



United Nations

Division for Social Policy Development (DSPD)
Department of Economic and Social Affairs (DESA)



Toolkit on
DISABILITY for **AFRICA**

**PARTICIPATION IN POLITICAL
AND PUBLIC LIFE**



Toolkit on disability for AFRICA



PARTICIPATION IN POLITICAL AND PUBLIC LIFE

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Acknowledgements

The Division for Social Policy and Development (DSPD) would like to thank all those who contributed to the Toolkit on Disability for Africa, including the United Nations Office for the High Commissioner for Human Rights (OHCHR), the Economic Commission for Africa (ECA), the International Labour Office (ILO), the International Training Center - ILO (ITC-ILO), the World Health Organisation (WHO), the African Union and the governments of Kenya, South Africa and Zambia. DSPD also wishes to thank the Government of Italy for its financial support and the numerous African Disabled Peoples Organisations (DPOs) who contributed substantial input to the Toolkit.

List of acronyms

AT	Assistive Technology
CEDAW	Committee on the Elimination of Discrimination against Women
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
CESCR	Committee on Economic, Social and Cultural Rights
CRPD	Convention on the Rights of Persons with Disabilities
CRPD	Committee on the Rights of Persons with Disabilities
CRC	Committee on the Rights of the Child
CRC	Convention on the Rights of the Child
CRC	Convention on the Rights of the Child
DFIs	Development Financing Institutions
DPOs	Disabled Persons Organizations
DSPD	Division for Social Policy and Development/UNDESA
EC	European Commission
G3ICT	Global Initiative for Inclusive ICTs
HIV/AIDS	Human Immunodeficiency virus / Acquired Immunodeficiency Syndrome
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic and Cultural Rights
ICF	International Classification of Function, The World Health Organization
ICT	Information and Communication Technology
ILO	International Labour Organization
ITCILO	International Training Centre of the ILO
IPU	Inter-Parliamentary Union
ITC	Information and Communication Technology
ITU	International Telecommunication Union
MDGs	Millennium Development Goals
MFI	Microfinance institutions
MSPs	Multi-stakeholder Partnerships
NAPs	National Action Plans
NGO	Non-Governmental Organization
NVDA	Non Visual Desktop Access
OHCHR	Office of the High Commissioner for Human Rights
OSISA	Open Society Initiative for Southern Africa

PCM	Project Cycle Management
PRP	Protracted Relief Programme
SABE	Self-Advocates Becoming Empowered
SDGs	Sustainable Development Goals
UDHR	Universal Declaration of Human Rights
UN	United Nations
UN DESA	United Nations Department of Economic and Social Affairs
UNAIDS	Joint United Nations Programme on HIV/AIDS
UNDP	United Nations Development Fund
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNICEF	United Nations Children's Fund
USAID	United States Agency for International Development
VOCA	Voice Output Communication Aids
WHO	World Health Organization



1. OVERVIEW

Module objectives

- ▶ To consider the barriers to political participation and public life for persons with disabilities and practical strategies for removing them.

Who is this module for?

This module is relevant to everyone who has an interest in disability or a responsibility for addressing issues regarding participation in public life by persons with disabilities in view of the nature of their work, including persons with or without disabilities active in civil society, law enforcement, civil and public service, national human rights institutions, parliaments, development agencies, universities and the private sector.

What is this module about?

The content of this module:

