language or captions in an outreach video is an inclusive step, but actors should be cognizant that each country has its own, unique sign language and that in some countries there are regional sign differences, especially among indigenous deaf communities. Even within the disability community, persons with intellectual and psychosocial disabilities are often disregarded and excluded due to discrimination. There are also some disabilities that are not immediately obvious, such as bipolar disorder or chronic pain. These types of disabilities are referred to as non-apparent disabilities. It is because of these differences that persons with disabilities should not be treated as a uniform group.

Disability is also unique, as it can happen to anyone at any time and could be temporary. The ways in which governments respond to persons with disabilities also varies. A government’s desire to assist the war-wounded can sometimes lead to better provision of services and acknowledgement of rights for the entire disability community. For example, in Armenia, the war-wounded are treated with reverence, leading to the State’s willingness to improve accessibility. Natural disasters can also lead governments to focus on disability inclusion. It was not until after the 2008 cyclone that Burma’s government began developing policies targeted at persons with disabilities. However, in most circumstances, greater inclusion requires advocacy from the local disability community, as well as progressive-minded champions in the government.

### Women with Disabilities

Women with disabilities often face double discrimination on account of their disability and gender status. Women with disabilities are less likely to have access to comparable education or training; health care and rehabilitation; or employment opportunities than women without disabilities. As a result, they are more likely to live in poverty and isolation, removed from the political and social life of their communities.

According to USAID,<sup>9</sup> women with disabilities comprise nearly three-quarters of all persons with disabilities in low and middle-income countries. With such a large percentage of persons with disabilities facing additional barriers as women, it is important to understand the gender-based challenges to full political participation. Women’s political participation is hindered by a variety of institutional and social/cultural obstacles that are often compounded by disability.



This brochure targeting Burmese women ahead of the 2012 by-election, also includes women with disabilities.

9 Women With Disabilities. United States Agency for International Development. <<http://www.usaid.gov/what-we-do/gender-equality-and-womens-empowerment/women-disabilities>>.

At the institutional level, citizenship or documentation requirements for voter registration are often more difficult to obtain for women than men because of discriminatory citizenship laws in many countries. Registering to vote and voting are usually accompanied by long waiting times or significant travel distances that conflict with women's domestic responsibilities, work schedules, child care or lack of funds and freedom of movement. In low and middle-income countries, 65-70 percent of women with disabilities live in rural areas, making access to polling stations even more difficult.<sup>10</sup>

### Good Practice

In Burma, IFES strengthened the skills of women with and without disabilities who are grassroots leaders to help them feel confident and empowered to take part in transitional processes and advocate for their specific priorities.

Safety concerns about gender-based electoral violence are another hindrance to women's political participation. Women with disabilities are three times more likely to experience physical or sexual violence than women without disabilities.<sup>11</sup>

Social and cultural barriers to women's participation include a lack of civic and political awareness, often caused by low levels of literacy and education among women. Lower levels of education faced by persons with disabilities are even higher for women, and the United Nations Development Programme (UNDP) estimates that while the global literacy rate for persons with disabilities is 3 percent, for women with disabilities it is as low as 1 percent.<sup>12</sup>

Cultural traditions that restrict women's independence or intimidate women from exercising their individual choices can result in proxy voting.<sup>13</sup> In the case of women with disabilities who are often more dependent on family support, this risk is even higher.

Although women's rights are almost universally recognized in law, advances in women's political participation and representation usually lag behind other development indicators. The number of women legislators, election administrators and political party leaders around the world remains startlingly low, with representation by women with disabilities even lower. Women's presence in leadership positions alongside gender-sensitive male counterparts can play a critical role in reversing this trend. While not a perfect system, some countries such as Iraq and Rwanda have made significant gains through gender quotas in legislatures. The full participation of women in political, social and economic life benefits not only themselves, but also families, communities and nations.

## Disabled Persons' Organizations

The global disability rights movement is driven largely by persons with disabilities through advocacy and organizing. DPOs refer to organizations run *by* and *for* persons with disabilities. People without disabilities are sometimes members of DPOs, but the majority of the membership and leadership must have a disability in order for the organization to be considered a DPO. DPOs exist in virtually every country and tend to rally around the unified slogan, "nothing about us, without us."

10 "Factsheet: Violence against Women and Girls with Disabilities." *Women Watch*. United Nations. <[http://www.un.org/womenwatch/daw/csw/csw57/side\\_events/Fact sheet VAWG with disabilities FINAL .pdf](http://www.un.org/womenwatch/daw/csw/csw57/side_events/Fact%20sheet%20VAWG%20with%20disabilities%20FINAL.pdf)>.

11 The World Bank/Yale University. "HIV/AIDS & Disability: Capturing Hidden Voices." April 2004: 10. <<http://siteresources.worldbank.org/DISABILITY/Resources/Health-and-Wellness/HIVAIDS.pdf>>.

12 UN Enable. "UN Enable Factsheet on Persons with Disabilities." United Nations. <<http://www.un.org/disabilities/default.asp?>>>.

13 Proxy voting is when a person nominates someone else to vote on their behalf.

Engaging DPOs is an essential first step for inclusive programming. They bring the experience of disability to the design, implementation, monitoring and evaluation of inclusive programs and can leverage the participation of persons with disabilities through their networks. There are national-level disability-specific DPOs and umbrella groups that include members from across the country with all types of disabilities. There are also several regional and international groupings such as the African Youth with Disabilities Network,<sup>14</sup> European Disability Forum<sup>15</sup> and International Disability Alliance.<sup>16</sup> Organizations that work for persons with disabilities, but do not necessarily include them at all levels of membership, can be useful civil society partners as well. However, it is preferable to work with DPOs to ensure the perspectives of persons with disabilities are included in the design and implementation of programming.



*Women take Braille notes during a civic and electoral rights training in Burma.*

### Mapping the DPO Community

Before engaging with any local partner, it is always helpful to meet with a range of groups. This includes organizations that represent certain types of disabilities, as well as cross-disability organizations that represent people with all types of disabilities. Groups based in rural areas often have different priorities and concerns, so they should be involved in programming along with groups located in urban centers. If partnering with a DPO, there are several factors that require additional consideration and might lead to the need to allocate additional time for mapping the DPO community.

There might be divisions within the disability community based on where groups stand on issues and their interest in political activism. The landscape of DPOs is often difficult to maneuver. Certain groups may feel an incentive to avoid overt political action, as they rely on government resources to carry out their primary service delivery function. Some DPOs might have favored status resulting from ties to a particular political party or their history as the primary recipient of government resources. There also may be resentment among various groups that compete for a limited pool of resources. Some DPOs are reliant on funding from donors or assistance providers whose staff may exert considerable influence over the actions and partnerships of the DPO.

14 African Youth with Disabilities Network. <<http://aywdn.wordpress.com/>>.

15 European Disability Forum. <<http://www.edf-fehp.org/>>.

16 International Disability Alliance. <<http://www.internationaldisabilityalliance.org/en>>.

In some cases, cross-disability organizations can be more open to engaging in political activism than DPOs representing a singular constituency. Groups representing a single disability are often more tied to the status quo and may not see a benefit in raising their voice or partnering with other DPOs they perceive as taking the focus and resources from their community. This does not mean, however, that only cross-disability groups are suitable partners in democracy assistance programs. It only means that DPOs may not have overlapping incentives and issues in every instance. In many situations, it may be beneficial to provide assistance to a variety of groups initially and then look for opportunities where needs and interests intersect, and the benefits of collective action are more evident.

There can be a difference between older and younger generations in their level of willingness to engage politically. This has been relevant for the disability community in certain country contexts, as older generations might be more wary of risking existing political ties and governmental support and less inclined to be involved in cross-disability organizations and efforts.

### Good Practice

While identifying partners for an assistance program targeting the disability community in Serbia, NDI contacted other international NGOs working on disability issues in the country, including Handicap International. After identifying a number of prominent DPOs, NDI assessed which ones were best placed for assistance in political skill-building, ultimately partnering with cross-disability organizations that demonstrated the greatest willingness and interest in engaging politically. This initial mapping prior to beginning the assistance program helped avoid a situation where NDI was seen as tied to a certain DPO that may have a reputation as politically-biased or uninterested in reforms.

### Legal Basis for Political Rights of Persons with Disabilities<sup>17</sup>

The concept of “one person, one vote” is fundamental to democracy. The right to vote provides an opportunity for all people to influence decisions that affect their lives. However, persons with disabilities have often been discriminated against in this regard.

The CRPD is the guiding international standard in disability inclusion. It has been signed by 82 percent of UN member States and ratified by 72 percent of these States.<sup>18</sup> Article 29 of the treaty focuses on participation in political and public life. It calls on States to “ensure that persons with disabilities can effectively and fully participate in political and public life on an equal basis with others, directly or through freely chosen representatives, including the right and opportunity for persons with disabilities to vote and be elected.”

Article 12 focuses on legal capacity, an issue that often affects the right to vote of persons with intellectual or psychosocial disabilities. This article requires governments to ensure “persons with disabilities have the right to recognition everywhere as persons before the law,” they “enjoy legal capacity on an equal basis with others” and they are allowed support in exercising these rights. In the context of elections and political processes, this means election laws should be void of provisions that restrict the right to vote of persons under guardianship, and if a voter requires support, he or she should be allowed assistance.

The CRPD has led to increased focus on disability worldwide. It has provided an opportunity to raise public awareness of disability rights and, in countries that have signed on to the treaty, to push EMBs and other government entities to fulfill their international commitments. The CRPD provides new political space where persons with disabilities can hold governments more accountable on issues important to

<sup>17</sup> Excerpts of standards can be found in Appendix.

<sup>18</sup> UN Enable. “Convention and Optional Protocol Signatures and Ratifications.” United Nations. <<http://www.un.org/disabilities/countries.asp?navid=12&pid=166>>. *Number of States signed and ratified as of November 27, 2013.*



them. The existence of this internationally-recognized document provides an opportunity for DPOs to advocate for States to sign, ratify and fully implement provisions laid out in the convention. Monitoring CRPD implementation can also lead to a broader conversation between decision-makers on the barriers to participation faced by persons with disabilities in each country and the development of more inclusive public policies.

The CRPD can also open space for the political inclusion of persons with disabilities during elections. In addition to provisions ensuring the right to participate, citizens can use standards laid out in the treaty as an entry point for substantive engagement and a basis for advocacy around specific issues of concern. In this way, the CRPD creates an environment conducive to political discussions about disability issues that might not have taken place otherwise. It allows citizens to frame discussions in terms of accepted international standards and requirements under treaty obligations and brings an additional level of specificity to discussions. The treaty provides a starting point for substantive rather than superficial interaction.

Other international treaties – such as Article 25 of the International Covenant on Civil and Political Rights<sup>19</sup> (ICCPR) and Article 21 of the Universal Declaration of Human Rights<sup>20</sup> – also protect the right of persons with disabilities to vote and be elected.



A Mexican DPO presents to the National Council for Inclusion and Development of Person's with Disability in advance of the 2012 elections.

### Good Practice

The umbrella DPO in Zimbabwe distributed copies of the CRPD to all local-level EMB officials as part of an initiative to educate employees on the rights of persons with disabilities.

However, General Comment 25(4) to the ICCPR allows States to deny the right to vote or hold office based on “mental incapacity.”<sup>21</sup> The ICCPR opened for signature in 1966. Modern trends in international law such as the CRPD and relevant jurisprudence, such as the European Court of Human Rights (ECHR) case – *Kiss v. Hungary*, are evidence that rights have evolved, and modern norms are trending counter to the General Comment. In its *Kiss v. Hungary* ruling, the ECHR referred to case law that said “The right to vote is not a privilege. In the twenty-first century, the presumption in a democratic State must be in favor of inclusion...Universal suffrage has become the basic principle.”<sup>22</sup>

19 “International Covenant on Civil and Political Rights.” United Nations. <<http://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx>>.

20 “The Universal Declaration of Human Rights.” United Nations. <<http://www.un.org/en/documents/udhr/>>.

21 United Nations. Office of the High Commissioner for Human Rights. *General Comment No. 25: The right to participate in public affairs, voting rights and the right of equal access to public service* (Art. 25). 1996. <[http://www.unhcr.ch/tbs/doc.nsf/\(Symbol\)/d0b7f023e8d6d9898025651e004bc0eb?Opendocument](http://www.unhcr.ch/tbs/doc.nsf/(Symbol)/d0b7f023e8d6d9898025651e004bc0eb?Opendocument)>.

22 *Alajos Kiss v. Hungary*. European Court of Human Rights. May 20, 2010. Case of *Alajos Kiss v. Hungary*. European

*“I think for persons with disabilities to be able to vote and to be part of that process really links us to society, and to the broader citizenry of the country in which we live, so it’s a very serious issue.”*

Charlotte McClain-Nhlapo  
Coordinator for Disability Inclusive Development, USAID

There are also regional standards, such as the Bali Declaration on the Enhancement of the Role and Participation of Persons with Disabilities in the ASEAN Community<sup>23</sup> and the Venice Commission’s Revised Interpretative Declaration to the Code of Good Practice in Electoral Matters on the Participation of People with Disabilities.<sup>24</sup>

### **Disability Policies among Development Aid Agencies**

Many aid agencies have adopted cross-cutting disability inclusion policies to ensure persons with disabilities are included in and positively impacted by development programs.<sup>25</sup> Such policies help prioritize disability inclusion and provide frameworks to guide the actions of development practitioners.

The Australian Agency for International Development (AusAID) put forward one of the most comprehensive disability inclusion policies in 2008 titled “Development for All.”<sup>26</sup> Written in consultation with DPOs and responsible government institutions across 20 aid-recipient countries, the strategy’s primary outcome is to “support people with disability to improve the quality of their lives through better access to the same opportunities for participation, contribution, decision-making and social and economic well-being as others.” As part of this strategy, AusAID also directs resources to reducing preventable impairments with programs focused on areas such as road safety and avoidable blindness. In addition to this targeted policy, AusAID included “enhancing the lives of persons with disabilities” as one of the 10 overall development objectives in Australia’s aid policy. An evaluation of the Development for All strategy conducted in 2012 revealed the dedicated funding, explicit guidelines and dedicated staff both in Canberra and various posts across the globe led to significant improvements in the lives of persons with disabilities in recipient countries.<sup>27</sup>

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Court of Human Rights. <<http://hudoc.echr.coe.int/sites/eng/pages/search.aspx?i=001-98800>>.

23 Association of Southeast Asian Nations. “Bali Declaration on the Enhancement of the Role and Participation of Persons with Disabilities in the ASEAN Community.” <[http://www.asean.org/archive/documents/19th summit/Bali\\_Declaration\\_on\\_Disabled\\_Person.pdf](http://www.asean.org/archive/documents/19th%20summit/Bali_Declaration_on_Disabled_Person.pdf)>.

24 Council of Europe and Venice Commission. “Revised Interpretative Declaration to the Code of Good Practice in Electoral Matters on the Participation of People with Disabilities in Elections.” <[http://www.venice.coe.int/webforms/documents/CDL-AD\(2011\)045.aspx](http://www.venice.coe.int/webforms/documents/CDL-AD(2011)045.aspx)>.

25 A compilation of disability inclusion policies put together by Mobility International is available at: <http://www.miusa.org/idd/resources/dispolicies/index.html>.

26 Australian Agency for International Development. “Development for All: Towards a disability-inclusive Australian aid program 2009-2014.” <[http://aid.dfat.gov.au/Publications/Pages/8131\\_1629\\_9578\\_8310\\_297.aspx](http://aid.dfat.gov.au/Publications/Pages/8131_1629_9578_8310_297.aspx)>.

27 Linda Kelly and Lorraine Wapling. Australia. Australian Agency for International Development. *AusAID Development for All Strategy: Mid-Term Review*. 2012. <<http://aid.dfat.gov.au/aidissues/did/Documents/dfa-mtr.pdf>>.

USAID has had a disability policy in place since 1997, calling on partners and staff “to avoid discrimination against persons with disabilities in programs which USAID funds and to stimulate an engagement of host country counterparts, governments, implementing organizations and other donors in promoting a climate of nondiscrimination against and equal opportunity for persons with disabilities.”<sup>28</sup> The policy emphasizes that: issues related to disability are integral to international development; consultation with members of the disability community is critical; and investing in and strengthening DPOs are vital steps for promoting the human rights of persons with disabilities.

To further institutionalize its commitment to inclusive development, USAID issued two policy directives:

- Acquisition Assistance Policy Directive (AAPD) 04-17 Supporting USAID’s Disability Policy in Contracts, Grants and Cooperative Agreements: This directive was created to ensure contractors and grantees comply, to the greatest extent possible and within the scope of the award, with the USAID Disability Policy. It contains language that must be included in all solicitations and resulting awards for contracts, grants and cooperative agreements.
- AAPD 05-07 Supporting USAID’s Standard for Accessibility for the Disabled in Contracts, Grants and Cooperative Agreements: This directive requires a provision in all contracts, grants and cooperative agreements that obligates compliance with standards of accessibility for persons with disabilities in all structures, buildings or facilities resulting from new or renovation construction or alteration.

USAID also has the Disability Champions Listserv, which encourages staff in headquarters and at the mission-level to share lessons learned and to ask for guidance on disability inclusive practices.

Other U.S. government agencies also highlight the importance of including persons with disabilities in their activities. The U.S. Department of State’s Bureau of Democracy, Human Rights and Labor (DRL) specifically mentions disability inclusion in its proposal review criteria. The “Program Monitoring and Evaluation” section recommends disaggregating data by disability. The “Quality of Program Idea” states that programs should advance the rights “of the most at risk and vulnerable populations, including women, people with disabilities...” DRL is a good example of a donor that highlights the importance of disability inclusion in activities, objectives and corresponding targets, and enforces this policy by awarding additional points for inclusive proposals.

Similarly, the Swedish International Development Cooperation Agency (SIDA) instituted an inclusion policy in 2009 titled *Human Rights for Persons with Disabilities*.<sup>29</sup> The stated aim of the policy is to respect the human rights of women, men, girls and boys with disabilities and to provide better opportunities and the scope for improving their living conditions in the countries where Sweden carries out development cooperation. The policy calls for consideration of persons with disabilities in SIDA’s work and decision processes. It also includes language to ensure SIDA’s personnel and implementers have increased understanding and knowledge of the human rights situation and living conditions of persons with disabilities. The policy represents an effort to operationalize the statement in Sweden’s rights-based general policy on global development that “a rights perspective involves a focus on the discriminated, including marginalized individuals and groups. People, regardless of gender, age, disability, ethnicity or sexual orienta-

28 United States Agency for International Development. Bureau for Policy and Program Coordination. *USAID Disability Policy Paper*. Washington, D.C. 1997. <[http://pdf.usaid.gov/pdf\\_docs/PDABQ631.pdf](http://pdf.usaid.gov/pdf_docs/PDABQ631.pdf)>.

29 Anette Dahlström, Charlotta Bredberg, Lina Lindblom, Christine Lundberg, Johan Norqvist and Camilla Ottosson. Sida. *Human Rights for Persons with Disabilities*. Sida, 2009. <<http://sidapublications.citat.se/interface/stream/mabstream.asp?filetype=1&orderlistmainid=294&printfileid=294&filex=402323664960>>.

tion should be able to enjoy their rights.” Importantly, this policy was developed following an analysis that SIDA’s 2005 position paper *Children and Adults with Disabilities* had not led to sufficient impact in terms of ensuring disability inclusion across the agency’s work. This regular evaluation of policy impact and subsequent improvement is another key aspect of SIDA’s policy.

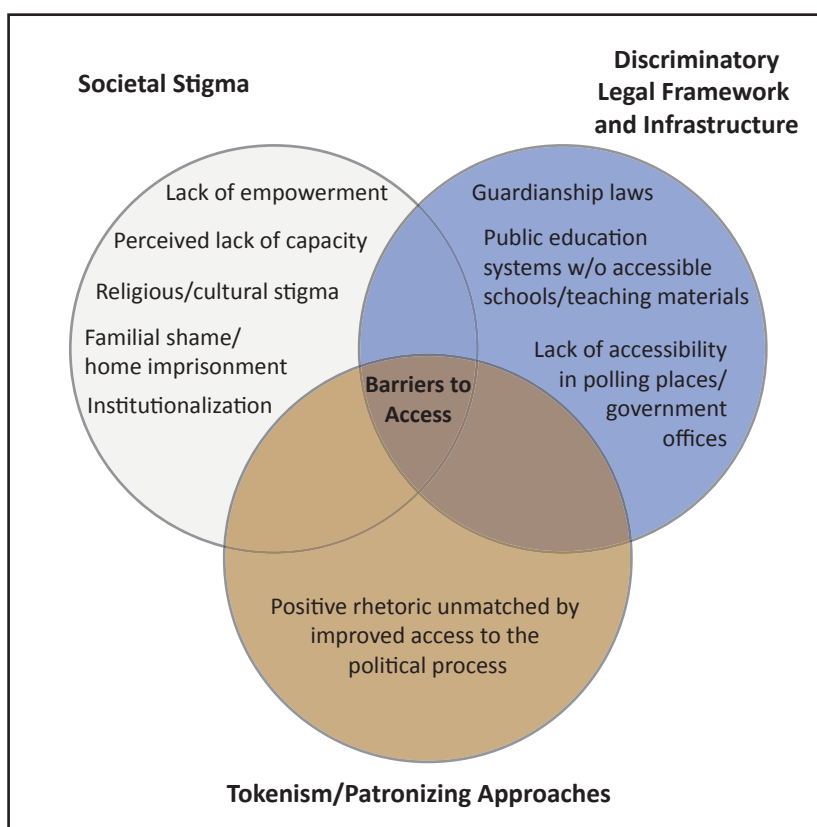
The Disability Rights Fund, a collaboration of donors and the disability community, has developed *Beyond Charity: A Donor’s Guide to Inclusion*.<sup>30</sup> This book describes how to leverage the CRPD and how donors can use a rights-based approach to address disability in international development programs.

### Breaking Down the Barriers

As stated previously, persons with disabilities have the desire and capacity to participate in decision-making that affects their lives. Despite this, they often face barriers that limit or prevent their access. Figure 3 lists common barriers many persons with disabilities encounter, categorized by societal stigmas, discriminatory legal frameworks/infrastructure and patronizing approaches by decision makers. Some barriers are unique to specific regions. For example, in some African contexts, disability is sometimes seen as a curse due to an indiscretion in a past life. Additional barriers specific to certain types of disabilities and the distinct stages of the election cycle will be addressed later.

Alongside these unique barriers, persons with disabilities also confront the same challenges affecting other citizens. In many new and emerging democracies, the majority of the population lacks experience with voting and other forms of political participation. Similarly, legislatures and political parties may not reach out to citizens during policy development or value the role civil society can play in oversight of governing institutions. In these situations, limited political space and a lack of government accountability negatively impacts all citizens regardless of disability. Democratization programs aimed at greater inclusion of persons with disabilities must, therefore, take the challenges of the overall environment into account and consider what role persons with disabilities can play in helping democracy expand and deepen.

Figure 3: Barriers Encountered by Persons with Disabilities



30 Bruce Downie and Lorraine Wapling. “Beyond Charity: A Donor’s Guide to Inclusion.” Disability Rights Fund. <[http://www.disabilityrightsfund.org/files/beyond\\_charity\\_a\\_donors\\_guide\\_to\\_inclusion.pdf](http://www.disabilityrightsfund.org/files/beyond_charity_a_donors_guide_to_inclusion.pdf)>.

*“What’s critically important is that disabled people are seen as a part of the whole, and the government and civil society recognizes the need to be able to have as many people who wish to be participating in elections, actually be able to vote. [That] is what you are really striving for.”*

Judith Heumann

Special Adviser for International Disability Rights, U.S. State Department

### **Strategies to Support Inclusive Electoral and Political Processes**

Sections two through four of this manual follow the electoral cycle. Each section represents a different stage of the cycle and discusses specific challenges persons with disabilities might face at that time. Suggestions are made for improving accessibility and strengthening political engagement.

The majority of interventions are focused on four mutually-supportive strategies.

#### *1. Empowering Persons with Disabilities*

Persons with disabilities and DPOs are vital partners in elections and political process-focused programs. DPOs provide a pre-existing platform for mobilizing persons with disabilities and representing the interests of persons with disabilities. They should be included throughout the program cycle, including in the design, implementation and monitoring and evaluation stages. In order to be effective, many DPOs can benefit from training on different aspects of the electoral system and government structure. Capacity building to develop basic organizational skills, such as management and public relations, as well as advocacy skills that help DPOs interact with government officials, the media, international organizations and other groups is useful. This training could include how to build alliances and raise financial support. This assistance can build the political profile of DPOs and help them get their issues on the political agenda. Electoral and political processes will also be strengthened if international donors and implementing partners hire persons with disabilities as employees, particularly in leadership positions.

#### *2. Supporting Government Institutions*

Programs providing support to government institutions such as legislatures and EMBs provide an opportunity for increasing the political participation of persons with disabilities. In providing technical assistance to government bodies that create legal frameworks, democracy development programs can build the skills of these institutions to conduct assessments on the rights of the disability community or the impacts proposed policies will have on that community. Programs can also encourage government bodies to partner with DPOs as part of their efforts, promoting the view of persons with disabilities as empowered citizens who should be consulted on issues that affect their lives. DPOs should also be supported in directly reaching out to government stakeholders. Building this awareness among decision-makers is a key step in enabling the full participation of persons with disabilities in political life by changing exclusionary laws and policies.

#### *3. Including DPO Partners in CSO Coalitions*

Democracy strengthening programs around elections often include technical and financial support to networks and coalitions conducting activities, such as domestic election observation or voter education. These efforts are critical in helping citizens have a more informed voice and in promoting credible election

### Good Practice

The General Election Network for Disability Access in Southeast Asia (AGENDA) brings together DPOs and election observation organizations from Indonesia, the Philippines, Malaysia, Vietnam, Laos, Cambodia, Burma and Thailand to conduct research, election observation focused on accessibility and advocacy with national-level and ASEAN officials. AGENDA partners meet in person annually, and share best practices through a newsletter and multimedia tools year-round.

processes. Including DPOs in these networks and coalitions serves multiple functions. First, it allows DPOs to gain experience and learn best practices from fellow civil society organizations (CSOs). DPO members gain skills in identifying issues and creating campaigns, and often experience an increase in confidence through work with peer organizations. This enhanced sense of dignity is instrumental in inspiring DPOs to continue political engagement and move into leadership roles. Second, the interactions encourage other coalition partners to take a more active approach to supporting the disability community and take an introspective view of their own internal efforts at inclusion. For example, a youth-focused CSO might find a deficiency in its understanding of youth with disabilities, or a DPO might recognize its need to expand its leadership to employ more women in leadership positions. Finally, inclusion of DPOs in these coalitions cements the practice of seeking input from the disability community and serves to promote an image of persons with disabilities as capable, empowered citizens.

#### *4. Assisting Political Parties in Conducting Outreach to Persons with Disabilities*

Development assistance directed at political parties also provides openings to promote inclusion of persons with disabilities. In programs designed to assist political parties in activities such as developing platforms, training party members/candidates for office or creating election campaign strategies, democracy assistance organizations can link parties with DPOs to promote outreach to persons with disabilities on issues that affect them. Supporting parties in these outreach efforts not only raises their awareness of disability rights, but also encourages them to include input from citizens during the campaign period more broadly, thereby enhancing space for political participation for all citizens. Political parties should also be encouraged to include persons with disabilities as candidates and in leadership roles within the party.

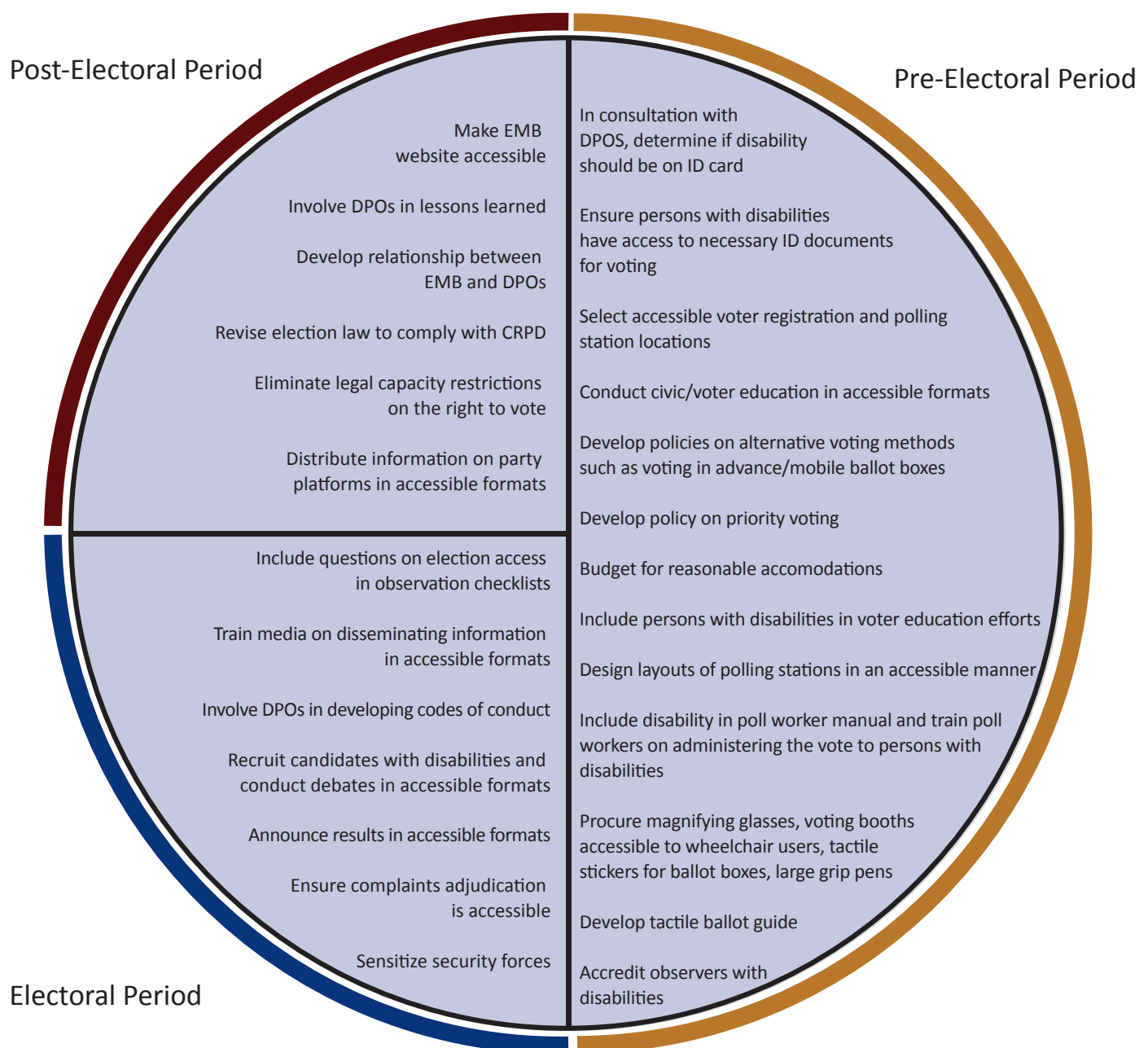
### The Electoral Cycle

To better envision the interrelated components of an election process, as well as the development needs and opportunities for inclusion, this manual will be organized around the electoral cycle. The electoral cycle provides a framework for analysis and developing assistance strategies that support more open, inclusive and credible election processes. It can be roughly divided into three overlapping periods: pre-election, election and post-election.