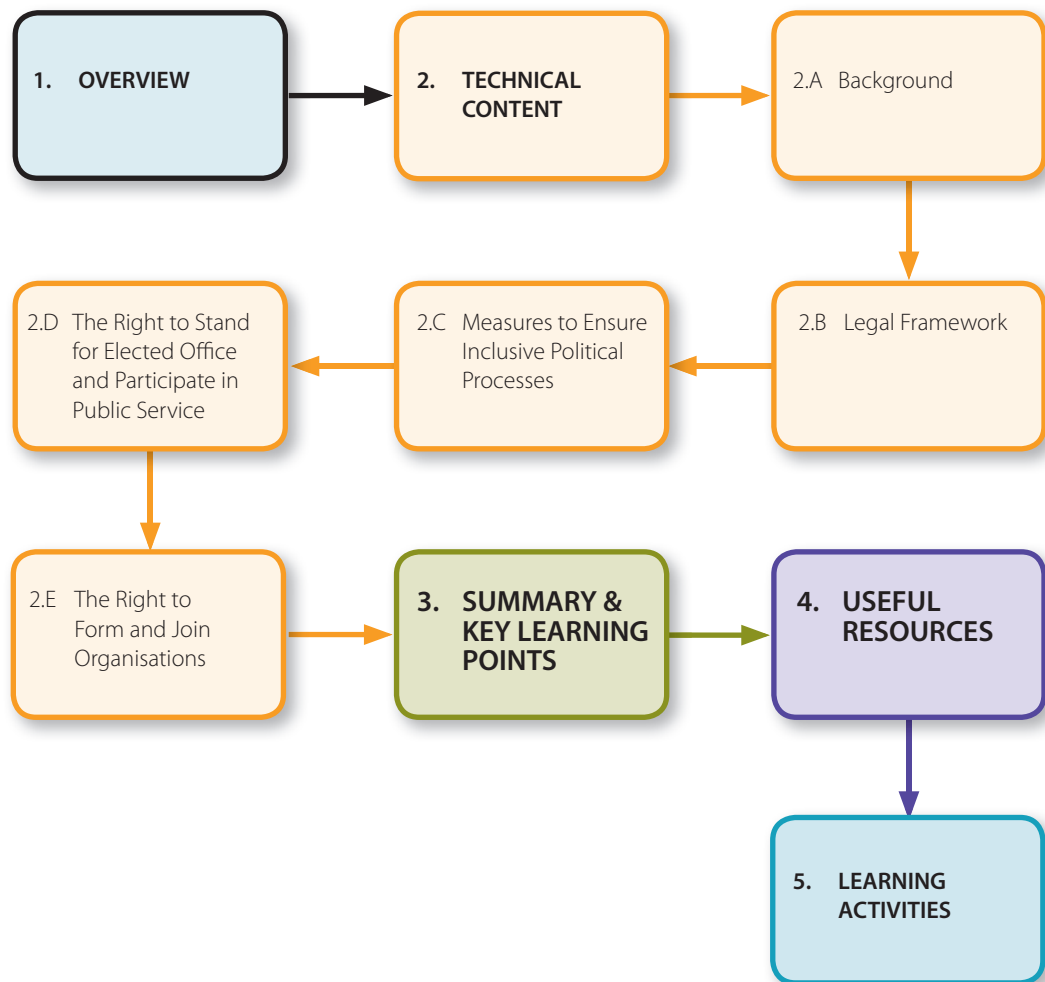
- ▶ introduces basic concepts regarding the inclusion of persons with disabilities in political and public life;
- ▶ reviews legal obligations set forth in the Convention on the Rights of Persons with Disabilities (CRPD), including Article 29;
- ▶ explains measures that may be undertaken by African governments, political parties and election management bodies to ensure participation in political and public life by persons with disabilities;
- ▶ provides key recommendations for guiding inclusive practices;
- ▶ lists useful resources for additional reference;
- ▶ includes learning exercises to accompany the material.



Learning objectives

- ▶ identified obstacles to participation and political and public life for persons with disabilities;
- ▶ applied this learning to their local contexts

Module map





2. TECHNICAL CONTENT

2.A Background

Participation in political and public life is a critical element of socially inclusive development, along with the realization of human rights. In the case of persons with disabilities, participation in political and public life enables one to take part and have a voice in decisions that affect oneself and one's community and country. Such participation is an important means of overcoming exclusion and discrimination and dismantling other barriers frequently faced by persons with disabilities.

While the right to participate in politics and public life is well-established in human rights law, persons with disabilities are frequently denied their right to political participation in a variety of ways and for a variety of reasons, often the result of direct or indirect discrimination. For example, stereotypes regarding disability often lead to discrimination against persons with disabilities in decision-making processes generally and in the specific processes of voting, running for office, or participating in public outreach initiatives by political parties. Obstacles faced by persons with disabilities often include combined aspects of legal, physical and transportation and informational barriers, among others.