As the following diagram illustrates, the beginning and end points of the cycle are not fixed and each period is organized around different fundamental aspects that help ensure more sustainable election processes. For example, the pre-election period is the time for planning, budgeting, training and registration. The election period is the time for campaigning, voting, counting and complaints. The post-election period is the time for review, reforms and strategizing. The diagram provides illustrative examples of specific stakeholders and actions that can be supported during each period, while recognizing some elements cut across the entire cycle, such as civic education and citizen engagement.

Programs enhancing the political participation of persons with disabilities during elections can address both barriers to accessibility and deficits in the ability of DPOs to exercise power and influence. Accessibility is a critical first step for mainstreaming persons with disabilities into political life. Elections also provide numerous opportunities for DPOs to raise their political profile by increasing discussion among candidates of issues important to persons with disabilities, enhancing relationships with policymakers and strengthening the capacity of DPOs to conduct advocacy campaigns with other actors. This dual approach can serve to lay the foundation for more substantive political engagement following the elections.

**Figure 4: Electoral Cycle**





*A community facilitator leads a voter education session for voters with disabilities in Nepal.*



## Section 2: Pre-electoral Period

### Potential Barriers

- Pre-election technical assessments do not address election access issues
- Discriminatory election law
- EMB budgetary resources not allocated for reasonable accommodations
- Inaccessible polling centers selected
- Poll workers not trained on administering the vote to persons with disabilities
- Difficulties in securing a national ID card
- Voter registration conducted in inaccessible locations
- Voter education and information on political party platforms/candidates not distributed in accessible formats
- Persons with disabilities not included as observers
- DPOs lack experience in advocacy for political rights

The pre-electoral period focuses on the preparation of an election. To support planning for an accessible election, assistance programs cannot wait until an election is imminent and the entire framework is already in place. Key stakeholders must take advantage of the pre-electoral period to make preparations that will improve the process in the electoral period. Some provisions will require additional financial resources, others will not incur additional cost if planned in advance and some activities do not have cost implications.

This section will highlight the roles and responsibilities of EMBs and CSOs during this critical pre-electoral timeframe, with a focus on the following activities:

- Conducting a pre-election technical assessment
- Designing and drafting election laws and regulations
- Financial and administrative planning
- Recruiting and training electoral staff
- Electoral planning and procurement
- Conducting voter registration and registration of political parties and candidates
- Implementing voter education campaigns
- Accrediting election observers

### Good Practice

In 2003, the Slovenian Constitutional Court reviewed whether the requirements of the Law on Elections for Slovenian Parliament, the Law on Presidential Elections and the Law on Local Elections for registering only people with full legal capacity were in compliance with the constitution. The Constitutional Court decided these election laws were unconstitutional, ruling that: “the capacity to exercise suffrage is impossible to be identified with legal capacity.”<sup>31</sup>

<sup>31</sup> Official Journal of the Republic of Slovenia. 73.29 (2003): 11212-11216.

## Assessments through a Disability Lens

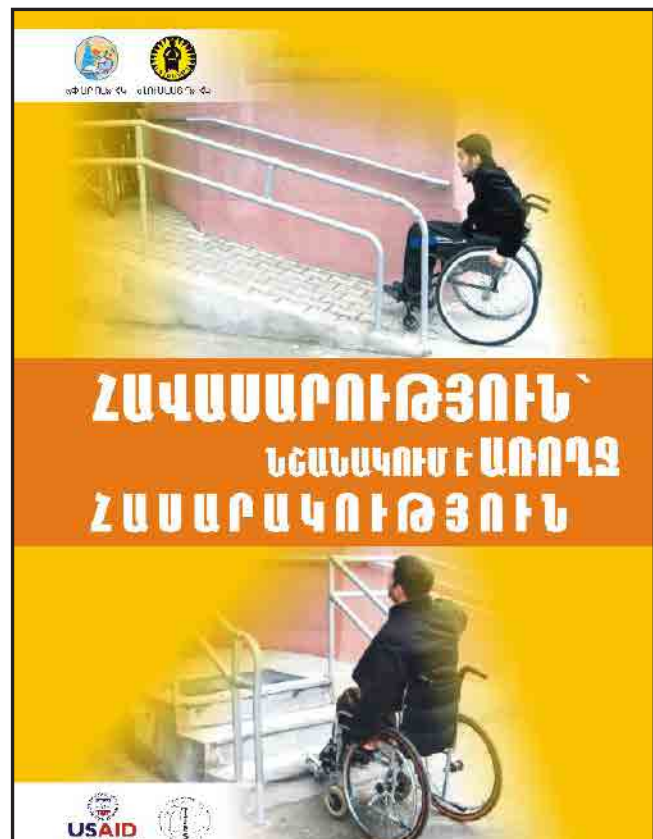
The first step in determining barriers and potential interventions is to conduct an assessment. Pre-election technical assessments that review all aspects of the electoral process should also analyze each area through a disability lens. In addition to including a disability analysis in general assessments, conducting a separate assessment focused specifically on disability inclusion can assist donors and implementers in addressing the specific barriers facing this community. Assessment teams should meet with DPOs to gain their perspective on barriers and their recommendations to overcome them. Even if a country has not yet ratified the CRPD, any recommendations for reform should be in the spirit of Article 29 of the treaty. Meeting with DPOs will also give assistance providers and donors the opportunity to assess their capacity and identify targeted areas of support.

## Election Law Reform

The legal and regulatory framework is one of the most important elements of the electoral process, as it sets the parameters for and defines the policies that govern electoral participation.

While there have been many positive developments around the world promoting increased access to electoral and political processes for persons with disabilities generally, persons with intellectual or psychosocial disabilities are still frequently stigmatized. They often face restrictions on their right to vote based solely on their disability or the fact that they are under guardianship. These issues are being debated in the United States, for example, with 12 states currently allowing citizens under guardianship to vote. Article 12 of the CRPD requires nations to recognize that “persons with disabilities enjoy legal capacity on an equal basis with others in all aspects of life,” including election law.<sup>32</sup>

In December 2011, the Office of the United Nations High Commissioner for Human Rights issued a report on participation in political and public life of persons with disabilities.<sup>33</sup> The report found that in a majority of the countries reviewed, persons with intellectual or psychosocial disabilities are deprived of their right to vote and to be elected based on constitutional or legal provisions that link these rights to legal capacity. The report concludes these restrictions are “inconsistent with the obligations



Poster displayed in Armenia with the tagline, “An equal society is a healthy society.”

32 United Nations. “Article 12 - Equal recognition before the law.” Convention on the Rights of Persons with Disabilities. <<http://www.un.org/disabilities/default.asp?id=272>>.

33 Office of the United Nations High Commissioner for Human Rights. “Thematic study by the Office of the United Nations High Commissioner for Human Rights on participation in political and public life by persons with disabilities.” United Nations, December 21, 2011. <[http://www.ohchr.org/Documents/Issues/Disability/SubmissionThematicStudy/A.HRC.19.36\\_en.doc](http://www.ohchr.org/Documents/Issues/Disability/SubmissionThematicStudy/A.HRC.19.36_en.doc)>.

that States parties have undertaken under Articles 2, 12 and 29 of the Convention, and should be eliminated as a matter of priority from national legislation and practices.”<sup>34</sup>

Even in countries that have taken steps to align their law with the CRPD, like Ghana, there is still much work to be done. In 2012, the Ghanaian government passed a Mental Health Act that protects the civil and political rights of persons with psychosocial disabilities. While the new law now allows residents of psychiatric hospitals to vote for the President, voter registration policies impede some residents from voting for regional candidates, such as members of Parliament, if registered in a different constituency than where the hospital is located.

### Good Practice

In Guatemala, the EMB recruited volunteers with Down syndrome to package election materials. The EMB featured these volunteers in promotional materials and public service announcements, thereby sensitizing the general public to the abilities of persons with disabilities.

The election law may also impact policies regarding voting with an assistant. In some cases, voters with disabilities might request assistance when voting. The choice of assistant can impact the secrecy and security of the vote, as an assistant could intimidate or manipulate the voter. To mitigate this risk, DPOs participating in the CRPD drafting process negotiated a requirement that voters with disabilities be allowed “assistance in voting by a person of their own choice” in Article 29 of the CRPD. However, many States violate this directive and only allow poll workers to provide assistance in voting.

The election law can also stipulate allowable stop-gap measures for inaccessible polling stations when it is not possible to make all polling stations accessible in time for the election. While the end goal should be to make all polling stations accessible, if a polling station is not yet accessible, procedures such as advance voting and mobile ballot boxes can provide greater access. Both of these provisions sometimes raise fraud and/or secrecy concerns, so allowing a separate voting booth on the ground floor can help alleviate these concerns. While such provisions may be helpful as short-term or transitional measures, they should not be used as a permanent alternative to making all polling centers accessible.

Some election laws stipulate that only people who can speak in the native language of the country can run for office. This type of provision could exclude candidates who are deaf and do not use an oral language.

To mitigate barriers caused by discriminatory election laws, international donors and implementing organizations can support the review of election laws, provide regional examples and assist in drafting more inclusive laws. For example, in Egypt, IFES conducted an election law review and provided comments to the EMB on ways that the law restricted the rights of voters with disabilities. A group of local organizations then led an awareness campaign resulting in the Egyptian Human Rights Council committing to establish a disability committee, providing an opportunity to secure the rights of persons with disabilities.

Inclusive election laws should have the following characteristics:

- ✓ Universal suffrage, including persons under guardianship
- ✓ No medical or language requirements for candidates or voters
- ✓ Flexibility to find creative solutions to inaccessible polling locations, with the end goal of permanent accessibility
- ✓ Right to vote in secret, and, if desired, to be assisted by a person of the voter’s choice
- ✓ Provision of reasonable accommodations, such as tactile ballot guides

<sup>34</sup> Ibid.

## Inclusive Election Administration

EMBs should be supported in the pre-electoral period to make their procedures accessible when it is easier and more cost-effective to make “reasonable accommodations.” Article 2 of the CRPD describes reasonable accommodations as necessary and appropriate modifications and adjustments that do not cause a disproportionate or undue burden. This is to ensure persons with disabilities exercise human rights and fundamental freedoms on an equal basis as others. For example, designing a ballot with pictures of the candidates and/or party logos makes it easier for voters with intellectual disabilities to identify the different options. However, the decision to include pictures should be weighed against any potential discrimination that could be encountered based on ethnicity or gender.

The budgeting process and development of EMB strategic plans should take disability inclusion into account. An easy way to ensure a disability perspective is included in this crucial stage is to hire persons with disabilities as EMB officials. All EMB officials should receive training on international standards, such as those included in the CRPD, and training on how to include persons with disabilities in the electoral process.

Encouraging governments to count the number of persons with disabilities in their census provides relevant data to election administrators. Using standardized questions, such as those of the Washington Group,<sup>35</sup> can help systematize data collection. These questions are helpful because they ask about barriers persons with disabilities encounter rather than asking about specific types of disabilities. This method is more effective because some people might be hesitant to disclose their particular disability and the definition of disability might vary depending on country context. From an EMB’s perspective, these questions simplify the process of identifying what type of accommodation a voter needs. For example, they do not need to know a voter has a spinal cord injury; they just need to know that the voter’s polling center should be accessible.

### Good Practice

The below is an example census question on disability endorsed by the Washington Group:

1. Do you have difficulty seeing, even if wearing glasses?
  - a. No – no difficulty
  - b. Yes – some difficulty
  - c. Yes – a lot of difficulty
  - d. Cannot do at all



*The EMB and DPOs conduct joint roundtable on integrating persons with disabilities into the electoral process in Libya.*

35 Centers for Disease Control and Prevention. “Census Questions on Disability Endorsed by the Washington Group.” <[http://www.cdc.gov/nchs/data/washington\\_group/WG\\_Short\\_Measure\\_on\\_Disability.pdf](http://www.cdc.gov/nchs/data/washington_group/WG_Short_Measure_on_Disability.pdf)>.

### Polling Centers

Most polling is held in public buildings, such as schools and community centers. These buildings should already be accessible to persons with disabilities. However, in many countries this is often not the case. EMBs and DPOs could benefit from training on how to identify barriers in polling centers and make improvements to ensure buildings are more accessible. Barriers can be found inside (such as low lighting) or outside (such as stairs as the only means to enter the facility).

Many DPOs around the world have designed creative solutions to improve polling station accessibility. In 2012, the Georgian Coalition for Independent Living conducted a door-to-door survey to determine where persons with disabilities live in the country. They then submitted this information to the EMB to assist with selection of polling centers and distribution of assistive devices.



*Voter being interviewed by media outside of a Georgian polling center.*

In 2009, the Lebanese Physical Handicap Union and IFES partnered with a geographic information system (GIS) firm to conduct a mapping activity to determine the locations of inaccessible polling centers and then entered this information into a database that was shared with the government and posted online. The project assessed polling stations against six basic standards of accessibility, including parking, entrances and availability of restrooms. As a result of this effort, the government provided funding to make 18 buildings accessible before the election.

In Armenia, a 2007 campaign to build ramps to polling stations was accompanied by a voter education campaign targeting voters with and without disabilities. Paros, a local DPO, produced a video<sup>36</sup> that highlights improvements made and the need for additional ramps. As a result of this campaign, a political party funded the construction of additional ramps. Locations were selected by the DPO to ensure they were not just in areas where that political party had a stronghold.

#### Good Practice

The Norwegian Ministry of Labour and Social Inclusion published a guide for municipalities on how to make elections accessible. It includes a checklist that details aspects of both accessible information and infrastructure.<sup>36</sup>

The U.S. Department of Justice has developed a checklist for polling places that provides guidelines on how to ensure all aspects of a polling location are accessible, including parking, sidewalks, entrances, hallways and the voting room itself.<sup>37</sup>

<sup>36</sup> International Foundation for Electoral Systems. *Armenia: Voters with Disabilities PSA*. YouTube. 2010. <<http://www.youtube.com/watch?v=eXvLtnAHaOI&noredirect=1>>.

<sup>37</sup> "Accessibility to Elections: Guide for the Municipalities." *Helsedirektoratet*. The Norwegian Directorate of Health. <<http://helsedirektoratet.no/publikasjoner/accessibility-to-elections-guide-for-the-municipalities/Publikasjoner/accessibility-to-elections-guide-for-the-municipalities.pdf>>.

<sup>38</sup> United States Department of Justice. *ADA Checklist for Polling Places*. 2004. <<http://www.ada.gov/votingck.htm>>.

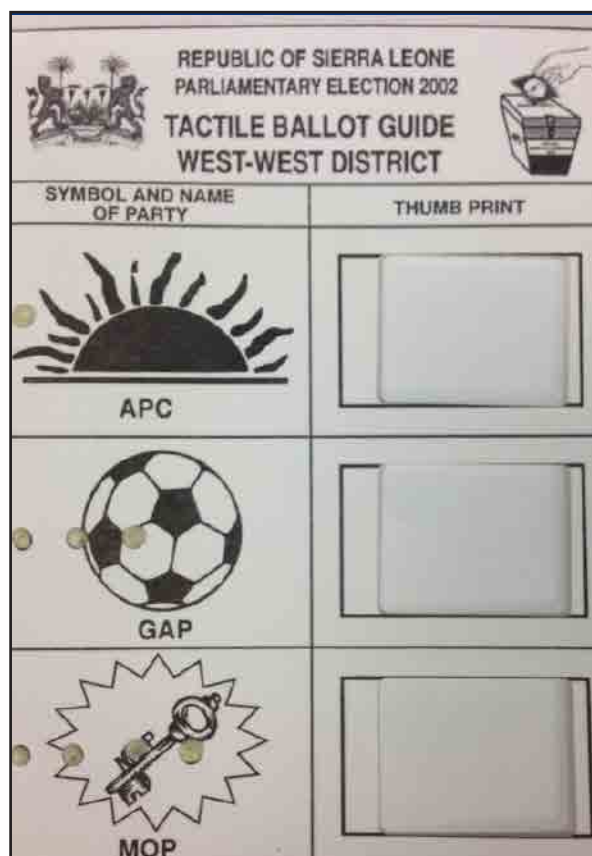
### Assistive Tools

Assistive tools aid persons with disabilities in completing tasks or other daily functions. There are several types of assistive tools that can make the electoral process more accessible. EMBs often need support in the development of these tools. Tactile ballot guides are folders in which the ballot can be placed, and use Braille or tactile symbols to identify the candidates, helping to ensure the secrecy of the vote for persons who are blind. The guides must be designed well in advance of an election, as the design of the ballot can be impacted by the design of the guide and vice versa. Holes in the folder line up with the boxes on the ballot so voters can read the Braille/symbols and mark the ballot in the same manner as voters not using the guide.

Some EMBs have developed Braille ballots, but guides are a better solution for two reasons. First, there will often just be a few voters per ballot box that make use of the Braille ballot, so it will be easy to determine how those who used the Braille ballot voted. However, if a voter uses the guide, their ballot will look like all other ballots, thus guaranteeing the secrecy of the vote. Second, tactile ballot guides are usually a less expensive option. EMBs only need to provide a few guides for each polling center, whereas providing Braille ballots requires more logistics to ensure there are enough Braille ballots at each station.

Lowered voting booths that are accessible to wheelchair users help to ensure the secrecy of the vote. Tactile stickers or box tops indicate which ballot goes into which box for voters who are blind when they deposit ballots into more than one box on Election Day. Magnifying glasses, portable lighting and large grip pens are tools that can assist voters with and without disabilities.

EMBs should develop a plan for procuring and distributing assistive tools in the pre-electoral phase. During the budgeting process, EMBs should include a line item for reasonable accommodations. Developing assistive tools at the last minute does not leave enough time to plan the logistics of their distribution. This can lead to assistive tools left in storage centers on Election Day. Persons with disabilities should be routinely consulted when developing assistive tools so that the tools meet the needs of voters.



Tactile ballot guide used in Sierra Leone in 2002.



This Guatemalan poll worker manual included a section on administering the vote to persons with disabilities.



*A Nepali woman reads voter registration information in Braille.*

lect an assistant. However, some poll workers are not trained on this and insist on only allowing a poll worker to assist the voter.

Poll workers must also be trained on how to administer the tactile ballot guide. EMBs from Sierra Leone to Kosovo have developed tactile ballot guides, but observers have witnessed poll workers who either do not offer the tool to voters who are blind/have low vision or incorrectly describe how to use the tool on Election Day. To remedy this, several EMBs have produced a supplemental chapter in their poll worker training manual describing how to administer the vote to persons with disabilities.

Training should also cover the EMB's policy on Election Day regarding queues. Are persons with disabilities, older people and/or pregnant women given priority to vote, or must they wait in line? Do voters have to ask to skip the queue or is it the responsibility of the poll workers to identify voters that might benefit from priority voting? Are chairs provided? The answers to these questions can vary from country to country, but the EMB should have relevant plans in place.

### *Voter Registration*

Technical support to the voter registration process is one of the most important ways to ensure persons with disabilities can participate in elections. If voters with disabilities are not registered, they will not be able to take advantage of any access provisions on Election Day. In addition to issues that affect the entire electoral process, such as inaccessible information and locations, acquiring a national ID card or birth certificate can be an additional barrier to registration.

### *Training*

There is often a lack of awareness within EMBs of the barriers persons with disabilities encounter when trying to vote and ways to mitigate them. There must be an increase in training for decision-makers and mid-level EMB officials, particularly on the commitments described in Article 29 of the CRPD. Additionally, there must be targeted disability training for poll workers, who are the face of the EMB on Election Day. Even if a country has inclusive election laws, inadequate training of poll workers could lead to the exclusion of voters with disabilities. For example, the CRPD states that if a voter needs assistance when casting a ballot, then he or she can se-

### **Good Practice**

In the Philippines, IFES supported the EMB in forming an Inter-Agency and NGO Network on Empowering Persons with Disabilities. This working group develops inclusive policy recommendations, such as a nationwide campaign to register persons with disabilities to vote.

The EMB holds a "Persons with Disabilities Week," in which persons with disabilities are encouraged to register to vote. In addition to the media campaign surrounding this week, the EMB also uses some of the most accessible buildings in the country – shopping malls – as locations for registration centers and has developed an accessible website.

A national ID card or birth certificate is usually required in order to register to vote. In some countries, children with disabilities are not given this identification when they are born, as it is assumed they will not be active citizens. An enumeration of the rights that come with having a national ID card is also not usually disseminated in accessible formats, so persons with disabilities may not know they need this card to register to vote.

In some countries, information on disability is collected as part of the registration process. This information is sometimes included on the ID card and sometimes is kept for internal use by the EMB. Having this data allows EMBs to better plan the distribution of accommodations, such as tactile ballot guides, but it also has downsides. There is a risk that identifying disability status on ID cards will lead to discrimination in other areas of life, such as employment. This risk can be mitigated if the EMB collects the information, but does not display it on the ID. The decision on whether to collect disability information and to include it on the national ID card should be made in consultation with the local disability community. EMBs must clearly define how they will use this information. Education on the benefits of self-identification can lead to better provision of services across the board, not just on Election Day. However, the disability community’s right to privacy should always be the foremost concern.

**Bago para sa mga PWD voters  
at new registrants!**

**Meron na tayong “Supplementary Data”  
kung saan ilalagay ang uri ng  
kapansanan at “assistance”  
na kakailanganin mo sa araw ng halalan**

**SUPPLEMENTARY DATA**  
(Persons with disabilities/Senior Citizens with disabilities)

Please Check the box indicating the disability

DISABILITY	
Physical	<input type="checkbox"/>
Hearing	<input type="checkbox"/>
Speech	<input type="checkbox"/>
Visual	<input type="checkbox"/>
Non-Manifest	<input type="checkbox"/>
Multiple Disabilities	<input type="checkbox"/>

Please check what type(s) of assistance needed on election day

TYPE OF ASSISTANCE	
Assistor	<input type="checkbox"/>
Communication Assistance	<input type="checkbox"/>
Accessible Precinct	<input type="checkbox"/>
Visual Assistance	<input type="checkbox"/>
None	<input type="checkbox"/>

Applicant/Registrant's Signature/Thumbmark over printed name: \_\_\_\_\_  
Date: \_\_\_\_\_

Left Thumbmark:  Right Thumbmark:

*The voter registration process in the Philippines captures information on any accommodations required on Election Day.*

Inclusive voter registration processes should have the following characteristics:

- ✓ Accessible and inclusive birth certificate and national ID procedures
- ✓ Physically accessible registration locations
- ✓ Easy-to-understand information distributed in accessible formats
- ✓ Benefits and drawbacks of collecting disability-specific information are clearly defined and assessed
- ✓ Decisions on whether to collect disability-specific information are made in a collaborative way



### Voter Education

A twin-track approach should be used for voter education; that is, there should be voter education specifically targeted toward persons with disabilities, as well as inclusion of persons with disabilities in mainstream voter education efforts. Mainstreaming the inclusion of persons with disabilities in voter education does not necessarily make activities more expensive. For example, EMBs and political parties can include an actor with a disability in their TV spots at no additional expense.

In addition to the EMB and political parties conducting voter education, donors should support DPOs and CSOs to conduct voter education campaigns targeting persons with disabilities. This is especially relevant if specific training is required, such as on how to use a tactile ballot guide. Experience proves that voters are more likely to be aware of the guide and know how to use it if EMBs and DPOs educate poll workers and voters alike.

People with intellectual disabilities or those with low literacy can benefit from voter education materials in an easy-to-read format with pictures or from door-to-door voter education campaigns where they have a chance to speak to an educator in person. Image boxes are another tool used to conduct grassroots civic and voter education. During an image box session, a trained facilitator displays a series of images designed to elicit discussion among participants on election-related topics.

### Good Practice

The Sudanese Network for Democratic Elections, a network of over 70 CSOs and faith-based groups, included a DPO as a partner. In the lead-up to the first South Sudanese elections, outreach targeted the general public with information on the welfare provision for vulnerable groups in the interim constitution of South Sudan. Voter education with specific outreach to persons with disabilities resulted in increased mobilization of voters with disabilities. Another result was the adaptability of the voter education outreach to other forms of participation by South Sudan's marginalized populations.

**Figure 5: Examples of Accessible Formats**

Accessible format	Helps people who
Audio	Are blind or have low vision and people with low literacy
Braille	Are blind or have low vision
Captions	Are deaf or hard-of-hearing
Easy-to-read	Have intellectual disabilities, low literacy or are non-native speakers of the language
Electronic text used with screen reading software	Are blind or have low vision; have intellectual or learning disabilities or low literacy
Large print (16-20 font size)	Have low vision
Pictures	Have intellectual disabilities, low literacy or are non-native speakers of the language
Sign language	Are deaf or hard-of-hearing
Tactile	Are blind or have low vision but do not know Braille and people who are deaf-blind

The information disseminated on EMB websites should be accessible to persons with disabilities. Section 508 of the U.S. Rehabilitation Act provides guidelines that can be used to ensure websites are accessible.<sup>39</sup> There are also other accessibility guidelines like the Daisy Consortium,<sup>40</sup> Bobby Approved<sup>41</sup> and the World Wide Web Consortium.<sup>42</sup>

In addition to knowing where to vote and how the process works, persons with disabilities need information on political party platforms and candidates in accessible formats to make informed decisions. Figure 5 provides examples of the most commonly-used accessible formats and describes who will benefit from this type of information.



*This image box was part of a series used in the Democratic Republic of the Congo.*

EMBs, political parties and CSOs should ensure budgets for voter education materials include costs of distribution in accessible formats such as sign language, Braille, large print and easy-to-read text with pictures. Voter education materials that should be accessible include:

- ✓ EMB websites
- ✓ Print campaigns such as brochures, posters and e-mails
- ✓ Public service announcements on TV and radio
- ✓ Political party manifestos/platforms and information on candidates

39 United States. Department of Justice. Section 508 Overview. 1998. <<http://www.justice.gov/crt/508/>>.

40 Daisy Consortium. <<http://www.daisy.org/>>.

41 Coggan, Donald. "Bobby Approved Sites: Improving Web Accessibility For People With Disabilities." <<http://www.bobby-approved.com/>>.

42 World Wide Web Consortium. W3C. <<http://www.w3.org/>>.

# Campagne nationale d'éducation



est in... de... droits j'acc...

54, 64, 12, 72, 56, 82, 67, 48, 18, 24

Reponse

J'ai...  
ciroyennete  
des devo

*A civic educator signs the word for "voting" at the Conakry School for the Deaf in Guinea.*

**A** **ccesible**  
**PARA PERSONAS**  
**CON DISCAPACIDAD**



Ejerciendo un Derecho Constitucional en un marco de dignidad y de respeto a las diferencias.

**Tu voto cuenta, VOTA**  
ELECCIONES 2011 Guatemala, C. A.



*A voter in Guatemala shows his inked finger after casting his ballot on Election Day.*

## Section 3: Electoral Period

### Potential Barriers

- Observers do not monitor access issues
- Political parties do not address issues important to voters with disabilities or recruit candidates with disabilities
- Party manifestos are not in accessible formats
- Polling stations are not accessible
- Security forces are not sensitized on how to provide a safe environment for voters with disabilities
- Media outlets do not disseminate information in accessible formats
- The complaints adjudication process is not accessible

The electoral period consists of much more than just Election Day. Major events include:

- Observation
- Party and candidate nomination
- Political party and candidate campaigns
- Polling and counting
- Tabulating and announcing election results
- Electoral dispute resolution

### Observation

International donors and implementing partners can facilitate partnerships between and among national and international observer groups and DPOs. Persons with disabilities should be included as short and long-term observers. Long-term observation actually starts in the pre-electoral phase and includes observation of processes like voter registration. Questions about election access should be on mainstream observer checklists and persons with disabilities should be trained on how to conduct election access monitoring.