The role of governments in ensuring that persons with disabilities are able to participate in decision-making processes of all kinds is important and extends not only to election management bodies, but to all decision-making entities within government. The present module will explore the responsibilities of State parties in the CRPD for ensuring the right of persons with disabilities to participate in political and public life, and will also set out approaches to realizing this right.

Examples: Barriers to Political Participation in Decision-making

- Attitudes to the value of inclusion of people with disabilities in decision-making processes
- Lack of accessible information on public meetings and consultations, political parties, voting, and registration
- Lack of transportation to public meetings, registration, and polling stations
- Physical barriers to public buildings, including courts, voting registration centers, and polling stations
- Polling stations in rooms too small to accommodate people using wheelchairs and voting boxes placed on high tables
- Lack of accessible information on voting procedures for voters with sensory disabilities
- Poorly-trained election workers
- Hostility and/or exclusion of people with psychosocial disability and intellectual disabilities in decision-making processes
- Lack of alternative voting devices or accessible voting methods for people with sensory disabilities
- Lack of mobile voting mechanisms for people who cannot leave their homes or who are currently residing in hospitals/institutions.

From Janet Lord, Katherine Guernsey, Joelle Balfe & Valerie Karr, Human Rights. Yes! Part 2. The Convention on the Rights of Persons with Disabilities; Chapter 3. The Right to Participation in Political and Public Life.



See Learning Activity 2.A.
titled *Barriers to Participation in Political and Public Life.*

2.B Legal Framework

The right to participate in political and public life is a well-established principle of international human rights law. It was first set out in Article 21 of the Universal Declaration of Human Rights (UDHR) and further elaborated in Article 25 of the International Covenant on Civil and Political Rights (ICCPR), which guarantees to all citizens the right and the opportunity, without unreasonable restrictions, to take part in the conduct of public affairs directly or through freely chosen representatives; to vote and to be elected at genuine periodic elections; and to have equal access to public service.

Political rights have been further delineated in a series of international and regional human rights instruments. Among them, the Convention on the Rights of Persons with Disabilities (CRPD) is the first to elaborate the right to participate in political and public life in the context of disability. Article 29 of the CRPD requires State parties to guarantee that persons with disabilities have political rights, as well as the opportunity to enjoy them on an equal basis with others. The Convention specifies certain measures – although it does not limit State parties to these measures alone – to be taken to ensure that persons with disabilities can effectively and fully participate in political and public life on an equal basis with others, including the right and opportunity to vote and be elected. These include:

- ▶ ensuring that voting procedures, facilities and materials are appropriate, accessible and easy to understand and use;
- ▶ protecting the right of persons with disabilities to vote by secret ballot;
- ▶ protecting the right of persons with disabilities to stand for elections and to hold office and perform all public functions at all levels of government, including facilitating the use of supportive technologies where relevant; *and*
- ▶ ensuring equal and effective access to voting procedures and facilities in order to exercise their right to vote, including provision of reasonable accommodation.

Article 29 further requires State parties to promote an environment in which persons with disabilities can effectively and fully participate, without discrimination, in the conduct of public affairs and to encourage their participation in public affairs, including:

- ▶ participation in the conduct of public administration, including the administration of political parties and civil society;
- ▶ participation in the work of international organizations, including serving as a representative of government in international organizations; *and*
- ▶ formation of and participation in DPOs at international, national, regional and local levels.

Beyond Article 29 participation and inclusion are general principles of the CRPD (art. 3), which also establishes, as a general obligation, that persons with disabilities are entitled to participate in decision-making processes on an equal basis with others where their interests are affected (art. 4(3)). Accessibility is a general principle of the CRPD, the requirements of which are set out in Article 9. As it relates to the right to participate in political and public life, this requires *inter alia* accessible and inclusive civil education, voter education materials, polling stations and transport.

Article 12 further guarantees the right to legal capacity for persons with disabilities, especially in relation to political participation. Legal capacity is often denied to persons with disabilities on the basis of presumptions about their ability to make decisions.