IFES and several DPO and national observer groups<sup>43</sup> have devised a set of election monitoring methods and training packages focused on election access for persons with all types of disabilities. The election observation form includes questions on access measures in line with international standards on the right to political participation of persons with disabilities highlighted in the CRPD. These new election monitoring tools allow local DPO partners to use reliable monitoring data to identify priorities and effec-

<sup>43</sup> General Election Network for Disability Access. <<http://www2.agendaasia.org/>>.

tively target opportunities to ensure access throughout the election cycle. These tools have been used in Southeast Asia and Latin America to help DPOs identify gaps and advocate for more accessible elections.

In addition to conducting observation focused specifically on access issues, persons with disabilities should be included as mainstream election observers. It should be emphasized that the presence of observers with disabilities in the polling station has a direct impact on changing public attitudes and opinions by delivering the message they are capable and can be involved in civil society commitments. It also emphasizes to persons with disabilities that they are part of the community.

Mainstream observer groups should also include several questions on their checklists about election access. Some observation groups do this, but many do not. IFES and NDI have worked alongside other international organizations to develop standards for international election observation missions and domestic monitoring initiatives. Included in these standards are the need to include analysis of whether equal access is provided for persons with disabilities and a recommendation that barriers faced by persons with disabilities are included in final observer mission reports. Inclusion of disability issues in observer reports requires minimal additional cost or training, and can be an important way to ensure respect for the rights of persons with disabilities in future election cycles.

Election observations should have the following characteristics:

- ✓ Observations focused solely on the accessibility of the election
- ✓ Mainstream observations include accessibility as one of many metrics
- ✓ Persons with disabilities included on mainstream observation missions

### Good Practice

An observation mission for Afghanistan's *Wolesi Jirga* (lower house of the National Assembly) elections had several thematic analyses, including election administration, electoral complaints process, security, role of the media and the participation of women, minorities and persons with disabilities. The final report revealed that although many regulations to protect voters with disabilities remained in place, the 2010 elections were less accessible than the 2005 elections. However, the report found the EMB was able to meet the 5 percent hiring quota for persons with disabilities set under the regulations adopted in 2005. The inclusion of an analysis of the ability of persons with disabilities to participate combined with the hiring quota ensured the observation report set the foundation for increased political participation of persons with disabilities.



*AGENDA observers noted the inaccessible conditions at this polling station in Indonesia.*

*“I feel that certainly it is our right to choose, but we forget that the second part is to be elected and someone with a disability almost never has a real chance of winning; there has been one person with a disability who is engaged in positions that are powerful. And not only that, but everything relates to decision making; political parties are very inflexible in that case, and there is no room for persons with disabilities to have a say in political parties.”*

Blind woman from Guatemala City; Anonymous quote from focus group discussion recorded in IFES' *Assessment of Election Access Barriers, Guatemala*<sup>43</sup>

### Nomination

Persons with disabilities must first join and become active in political parties before they can become viable candidates. Low levels of participation often result from apathy, lack of confidence or family pressure. Apathy can affect all voters, but inclusion programming should ensure apathy is not caused by a lack of information in accessible formats. It should also address discrimination on the part of political parties unwilling to welcome members and/or candidates with disabilities.

Some countries, such as Zimbabwe, have introduced quotas to ensure persons with disabilities are included as parliamentarians. Implementation of quotas can be challenging, not least because of the perception that representatives do not have power equal to other members. As with gender quotas, in some cases, persons with disabilities who gain office through quotas struggle for authority. There are also numerous questions regarding how disability quotas can be enforced. Depending on the type of electoral system, does the law mandate each party must nominate a certain number of persons with disabilities? How will countries ensure the minimum number of persons with disabilities is elected? Also, who qualifies as having a disability? Must candidates have visible disabilities? Do candidates have to represent different types of disabilities? Rather than introducing quotas, it can often be more effective to focus on voter education initiatives that sensitize the general public to the rights and abilities of persons with disabilities. Targeted advocacy efforts with political parties can also result in a mindset change within the party so persons with disabilities are included in leadership positions and seen as equal members. The approach to this issue is something that must be decided based on the context of each country.

### Good Practice

Down Syndrome Ireland launched the My Opinion, My Vote project in six countries – Ireland, Italy, Malta, Hungary, Spain and Denmark – to enable adults with Down syndrome to become better engaged with every aspect of the democratic process, including voting and advocating for issues important to them. As part of the project, the political manifestos of parties were put in easy-to-read format so participants could make informed decisions on Election Day.

<sup>44</sup> *Assessment of Election Access Barriers in Guatemala*. International Foundation for Electoral Systems. <[http://www.IFES.org/Content/Publications/News-in-Brief/2012/Dec/~media/Files/Publications/Reports/2012/Guatemala\\_Report\\_Survey\\_DPO\\_Leaders\\_FINAL.pdf](http://www.IFES.org/Content/Publications/News-in-Brief/2012/Dec/~media/Files/Publications/Reports/2012/Guatemala_Report_Survey_DPO_Leaders_FINAL.pdf)>.

In addition to the stigmas associated with disability, candidates with disabilities encounter funding barriers. The United Kingdom has introduced the Access to Elected Office fund.<sup>45</sup> This fund helps candidates with disabilities meet additional costs, such as accessible transportation or sign language interpreters. The fund gives candidates grants of up to £10,000 GBP (\$16,000 USD). While it may not be possible for governments in many countries to offer similar mechanisms, international donors and implementing organizations can provide assistance to candidates with disabilities in the form of training.

### Campaigns

One of the largest barriers to an inclusive campaign process is the lack of information in accessible formats. Voters with disabilities need information on political party manifestos, candidates and campaign events to make an informed decision. There are several areas in which support to candidates and EMBs can ensure all voters have the opportunity to weigh their choices.

#### *Securing Election Pledges*

The electoral period provides an opportunity for DPOs to call on parties and politicians to sign on to public pledges to address issues of concern to persons with disabilities. Political actors are naturally more inclined to make promises while attempting to garner votes from as many segments of the population as possible. DPOs can use the political space created by elections to attract attention to ongoing advocacy initiatives or problems facing their constituencies. Drafting election pledges also allows DPOs to create an atmosphere of positive peer pressure among parties and candidates to respond to the needs of the disability community, as they can point to signatories of their pledge in public and call for more to sign on. These pledges can form a central part of an overall advocacy strategy, providing an opportunity for DPOs to monitor compliance with pledges in the post-election period. This also promotes political party interaction with DPOs on issues affecting the disability community, which sets the stage for a collaborative relationship after the election.

#### *Candidates Conduct Specific Outreach to Persons with Disabilities*

In addition to ensuring general campaign materials are accessible to all citizens; DPOs can use the elections as an opportunity to engage candidates on issues specific to the disability community.

Prior to the July 2012 elections, NDI provided assistance to a coalition of Mexican DPOs in developing a series of proposals on disability issues to share with presidential candidates. The coalition published these proposals on their website and promoted them on social media platforms. After publicizing these proposals, the DPO organized dialogues with all presidential candidates and Mexico City mayoral candidates, with the exception of one party. Through these discussions – which were the first-ever in Mexico between presidential candidates and the

### Good Practice

In Sierra Leone, NDI assisted a coalition of CSOs that included a DPO in drafting a code of conduct for parties contesting the November 2012 elections. The document was intended to promote an electoral atmosphere free of violence and intimidation, and to encourage women and other marginalized populations to participate in the election process. The code explicitly states that parties will include women and persons with disabilities in the candidate lists, obligating signatories to “empower our party’s women, youth, and disabled candidates for Parliament and local council with campaign, transportation, and financial assistance.” The code of conduct provided a standard to which CSOs can hold political parties accountable during the campaign period. Members of the coalition that drafted the code have promoted their initiative in the media through radio interviews and the distribution of laminated copies of the code to party offices throughout the country.

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45 United Kingdom. *Access to Elected Office*. Government Digital Service, 2012. <<https://www.gov.uk/government/news/access-to-elected-office>>.



disability community – the DPO coalition presented their policy recommendations and candidates discussed their own disability platforms. The dialogues received widespread coverage in national media, which raised the profile of disability issues and helped position the coalition for ongoing engagement with elected officials. DPOs in Guatemala and the Dominican Republic have conducted similar outreach with candidates.

### *Codes of Conduct*

Civil society organizations often promote a code of conduct for political parties and candidates contesting elections to generate accountability on the part of these political actors. Codes of conduct encourage political parties and candidates to respect regulations governing the electoral process and prevent fraud and manipulation. The inclusion of DPOs in the creation of a code of conduct provides an opportunity for additional pledges to make campaigns accessible to all citizens. Additionally, the existence of a code of conduct creates space for DPOs to hold officials accountable on accessibility and inclusion issues.



*A young man in Sierra Leone attends a public event in support of the code of conduct for political parties that included provisions on disability inclusion.*

### *Debates*

Debates are one of the most important ways citizens can learn about different candidates and make an informed choice on Election Day. International donors and implementing organizations can support EMBs by providing guidance on how to make debates accessible to persons with disabilities. For example, in Guatemala, the EMB provided professional sign language interpreters for debates so deaf and hard-of-hearing constituents could follow on TV. DPOs should connect with the organizers of debates so they can provide input on the organization of the venue and information, as well as provide suggested questions for the candidates relevant to issues important to the disability community.



*Televised debates between presidential candidates in Serbia in 2012 featured a sign language interpreter.<sup>45</sup>*

46 Reč na reč: Debata kandidata za predsednika Srbije 2012." Radio-televizija Srbije, June 16, 2012. <[http://www.rts.rs/page/tv/sr/story/22/RTS\\_Satelit/1103434/Reč na reč: Debata kandidata za predsednika Srbije 2012.html](http://www.rts.rs/page/tv/sr/story/22/RTS_Satelit/1103434/Reč_na_reč:_Debata_kandidata_za_predsednika_Srbije_2012.html)>.

## Election Day Implementation

Planning in the pre-electoral phase sets the stage for an accessible and inclusive Election Day. The following areas affect the election, but should be developed well in advance of polling:

- Election law
- Policies on priority voting and voter eligibility
- Polling center selection
- Tactile ballot guide design
- Procurement and distribution of accessible electoral materials such as booths accessible to wheelchair users or magnifying glasses
- EMB, poll worker and security service training
- Observation accreditation and checklists



*A man prepares to vote in the South Sudan referendum.*

Centralized technical assistance should be available to poll workers on the day of the election so they can ask for help on issues that may come up. The EMB should also provide a phone number that persons with disabilities or others may call/text to report inaccessible polling places, mistreatment by poll workers or other issues.

## Results Transmission

Because of inaccessible media, voters with disabilities are sometimes the last to know the results of the election. To counter this trend, the Kenya National Association of the Deaf partnered with the national televised news channel to provide live sign language interpretation to announce the results of the 2013 election.<sup>47</sup> This was the first time deaf, hard-of-hearing and hearing Kenyans received election result information simultaneously.

## Election Dispute Resolution

The right of redress for election complaints and disputes is one of the seven core international standards of effective complaint adjudication systems.<sup>48</sup> Persons with disabilities are often left out of the complaints adjudication process. Voters with disabilities should be able to file a claim contesting the result of the election, as well as file a complaint regarding their treatment on Election Day. EMBs should conduct voter

<sup>47</sup> "Uhuru Kenyatta is Announced 4th President." YouTube. <<http://www.youtube.com/watch?v=IdMd1rbbbSQ>>.

<sup>48</sup> Vickery, Chad, ed. *Guidelines for Understanding, Adjudicating, and Resolving Disputes in Elections (GUARDE)*. International Foundation for Electoral Systems. 2011. <[http://www.IFES.org/~media/Files/Publications/Books/2011/GUARDE\\_final\\_publication.pdf](http://www.IFES.org/~media/Files/Publications/Books/2011/GUARDE_final_publication.pdf)>.

education campaigns describing how to file a complaint in accessible formats; develop case management systems that incorporate accessibility features, such as online or telephone submissions; and provide sensitization training to investigators and judges.

For example, a woman with an intellectual disability was not permitted to vote in Mexico's 2012 elections. The complaints adjudication process was accessible, so she was able to file a complaint with the EMB, which then investigated her claim. It was determined that polling officials restricted the woman from voting due to discriminatory provisions in the Federal Code of Electoral Institutions and Procedures, which states persons deprived of their mental faculties cannot vote. However, the EMB had issued an amendment to this provision ahead of the election that would have allowed the woman to vote, had the polling officials been aware of the amendment. This demonstrates the importance of proper poll worker training, but also how accessible information on filing a complaint can lead to more active participation from citizens with disabilities.<sup>49</sup>

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49 Diaz, Ariane. "No dejaron votar a una discapacitada." *La Jornada*. July 6, 2012: 13. Web. December 6, 2013. <<http://www.jornada.unam.mx/2012/07/06/politica/013n3pol>>.



*A street performer in Nepal passes on information to voters about an upcoming election.*

## Section 4: Post-electoral Period

### Potential Barriers

- Persons with disabilities not involved in lessons learned process
- DPOs not familiar with electoral rights
- Civic education does not address the rights of persons with disabilities and is not distributed in accessible formats
- Selection criteria for election commissioners is not disability-inclusive

The post-electoral period gives stakeholders a chance to assess the implementation of the election. Key activities that should be viewed with a disability inclusion lens are:

- Polling station audits
- Reviewing the previous two electoral cycle periods and capturing lessons learned
- Improving accessibility of government institutions
- Conducting capacity building activities for electoral staff, CSOs and political parties
- Advocating for and implementing legal and administrative reforms
- Updating voter registration, if necessary
- Revising the EMB's long-term strategy
- Revising civic education curricula
- Revising selection criteria for new commissioners
- Developing a monitoring plan to ensure accountability of elected officials' performance on issues of importance to persons with disabilities

### Polling Station Audits

Many times laws are in place to ensure accessible polling stations, but site selection does not always comply with these laws. There should be a government body responsible for monitoring accessibility on Election Day that has the authority to impose a penalty if these standards are



*A man conducts accessibility audits of polling centers in Zimbabwe.*

not followed. For example, in the United States, the Department of Justice monitors compliance with national accessibility laws on Election Day and sues local government authorities that are not compliant with these laws. This practice helps ensure laws are actually implemented.

### **Capture Lessons Learned**

A review should be conducted from the perspective of the EMB, DPOs and observers. The review should assess the impact of actions taken to increase access. Were there improvements from the last election? What could stakeholders do to have more inclusive elections in the future? EMBs should assess the effectiveness of tools like tactile ballot guides developed earlier in the electoral cycle. Political parties should use this time to determine if their outreach efforts to persons with disabilities were sufficient and to develop strategies for the future. CSOs should assess whether their observation and civic education methods could be improved to increase accessibility and be more inclusive of persons with disabilities.

DPOs should use the opportunity presented during the post-election period to create concrete recommendations for policy reform to address challenges. This review should include analysis of reforms that can be implemented in both the short and long-term. DPOs should also be involved in any electoral law reform efforts that may take place post-election. DPOs should actively maintain the relationships formed with political actors during the election period. If DPOs conducted election access observation, the post-electoral period is the time to draft recommendations to the EMB based on their findings. If DPOs conducted advocacy with political parties and were able to secure their agreement to implement inclusive policies, the post-electoral period is the time to follow up with the winning candidates to ensure these policies are implemented.

### **Accessibility of Government Institutions**

Even if all barriers can be overcome and a person with a disability is elected as a local, regional or national representative or hired as an EMB official, challenges might remain. Often, buildings where politicians and civil servants work or the public transportation needed to travel to work are not accessible. Information on laws and policies currently up for debate in government may also not be produced in accessible formats. Elected officials with disabilities can highlight this gap in accessibility by their presence in office. They can also contribute to advocacy efforts that impact funding and government priorities.

### **Capacity-building of DPOs**

As noted, the capacity of DPOs is often lower than the capacity of other CSOs. Reasons for this vary, but often include lower levels of education due to inaccessible schools and resources. For this reason, additional support may be required for training in project management and budgeting. Implementing organizations partnering with DPOs should plan for additional commitment of staff time and resources. Training may be conducted during any period of the electoral cycle, but ideally they are carried out well in advance of the election.

#### **Good Practice**

NDI provided assistance to *Poraka*, a Macedonian DPO representing persons with intellectual disabilities, in drafting and promoting a pledge for parties to ratify the CRPD within 100 days of the formation of the new government. *Poraka* used the signed pledge to gain widespread press coverage of the need to ratify the CRPD. Following this campaign, the Macedonian Assembly unanimously ratified the CRPD. This successful campaign raised the profile of the DPO as a capable civil society actor, thereby promoting a positive perception of persons with disabilities as empowered citizens.

In addition to basic project management skills, DPOs generally lack capacity in elections and the intersection of political processes and disability. An exception to this trend is Indonesia, where the Center for Election Access of Persons with Disabilities, a DPO, advocates for the political and electoral rights of persons with disabilities. This DPO was founded after the fall of a dictator, because the disability community did not want to be left out of the new push for democracy. Most DPOs require training on the electoral process, the CRPD and relevant local laws before they are able to implement democracy and governance programming and be effective advocates.

It is also often necessary to train DPOs on rights-based advocacy. Many DPOs focus solely on provision of services and could benefit from rights-based advocacy training. Along with direct links to the EMB, targeted advocacy to members of parliament and legislative committees responsible for overseeing the activities of the EMB helps ensure proper implementation of existing regulations. Not only does this provide an additional space to advocate for equal access, but it ensures the legislature does not impede gains made with the EMB and broadens the network of decision-makers familiar with barriers encountered by persons with disabilities. In many developing democracies, legislative oversight processes are still in the early stages, providing another opportunity for DPOs to set a positive precedent. Assistance programs to DPOs on advocacy initiatives would benefit from building the capacity of DPOs to interact with EMBs, the legislature and national human rights bodies.

### Election Commissioner Selection Criteria

Potential election commissioners must meet an array of selection criteria, but knowledge of disability inclusive policies and procedures is rarely evaluated. Some EMBs, such as the Philippines Commission on Elections (COMELEC), appoint a specific commissioner responsible for disability rights. However, these commissioners do not always have a disability rights background.

### Inclusive Civic Education

Civic education should happen throughout the electoral cycle, but it is addressed in the post-electoral section of this manual, as this period serves as a useful time during which to reflect on the recent election and any gaps in knowledge of the electorate. Civic education describes the rights and duties of citizenship. Knowing the role of government, citizens and relevant laws can empower individuals to play a more active role in shaping their society.

In Georgia, an IFES-developed university civics course highlights the rights of all citizens, including those with disabilities. During reviews of the course, one student said, “We don’t see persons with disabilities. Before we hadn’t thought about these people, now we see they deserve the same social rights, rights to education and the electoral process. We shouldn’t have a society where people are separated.”

### Good Practice

Students from a civic education class in Georgia recorded an audio copy of their textbook *Democracy and Citizenship*. They became advocates for promoting access to university-level civic education for students with visual disabilities and have distributed CDs of the book to youth who are blind.



*University students in Georgia record a civic education book onto CDs.*



*A woman displays the indelible ink that marks her finger after voting in Indonesia.*



## Section 5: Challenges

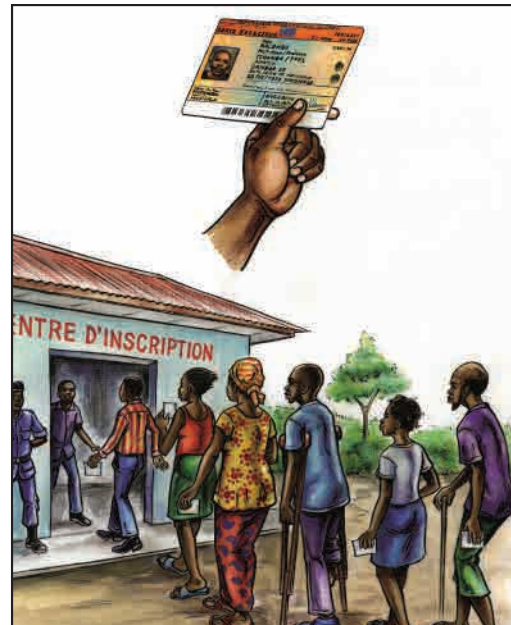
There are many challenges to implementing inclusive democracy and governance programming. There is no consensus on how best to overcome some of these challenges and the situation may vary in different countries.

### Lack of Data

Stakeholders lack reliable and comprehensive data regarding the number of persons with disabilities in individual countries. States that do count disability in their national censuses use different definitions and often estimate a number far below the World Health Organization's (WHO) 15 percent worldwide approximation. This can make it more difficult to convince local authorities and international donors that investing resources in disability inclusion should be a priority. Varying definitions of disability in each country also make it difficult to establish a baseline to monitor and evaluate programs.

### Discrimination

Government officials, and even family members, make incorrect assumptions about the abilities of persons with disabilities. A report prepared by the Vietnamese Hanoi Independent Living Center found that of 50 families of persons with disabilities interviewed, half do not believe persons with disabilities need to vote because they “do not need to be concerned about political issues.”<sup>50</sup> People often assume that fellow citizens with disabilities cannot be candidates or poll workers and that they are not interested in politics or that it does not affect their lives. One common reason why persons with disabilities do not have national ID cards or birth certificates is that their families did not think it was necessary. Family members are also sometimes unwilling to accompany their family members who might need assistance to the polling station or they do not have accessible transportation. Voter education that sensitizes the public to the rights of persons with disabilities can eradicate these stereotypes.



This image box was part of a series used in the Democratic Republic of the Congo to educate the public on the voting process.

*“I did not vote because my family did not feel comfortable letting me go since in that location there was gun shooting and a deaf person could be in larger risk.”*

Janeris, young woman with a disability, Dominican Republic

<sup>50</sup> Election Access for Persons with Disabilities in Vietnam. Hanoi Independent Living Center. AGENDA. 2013.

## Operating Environment

In some countries, there is a genuine fear of retribution from the government for talking about political rights. This issue does not have to be specific to disability rights and can also apply to political rights more broadly. Disability rights programming is considered neutral, but international donors and implementing organizations should allow additional time for recruiting partners in countries where discussion of human rights is more challenging.

## Mandatory Voting

Some countries have legislation requiring mandatory voting for all citizens. Due to inaccessible transportation, polling sites and information, sometimes countries with mandatory voting exempts citizens with disabilities and/or older persons from this provision.

In 2011, the EMB in Peru took more than 20,000 persons with intellectual disabilities off the voter list. The EMB assumed they would not vote because of their disability. The EMB believed this was a helpful step, removing them from the voter list meant they would not have to pay a fine if they did not vote. However, this process was conducted without consultation of persons with intellectual disabilities, and the policy was not publicized. This resulted in voters turning up on Election Day, only to discover they were unable to vote, as their name had been removed from the list.

EMBs unable to meet their CRPD obligations should exempt persons with disabilities and/or older persons who are not able to access the polling station from mandatory voting requirements and associated penalties. However, any policy allowing an exemption from penalties should not be considered a substitute for making the electoral process accessible. DPOs and other civil society actors should continually monitor the steps the EMB is taking to make the electoral process accessible and advocate for full inclusion of all citizens.

## Leadership

Persons with disabilities should not just be the subject of aid programs, but also active participants and leaders in their governments. It is difficult to convince EMBs, NGOs and political parties to hire persons with disabilities. It can sometimes also be difficult to find persons with disabilities – and women in particular – with the confidence and knowledge required to take leadership positions. Increased support of leadership training programs, such as Building Resources in Democracy, Governance and Elections<sup>51</sup> (BRIDGE) can help overcome this challenge and develop strong leaders with disabilities.



*Women with and without disabilities participate in a leadership training in Cambodia.*

<sup>51</sup> Building Resources in Democracy, Governance and Elections. <<http://bridge-project.org/>>.

## Accessible Technology

Election technologies, such as electronic voting machines, are often proposed as an easy way to make the voting process more accessible to persons with disabilities. However, EMBs should think carefully about all technical and logistical considerations before supporting advanced technology options in countries that may lack the capacity to maintain elaborate technological solutions. In these cases, some simple forms of technology can make the process more accessible with little risk. For example, in Australia, voters who are blind or have low vision can vote via telephone.

Online voting is another solution that has been proposed to make the process more accessible to persons with disabilities. Some European countries, such as Estonia, allow voting online and tout this process as being more accessible. However, online voting requires trust in the system as well as advanced technological resources and capacities, which might not exist in many countries.

### Examples of Indicators

USAID programs supporting the disability community require objectives, outcomes and indicators tailored to the goals of the program. USAID's own indicators are called "Standard Foreign Assistance Indicators," or "F-Indicators." Below is an example from an IFES project in Libya:

**OBJECTIVE:** Civic engagement is increased, particularly among marginalized and underrepresented groups, through higher levels of public understanding of processes related to Libya's political transition.

**INTERMEDIATE RESULT:** Improved awareness of key issues, needs and barriers of persons with disabilities in accessing the electoral process among EMB and electoral stakeholders.

**OUTCOME INDICATOR (IFES-custom):** Number of recommendations on adapting voting procedures to address the needs of persons with disabilities made to EMB and electoral stakeholders.

**OUTCOME INDICATOR (F-Indicator):** Number of CSOs receiving USG assistance engaged in advocacy interventions.

### Monitoring and Evaluation

When designing a program description or request for proposals, donors should specify that all program indicators should be disaggregated by disability. Qualitative data on disability inclusion should also be collected.

Monitoring and evaluating disability inclusion programming can be difficult. As noted earlier, the definition of disability varies from country to country. There are four different types of definitions that could be used: host-country, implementing partner country, donor country or the WHO. The global lack of a commonly-accepted definition can lead to inconsistencies when comparing information.

Donors often do not have disability-specific indicators, so some implementing partners develop their own custom indicators. While this is useful for the project, it makes it more difficult for donors and implementing organizations to track the impact of all programming.

In addition to basic monitoring and evaluation, donors should encourage impact assessments. These assessments determine the impact of programming on persons with disabilities. They can also help determine if the disability inclusion programming had a broader impact on society, such as any changes in social attitudes, government openness to persons with disabilities or a more open political process.

## Sharing Lessons Learned

Article 32 of the CRPD calls for international cooperation through the exchange and sharing of information on experiences and best practices. This includes ensuring international assistance programs are accessible to and inclusive of persons with disabilities, and that lessons learned are collected and disseminated. Good examples of inclusive elections and political process programming are occurring all around the world, but DPOs and governments still often start from scratch. To address this gap, IFES' [www.ElectionAccess.org](http://www.ElectionAccess.org) website<sup>52</sup> serves as an accessible advocacy and educational tool for persons with disabilities around the world. The website features relevant international and national laws regarding political participation of persons with disabilities and highlights examples of inclusive voter education materials and assistive devices, such as tactile ballot guides.

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<sup>52</sup> [www.ElectionAccess.org](http://www.ElectionAccess.org). International Foundation for Electoral Systems. <<http://www.ElectionAccess.org/>>.



*A student takes part in training to be an election observer in the Dominican Republic.*



*A voter updates his registration information in the Dominican Republic.*

## Section 6: Dominican Republic Case Study

### Key Stakeholders:

- Disabled persons' organizations
- Election management bodies
- IFES
- National election monitoring groups
- Political parties and candidates
- National Council on Persons with Disabilities

### Overview

According to the WHO, more than 1.5 million Dominicans have a disability. These citizens are rarely included in elections and political processes. Alongside its lead DPO partner, *La Red Iberoamericana de Entidades de Personas con Discapacidad Física* (La Red), IFES worked to increase awareness of the political rights of Dominicans with disabilities. The program, which targeted a range of stakeholders (including the disability community, the EMB, political parties and candidates), sought to address this issue and highlight commitments made by the Dominican Republic when it ratified the CRPD in 2009.

IFES and La Red worked on the two-year long project prior to and after the May 2012 presidential election to encourage voting and deeper engagement in political life by citizens with disabilities. This case study demonstrates the positive impact of collaboration between civil society, government and political parties.

*“I am very convinced that we will see people with disabilities participating as candidates, as well as many more disabled voters, since this is the political destiny of our country. I think the job we are doing right now will set the stage for all people to participate in the electoral process.”*

Cristina Francisco, Founder of Circle of Women with Disabilities,  
Dominican Republic

### How Did the Project Include People with Disabilities in Elections and Political Life?

*Management* – IFES hired a woman with a disability to manage the project and provided a sub-award to a local DPO which tasked an all-female team to lead the project. All activities were developed in collaboration with this team.

*Memorandum of Understanding (MoU)* – IFES facilitated the signing of a MoU between the *Junta Central Electoral* (JCE) and 18 local DPOs. This agreement, the first the JCE has ever signed with DPOs, promoted collaboration between these groups on ways to improve inclusion and election access for persons with disabilities.

“I was especially eager to join the effort because it entailed observing barriers that persons with disabilities, like myself, face.”

Maria del Carmen Guerrero German, a 23 year-old student trained as an election observer, Dominican Republic

**Political Rights Training** – IFES and La Red conducted regional and municipal-level workshops on the electoral process and the importance of voting. These workshops reached 2,279 persons with disabilities. Twenty municipal DPO leaders were also trained as facilitators to raise awareness on electoral rights. Additionally, awareness was raised through the distribution of 1,000 posters and voter education brochures.

**Political Platform and Forum** – Eighteen local DPOs formed a working group to develop a political platform about issues of importance, including accessible infrastructure and inclusive education. The platform was presented to presidential candidates in a forum attended by four parties. Each candidate signed the platform, thereby committing to implementing its provisions, if elected. The winning candidate’s government has implemented recommendations from the document. This includes a national disability law, building curb cuts in sidewalks and developing a literacy action plan for the country.

**Voter Registration** – IFES and La Red worked with the JCE to coordinate efforts to include six women with disabilities in leadership roles for the JCE’s “Verificate” campaign, which urged people to verify their voter registration and polling station information. In order to reach as many persons with disabilities as possible, IFES identified organizations like the Dominican Association of Rehabilitation to serve as hubs for “Verificate” campaign activities. As a result of this strategy, over 1,000 persons with disabilities had the opportunity to confirm their registration details.

**Poll Worker Training** – The JCE, in collaboration with La Red and the National Council on Disability, supported a training of trainers for 154 officials focused on how to administer the vote to persons with disabilities. A variety of specific techniques were covered, including a unit on basic sign language. The trainers then imparted this information to poll workers at the municipal level in cascade trainings. A reference brochure was also developed for poll workers to use on Election Day.



Posters and brochures on voting were distributed across the country, including to universities, rehabilitation centers and community centers.





Voters enter a baseball stadium used as a polling station on Election Day.

*Voter Education* – IFES supported the JCE’s efforts to target the disability community through the production of a TV spot.<sup>53</sup> The video featured persons with disabilities participating in their communities. For the first time, the election management body also included sign language interpretation in the video. The voter education spot was widely broadcast, spanning eight TV channels and the websites of the JCE, the National Council on Disability and a presidential candidate. The day before the election, it was the most-viewed video on the JCE’s website. The JCE actually included sign language on all official videos and on programs aired on their TV station, which was another first.

*Mainstream Election Observation* – IFES mainstreamed the inclusion of disability in observation efforts by drafting seven questions focused on access for persons with disabilities. IFES worked with the national election observation group *Participación Ciudadana* (PC) to include these questions in their checklist as they deployed 3,000 observers across the country.

*Election Access Observation* – IFES trained 22 persons with disabilities, a majority of whom were young women, to be election access observers. Observers learned how to use a specially-developed checklist that focused exclusively on access issues. Election access observers were assigned to polling stations across the nation on Election Day.

*Recommendations to JCE* – Based on barriers identified in election access observation reports, IFES and La Red prepared recommendations to the JCE on how to make future elections more accessible. The JCE actively sought the advice of DPOs and the National Council on Disability on how to improve the process.

*EMB Training* – The JCE committed 155 of its staff from across the country to attend a full-day training course on electoral inclusion led by IFES and La Red. Members of each regional office developed action plans to put what they learned into practice.

53 “Tu derecho a elegir!” YouTube. Junta Central Electoral, May 12, 2012. <[http://www.youtube.com/watch?feature=player\\_embedded&v=ZojfAqP8K\\_U](http://www.youtube.com/watch?feature=player_embedded&v=ZojfAqP8K_U)>.

*Youth with Disabilities Training* – Youth with disabilities are not actively involved in DPOs or participation in the political lives of their communities. In order to help these youth develop skills to become future leaders, IFES and La Red carried out a two-day leadership skills building training targeting 16 emergent DPO members, from provinces around the country. This was the first time participants were exposed to a training that enabled them to develop leadership and communications skills. As a result of this training, eight outstanding participants received additional coaching and practical training on communication techniques, so that they could deliver a talk in their community about rights of persons with disabilities and explain the new national disability law.



*At the end of the training, JCE officials present their action plan on how they will make the electoral process more accessible in their region of the country.*

*Sharing Lessons Learned* – La Red produced a booklet<sup>54</sup> on lessons learned during their interactions with the government and civil society stakeholders. They have shared this product with DPOs and EMBs across the region.

### Challenges and Lessons Learned

The disability community was divided in two ways: between groups representing different types of disabilities and between civil society and the National Council on Disability. Bringing the disability community together to draft the political platform helped unify the community around issues important to them all and forced these issues onto the political agenda of the government. As a result, the DPO community witnessed the passing of a national disability law as well as the introduction of a “Social Protection of Disabled Persons” program, which includes specific measures to improve the living and social conditions of persons with disabilities.

- There were a limited number of qualified DPO staff to implement elections and political process activities.
- EMBs and other government officials were often unaware of how the CRPD impacts their work.
- Political parties were open to outreach with persons with disabilities, but hesitant to include them as party leaders or candidates.
- Tension between the government and the Haitian community in the Dominican Republic<sup>55</sup> made some aspects of the project, like voter registration, politically-sensitive issues.

<sup>54</sup> Project: “Right to Choose” Manual for Best Practices and Lessons Learned. International Foundation for Electoral Systems. La Red Iberoamericana de Entidades de Personas con Discapacidad, May 12, 2012. <<http://www.IFES.org/~media/FBD32B2B184542CDA3D753431C4331C3.pdf>>.

<sup>55</sup> “Dominican Republic Overview.” World Directory of Minorities and Indigenous Peoples. Minority Rights Group International. <<http://www.minorityrights.org/2565/dominican-republic/dominican-republic-overview.html>>.

## Impact

- The MoU signed between DPOs and JCE led to a forum where access issues can be discussed.
- For the first time, deaf Dominicans were able to learn about the electoral process from the JCE's daily TV program because sign language interpretation was included in every broadcast.
- Disability-specific questions were included in the national observers' list used across the country.
- A national disability law was passed in February 2013. The political platform and forum, developed and conducted via this project, were contributing factors in its passing. The new law acknowledges the Dominican Republic's CRPD commitments and strengthens the National Council on Disability by creating regional and provincial offices.
- The JCE now has a point person responsible for disability inclusion, the Deputy of Elections.

## Recommendations

Project implementers found the following aspects key to the success of the activities:

- Involving people with different types of disabilities in the design and implementation of the project.
- Recruiting persons with disabilities for leadership positions, such as project managers, election observers, temporary EMB staff and trainers.
- Establishing partnerships between DPOs, EMBs, political parties and election observation groups.
- Providing specific guidance to government authorities and civil society on how they can be more inclusive.
- Identifying an advocate inside of the EMB who has the will and political clout to champion disability inclusion and accessibility.



*After using the plantilla to vote, a man casts his ballot.*



*A voter from the Philippines on Election Day.*

# Annex: Election Access Milestones

Below are excerpts from international and regional milestones on the road to full inclusion of persons with disabilities in political life. For the full texts, please see the links.

## **December 1948 – Universal Declaration of Human Rights<sup>56</sup> – Article 21**

1. Everyone has the right to take part in the government of his country, directly or through freely chosen representatives.
2. Everyone has the right to equal access to public service in his country.
3. The will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures.

## **March 1976 – International Covenant on Civil and Political Rights<sup>57</sup> – Article 25**

Every citizen shall have the right and the opportunity, without any of the distinctions mentioned in Article 2 and without unreasonable restrictions:

- a. To take part in the conduct of public affairs, directly or through freely chosen representatives
- b. To vote and to be elected at genuine periodic elections which shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electors
- c. To have access, on general terms of equality, to public service in his country

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<sup>56</sup> “The Universal Declaration of Human Rights.” United Nations. <<http://www.un.org/en/documents/udhr/>>.

<sup>57</sup> United Nations Human Rights, “International Covenant on Civil and Political Rights.” <<http://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx>>.

### **September 2001 – Inter-American Convention on the Elimination of All Forms of Discrimination against Persons with Disabilities<sup>58</sup> – Article 3**

To achieve the objectives of this Convention, the states parties undertake:

1. To adopt the legislative, social, educational, labor-related, or any other measures needed to eliminate discrimination against persons with disabilities and to promote their full integration into society, including, but not limited to:
  - a. Measures to eliminate discrimination gradually and to promote integration by government authorities and/or private entities in providing or making available goods, services, facilities, programs, and activities such as employment, transportation, communications, housing, recreation, education, sports, law enforcement and administration of justice, and political and administrative activities.

### **May 2008 – Convention on the Rights of Persons with Disabilities<sup>59</sup> – Article 29**

States Parties shall guarantee to persons with disabilities political rights and the opportunity to enjoy them on an equal basis with others, and shall undertake to:

- (a) Ensure that persons with disabilities can effectively and fully participate in political and public life on an equal basis with others, directly or through freely chosen representatives, including the right and opportunity for persons with disabilities to vote and be elected, inter alia, by:
  - (i) Ensuring that voting procedures, facilities and materials are appropriate, accessible and easy to understand and use;
  - (ii) Protecting the right of persons with disabilities to vote by secret ballot in elections and public referendums without intimidation, and to stand for elections, to effectively hold office and perform all public functions at all levels of government, facilitating the use of assistive and new technologies where appropriate;
  - (iii) Guaranteeing the free expression of the will of persons with disabilities as electors and to this end, where necessary, at their request, allowing assistance in voting by a person of their own choice;
- (b) Promote actively an environment in which persons with disabilities can effectively and fully participate in the conduct of public affairs, without discrimination and on an equal basis with others, and encourage their participation in public affairs, including:
  - (i) Participation in non-governmental organizations and associations concerned with the public and political life of the country, and in the activities and administration of political parties;
  - (ii) Forming and joining organizations of persons with disabilities to represent persons with disabilities at international, national, regional and local levels.

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58 “Inter-American Convention on the Elimination of All Forms of Discrimination against Persons with Disabilities.” Organization of American States. <<http://www.oas.org/juridico/english/sigs/a-65.html>>.

59 *The Convention on the Rights of Persons with Disabilities and Optional Protocol*. International Foundation for Electoral Systems, 2012. <[http://www.IFES.org/~media/Files/Publications/Books/2012/CRPD Final.pdf](http://www.IFES.org/~media/Files/Publications/Books/2012/CRPD%20Final.pdf)>.

## May 2010 – European Court of Human Rights – *Kiss v. Hungary*<sup>60</sup>

### (ii) Proportionality

39. The Court notes that the restriction in question does not distinguish between those under total and those under partial guardianship (see paragraph 11 above), and is removed once guardianship is terminated (see the Government's submission in paragraph 27 above, not disputed by the applicant). However, it observes the applicant's assertion in paragraph 29 above, not refuted by the Government, that 0.75% of the Hungarian population of voting age is concerned by disenfranchisement on account of being under guardianship in a manner which is indiscriminate. It finds this to be a significant figure, and it cannot be claimed that the bar is negligible in its effects.

40. The Government argued, relying on the margin of appreciation, that it must be permissible for the legislature to establish rules ensuring that only those who are capable of assessing the consequences of their decisions and making conscious and judicious decisions should participate in public affairs.

41. The Court accepts that this is an area in which, generally, a wide margin of appreciation should be granted to the national legislature in determining whether restrictions on the right to vote can be justified in modern times and, if so, how a fair balance is to be struck. In particular, it should be for the legislature to decide as to what procedure should be tailored to assessing the fitness to vote of mentally disabled persons. The Court observes that there is no evidence that the Hungarian legislature has ever sought to weigh the competing interests or to assess the proportionality of the restriction as it stands.

42. The Court cannot accept, however, that an absolute bar on voting by any person under partial guardianship, irrespective of his or her actual faculties, falls within an acceptable margin of appreciation. Indeed, while the Court reiterates that this margin of appreciation is wide, it is not all-embracing (*Hirst v. the United Kingdom* (no. 2) [GC], op. cit., § 82). In addition, if a restriction on fundamental rights applies to a particularly vulnerable group in society, who have suffered considerable discrimination in the past, such as the mentally disabled, then the State's margin of appreciation is substantially narrower and it must have very weighty reasons for the restrictions in question (cf. also the example of those suffering different treatment on the ground of their gender - *Abdulaziz, Cabales and Balkandali v. the United Kingdom*, 28 May 1985, § 78, Series A no. 94, race - *D.H. and Others v. the Czech Republic* [GC], no. § 182, ECHR 2007-..., or sexual orientation - *E.B. v. France* [GC], no. § 94, ECHR 2008-...). The reason for this approach, which questions certain classifications per se, is that such groups were historically subject to prejudice with lasting consequences, resulting in their social exclusion. Such prejudice may entail legislative stereotyping which prohibits the individualised evaluation of their capacities and needs (cf. *Shtukurov v. Russia*, no. § 95, 27 March 2008).

43. The applicant in the present case lost his right to vote as the result of the imposition of an automatic, blanket restriction on the franchise of those under partial guardianship. He may therefore claim to be a victim of the measure. The Court cannot speculate as to whether the applicant would still have been deprived of the right to vote even if a more limited restriction on the rights of the mentally disabled had been imposed in compliance with the requirements of Article 3 of Protocol No. 1 (see *mutatis mutandis Hirst v. the United Kingdom* (no. 2), op.cit, §§ 48 to 52).

44. The Court further considers that the treatment as a single class of those with intellectual or mental disabilities is a questionable classification, and the curtailment of their rights must be subject to strict scrutiny. This approach is reflected in other instruments of international law, referred to above (paragraphs 14-17). The Court therefore concludes that an indiscriminate removal of voting rights, without an

<sup>60</sup> *Alajos Kiss v. Hungary*. European Court of Human Rights. May 20, 2010. Case of *Alajos Kiss v. Hungary*. European Court of Human Rights. <<http://hudoc.echr.coe.int/sites/eng/pages/search.aspx?i=001-98800>>.

individualised judicial evaluation and solely based on a mental disability necessitating partial guardianship, cannot be considered compatible with the legitimate grounds for restricting the right to vote. There has accordingly been a violation of Article 3 of Protocol No. 1 to the Convention.

### **November 2011 – Bali Declaration on the Enhancement of the Role and Participation of Persons with Disabilities in the ASEAN Community<sup>61</sup>**

We, the Peoples, of the Member States of the Association of Southeast Asian Nations (ASEAN), represented by the Heads of State or Government of Brunei Darussalam, the Kingdom of Cambodia, the Republic of Indonesia, the Lao People’s Democratic Republic, Malaysia, the Union of Myanmar, the Republic of the Philippines, the Republic of Singapore, the Kingdom of Thailand and the Socialist Republic of Viet Nam... Do hereby declare to:

7. Encourage the participation of persons with disabilities in all aspects of development including their participation in political activities by providing them with equal political rights in the election of the leaders and parliamentarians, both at local and national levels

### **November 2011 – Council of Europe Recommendation CM/Rec(2011)14 of the Committee of Ministers to Member States on the Participation of Persons with Disabilities in Political and Public Life<sup>62</sup>**

#### 2.4. Voting procedures, ballots and facilities

Member states should pay due attention to the importance of accessible rules and procedures before and during elections at all levels, as well as at other occasions when citizens are invited to participate in the conduct of public affairs. Accessible ballot papers and facilities should be available at the time of voting. Information about accessibility of voting procedures, ballots and facilities, through communications in easy-to-read and to understand formats, should be largely disseminated in advance, in order to encourage citizens to participate in political and public life.

Universal Design principles should help to ensure that existing obstacles hampering access to the physical environment, goods and services, information and communications, in particular as regards voting procedures and ballots, are removed and that no new obstacles are created. The objectives and specific actions set out in Action Lines No. 6 “Built environment”, No. 7 “Transport”, No. 3 “Information and communication” and, as appropriate, the provisions of the relevant articles of the UNCRPD, namely 9 “Accessibility”, 21 “Freedom of expression and opinion, and access to information” and 13 “Access to justice” should be used to guide the measures to be taken in pursuing the aims of total accessibility as described above.

#### 3. Non-discrimination in the exercise of legal capacity

Bearing in mind the provisions of Action Line No. 12 “Legal protection” of the Council of Europe Disability Action Plan 2006-2015 and, as appropriate, Article 12 “Equal recognition before the law” of the UNCRPD, member states should ensure that their legislation overall does not discriminate against persons with disabilities in political and public life. They should make support available to persons who may need assistance in exercising their legal capacity in various aspects of life, in particular when exercising their right

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61 “Participation of Persons with Disabilities in the ASEAN Community.” Bali Declaration on the Enhancement of the Role and Participation of Persons with Disabilities in the ASEAN Community. Association of Southeast Asian Nations. <[http://www.asean.org/archive/documents/19th summit/Bali\\_Declaration\\_on\\_Disabled\\_Person.pdf](http://www.asean.org/archive/documents/19th%20summit/Bali_Declaration_on_Disabled_Person.pdf)>.

62 “Recommendation CM/Rec(2011)14 of the Committee of Ministers to Member States on the Participation of Persons with Disabilities in Political and Public Life.” Council of Europe. <<https://wcd.coe.int/ViewDoc.jsp?id=1871285&Site=CM>>.



to vote, which is a universal right, in particular under the terms of Article 29 of the UNCRPD, as in other international legal instruments to which member states are parties. Member states should ensure that their legislation is devoid, at all levels, of provisions depriving persons with disabilities of the right to vote or stand for election.

All persons with disabilities, whether they have physical, sensory, or intellectual impairments, mental health problems or chronic illnesses, have the right to vote on the same basis as other citizens, and should not be deprived of this right by any law limiting their legal capacity, by any judicial or other decision or by any other measure based on their disability, cognitive functioning or perceived capacity. All persons with disabilities are also entitled to stand for office on an equal basis with others and should not be deprived of this right by any law restricting their legal capacity, by any judicial or other decision based on their disability, cognitive functioning or perceived capacity, or by any other means.

Member states should ensure that discrimination based on disability is prohibited in all fields of political and public life, namely wherever it is a question of voting, standing for election, exercising a mandate and/or being active in political parties or non-governmental organizations, or exercising public duties. These discriminatory acts include the failure to comply with the obligation to implement reasonable accommodations (see point 2 above, “Accessibility”) for persons with disabilities so that they can fully enjoy their political rights.

## **December 2011 – Revised Venice Commission Interpretative Declaration to the Code of Good Practice in Electoral Matters on the Participation of People with Disabilities<sup>63</sup>**

**I. The Code of Good Practice in Electoral Matters**, as adopted by the European Commission for Democracy through Law (Venice Commission) in October 2002, states that “the five principles underlying Europe’s electoral heritage *are universal, equal, free, secret and direct suffrage*” (item I). The Code further states in item I.1.1 that “Universal suffrage means in principle that all human beings have the right to vote and to stand for elections.”

1. People with disabilities should therefore be able to exercise their right to vote and participate in political and public life as elected representatives on an equal basis with other citizens. The participation of all citizens in political and public life and the democratic process is essential for the development of democratic societies.

### **II. The following completes the principles stated in the Code**

#### **1. Universal suffrage**

2. Universal suffrage is a fundamental principle of the European Electoral Heritage. People with disabilities may not be discriminated against in this regard, in conformity with Article 29 of the Convention of the United Nations on the Rights of Persons with Disabilities<sup>64</sup> and the case-law of the European Court of Human Rights.<sup>65</sup>

<sup>63</sup> Council of Europe and Venice Commission. “Revised Interpretative Declaration to the Code of Good Practice in Electoral Matters on the Participation of People with Disabilities in Elections.” December 19, 2011. <[http://www.venice.coe.int/webforms/documents/CDL-AD\(2011\)045.aspx](http://www.venice.coe.int/webforms/documents/CDL-AD(2011)045.aspx)>.

<sup>64</sup> The Convention on the Rights of Persons with Disabilities was adopted on December 13, 2006, by the United Nations in New York.

<sup>65</sup> European Court of Human Rights, case of *Kiss v. Hungary*, application No. 38832/06, judgment May 20, 2010. See in particular par. 43-44, with a reference to Article 29 of the UN Convention.

3. Voting procedures and facilities should be accessible to people with disabilities so that they are able to exercise their democratic rights, and allow, where necessary, the provision of assistance in voting, with respect to the principle that voting must be individual (the Code, item I.4.b).

4. The application of Universal Design principles<sup>66</sup> and direct and/or indirect participation of the user in all design stages are effective means for improving the accessibility of polling stations and election procedures to cast one's vote and for getting access to information on elections.

## **2. Equal suffrage**

5. The principle of "equality of opportunity must be guaranteed for parties and candidates alike" (The Code, item I.2.3.a). The application of this principle should be extended to include equality of opportunity for people with disabilities who stand for elections.

## **3. Free suffrage**

6. In the duty to "enable voters to know the lists and candidates standing for elections" (The Code, item I.3.1.b.ii), the public authorities must ensure that the above information is available and accessible, to the greatest extent possible and taking due account of the principle of reasonable accommodation,<sup>67</sup> in all necessary alternative formats under restriction of commensurability, legal regulation and realistic feasibility. The information provided shall be easy to read and to understand.

## **4. Secret suffrage**

7. The right of people with disabilities to vote by secret ballot should be protected, inter alia, by "guaranteeing the free expression of the will of persons with disabilities as electors and to this end, where necessary, at their request, allowing them to use assistance technologies and/or to be assisted in voting by a person of their own choice"<sup>68</sup> in conditions which ensure that the chosen person does not exercise undue influence.

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66 Recommendation CM/Rec(2009)8 of the Committee of Ministers to member states on achieving full participation through Universal Design: Universal Design is a strategy which aims to make the design and composition of different environments, products, communication, information technology and services accessible and understandable to, as well as usable by, everyone, to the greatest extent in the most independent and natural manner possible, preferably without the need for adaptation or specialized solutions. The terms "design for all," "integral accessibility," "accessible design," "inclusive design," "barrier-free design," "transgenerational design" and "accessibility for all" are regarded as converging towards the term "Universal Design" used in this text.

67 Article 2 – Definitions of the United Nations Convention on the Rights of Persons with Disabilities; "reasonable accommodation" means necessary and appropriate modification and adjustments, not imposing a disproportionate or undue burden, to ensure to people with disabilities the enjoyment of human rights and fundamental freedoms on an equal basis with others.

68 Article 29 (iii) of the United Nations Convention on the Rights of Persons with Disabilities; cf. item II.2 above, and the Code, item I.4.b.

**December 2011 – UN Economic and Social Commission for Asia and the Pacific– Regional Stakeholder Consultation for the High-level Intergovernmental Meeting on the Final Review of the Implementation of the Asian and Pacific Decade of Disabled Persons, 2003-2012 (Second Session)<sup>69</sup>**

Goal 2: Promote participation in political processes and in decision making.

The following suggestions were made for consideration:

- (a) A new target on “Increase participation of self-help organizations and family advocacy groups in national, sub-national and local advocacy organizations”
- (b) Include “youth with disabilities”; “persons with intellectual disabilities”; and “persons with psychosocial disabilities”; “reasonable accommodation and capacity building for persons with diverse disabilities to exercise their right to vote”; and “representative organizations of persons with disabilities and their family members”
- (c) Reflect “participation of persons with disabilities in local legislative bodies and in the judicial process”; “decision making bodies in other development sectors”; the inclusion of “diverse disability groups not only in the national coordination mechanism, but also in subnational coordination mechanisms (provincial/State; and local)”
- (d) Include reference to the need for election-related information materials, and procedures to be made accessible for persons with diverse disabilities, including the registration of persons with disabilities as voters
- (e) Add “Inclusion of persons with disabilities and their organizations in the national election commission or equivalent body”

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69 “Regional Stakeholder Consultation for the High-level Intergovernmental Meeting on the Final Review of the Implementation of the Asian and Pacific Decade of Disabled Persons, 2003-2012.” Social Development in Asia and the Pacific. The Social Development Division of the United Nations Economic and Social Commission for Asia and the Pacific. <<http://www.unescapsdd.org/disability/event/regional>>.

**December 2011 – Thematic study by the Office of the United Nations High Commissioner for Human Rights on participation in political and public life by persons with disabilities<sup>70</sup>**

68. The Convention on the Rights of Persons with Disabilities heralds a new era for the political participation of persons with disabilities. Article 29 requires States parties to guarantee to persons with disabilities political rights and the opportunity to enjoy them on an equal basis with others. This provision does not foresee any reasonable restriction, nor does it allow any exception. Article 12, which recognizes that persons with disabilities enjoy legal capacity on an equal basis with others in all aspects of life, also does not provide for any exception to the principle, and only requires States parties to take appropriate measures “to provide access by persons with disabilities to the support they may require in exercising their legal capacity.”

69. It can be concluded that in accordance with the Convention, exclusion or restriction of political rights of persons with disabilities on the basis of disability may constitute “discrimination on the basis of disability” within the meaning of article 2 of the Convention and is contrary to the Convention.

70. In the majority of countries that responded to the OHCHR questionnaire, persons with psychosocial and intellectual disabilities continue to be deprived of their right to vote and be elected on the basis of constitutional or legal provisions that link their political rights to legal capacity. Such restrictions may be inconsistent with the obligations that States parties have undertaken under articles 2, 12 and 29 of the Convention, and should be eliminated as a matter of priority from national legislation and practices, in accordance with article 4, paragraph 1 (a) and (b), of the Convention. In order to ensure that persons with psychosocial or intellectual disabilities exercise their right to vote and be elected on an equal basis with others, States parties should adopt all appropriate measures, in line with article 12, paragraph 3 and 29 (a) (iii), to provide persons with disabilities with the support they may require, including the assistance of a person of their own choice, in exercising their political rights.

71. Article 25 of the International Covenant on Civil and Political Rights should be interpreted and applied taking into account the developments in the areas of human rights of persons with disabilities. In the light of these developments, the Human Rights Committee should consider reviewing its general comment No. 25 (1996) on the right to participate in public affairs, voting rights and the right of equal access to public service, so as to reflect the progressive evolution of international human rights law in this field.

72. The replies to the questionnaire provide a number of positive examples of the efforts undertaken by States to ensure that persons with disabilities can exercise their voting rights on an equal basis with others. However, they also show that in many countries persons with disabilities continue to encounter a number of physical and communication barriers, ranging from inaccessible polling stations to the lack of information in accessible formats that prevent or limit their equal and effective participation in the conduct of public affairs. Much more needs to be done to ensure the equal and effective enjoyment of political rights by all persons with disabilities.

73. Article 29 (a) (iii) requires States parties to adopt appropriate measures to allow persons with disabilities who cannot exercise their right to vote independently to be assisted in voting by a person of their own choice. In their replies, States have provided several examples of the assistance that persons

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<sup>70</sup> Office of the United Nations High Commissioner for Human Rights. “Thematic study by the Office of the United Nations High Commissioner for Human Rights on participation in political and public life by persons with disabilities.” United Nations. December 21, 2011. <[http://www.ohchr.org/Documents/Issues/Disability/SubmissionThematicStudy/A.HRC.19.36\\_en.doc](http://www.ohchr.org/Documents/Issues/Disability/SubmissionThematicStudy/A.HRC.19.36_en.doc)>.

with disabilities can obtain in order to exercise their right to vote. In particular, they listed a number of alternative ways of voting, such as postal voting or voting at special polling stations, that have been developed and implemented to facilitate the political participation of persons with disabilities.

74. The appropriateness of these measures should always be assessed against the general obligation to include persons with disabilities in all aspects of society and to promote their independence, autonomy and dignity. Alternative ways of voting should only be used in cases where it is not possible, or it is extremely difficult, for persons with disabilities to vote in polling stations, like everyone else. General reliance on voting assistance and alternative voting as a way to ensure the political participation of persons with disabilities would not be consistent with the general obligations undertaken by States parties under articles 4 and 29 of the Convention.

### **November 2012 – Bali Commitments on Equal Access to Elections<sup>71</sup>**

We, members of election management bodies, disabled people's and civil society organizations, international organizations and institutions, and representatives from academia, recognize that persons with disabilities are frequently excluded from the political lives of their countries and commit to take steps to make the electoral process more inclusive and accessible.

We reaffirm the rights and principles proclaimed in the Universal Declaration of Human Rights, International Covenant on Civil and Political Rights and the UN Convention on the Rights of Persons with Disabilities.

We demand the right to participate in free, fair and accessible elections and vote by secret ballot. This right applies equally to all citizens, including those with physical, sensory, intellectual or psychosocial disabilities.

We recognize that each country in Southeast Asia experiences unique barriers. We reiterate the commitment made by ASEAN member states in Article 7 of the Bali Declaration on the Enhancement of the Role and Participation of the Persons with Disabilities in ASEAN Community.

We each resolve to eliminate all forms of discrimination towards the full and equal political participation of persons with disabilities. Acknowledging these obligations, we hereby agree to work together to ensure persons with disabilities have an equal opportunity to:

1. Secure national identification cards and register to vote\*
2. Equal recognition in the election law
3. Receive civic and voter education and political party platforms in accessible formats, such as sign language, Braille, audio, large print, pictorial and easy-to-read
4. Reasonable accommodations such as assistance in the voting booth, tactile ballot guides, low voting booths, magnifying glasses and large grip pens
5. Accessible infrastructure such as ramps and building layouts that allow for easy maneuver by those who use assistive devices

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71 "Bali Commitments on Equal Access to Elections." International Foundation for Electoral Systems. <[http://www.IFES.org/Content/Publications/Articles/2012/~/\\_media/Files/Publications/International Standards/2012/Bali Commitments on Equal Access to Elections\\_Nov 2012.pdf](http://www.IFES.org/Content/Publications/Articles/2012/~/_media/Files/Publications/International Standards/2012/Bali Commitments on Equal Access to Elections_Nov 2012.pdf)>.

6. Counting and announcement of election results in accessible formats
7. File a complaint and participate in the dispute resolution process
8. Serve in leadership roles such as candidates, election management body officials, poll workers and observers

We will return to our countries and share experiences and outcomes of this conference with our governments, disabled persons' organizations, civil society, the media and other stakeholders. We confirm our desire to continue to collaborate and share best practices and lessons learned with each other.

\*Participants encourage EMBs to collect information on type of disability during the registration process.





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