As with all of the rights discussed in the Toolkit on Disability in Africa, the right to participate in political and public life is interrelated, interdependent and indivisible with other rights set out in the CRPD. This means that violations of the right to participate in political and public fora can lead to violations of the enjoyment of other human rights by persons with disabilities. Similarly violations of other human rights, such as the right to education, can also affect the ability of persons with disabilities to participate fully in political and public life. For example, deprivation of the right to an education will have an impact on the ability of a person to stand for office or, if elected, to succeed in that role.

What does the African Charter say about political participation?

Article 13 of the African Charter protects the rights of all citizens to participate in government directly or through freely chosen representatives and guarantees all citizens the right of equal access to public service of the country.¹

The State parties to the African Union may soon provide additional specifications regarding the rights of persons with disabilities to participate in political and public life: The African Charter's Draft Protocol on the Rights of Persons with Disabilities in Africa (Draft II, 14 March 2014) includes a specific article on this issue.

2.C Measures to Ensure Inclusive Political Processes

There are a variety of measures that governments, political parties, national human rights institutions, and disabled people's organizations (DPOs) can undertake to give effect to the CRPD's provisions on participation in political and public life.

In the specific context of voting, government officials, in consultation and cooperation with persons with disabilities and DPOs, should:

1. Revise electoral and relevant legal frameworks for disability inclusion; Article 29 of the CRPD provides that persons with disabilities are to be guaranteed political rights and also the opportunity to enjoy them. This means that, in addition to removing legal restrictions on the right of persons with disabilities to vote, State parties must take measures to ensure that persons with disabilities can make use of that right. Such measures should include:
 2. Develop accessible and inclusive voter education and information.
 3. Train election commission officials on accessible elections.
 4. Utilize election monitoring and observation to support inclusive elections.
 5. Develop accessible ballots.
 6. Ensure civil society participation.
 7. Ensure there are accessible electoral complaints systems.

¹ African (Banjul) Charter on Human and Peoples' Rights, art. 13. (Adopted 27 June 1981, OAU Doc. CAB/LEG/67/3 rev. 5, 21 I.L.M. 58 (1982), entered into force 21 October 1986)

1. Revise Electoral and Relevant Legal Frameworks for Disability Inclusion

A first step towards implementation of the right to participation in political and public life is the review of relevant legal and policy frameworks to ensure their coherence with the CRPD. This requires elimination of any restrictions on the rights of persons with disabilities to vote or to participate in other aspects of political and public life. Restrictive electoral or voting laws are a concern in all regions of the world, particularly in terms of their frequent application to persons with intellectual or psychosocial disabilities, who are often deprived legal capacity.

The Committee on the Rights of persons with Disabilities has addressed this issue in a number of its Concluding Observations, including in relation to the reports of Spain, Hungary, China and Australia.² In Tunisia the Committee recommended, for example, “the urgent adoption of legislative measures to ensure that persons with disabilities, including persons who are currently under guardianship or trusteeship, can exercise their right to vote and participate in public life, on an equal basis with others.”³ In the case of Kenya, the 2010 Constitution specifically prohibits discrimination on the basis of disability and requires that voting take into account the needs of persons with disabilities.⁴ However, it also prohibits persons “declared to be of unsound mind” to register as a voter or from being elected to Parliament.⁵ The Committee recommended in 2015 that Kenya “repeal constitutional provisions that restricted the right of persons with disabilities to be elected as a member of parliament and to vote on an equal basis with others.”⁶

The African Commission on Human and Peoples Rights has also addressed the issue of legal capacity in the context of political participation. In the Gambia, the Constitution provides that “[e]very citizen of the Gambia of full age and capacity” may vote, stand for election and have equal access to public service.⁷ In *Purohit & Moore v. The Gambia*, the African Commission on Human Rights interpreted Article 13 of the African Charter in relation to persons with disabilities in the Gambia, finding that the right to political participation for persons with disabilities is not subject to arbitrary exclusion.

² See, for example, Spain (CRPD/C/ESP/CO/1), Hungary (CRPD/C/HUN/CO/1), China (CRPD/C/CHN/CO/1), Australia (CRPD/C/AUS/CO/1)

³ CRPD/C/TUN/CO/1, para. 35

⁴ Constitution of Kenya, articles 27(4) and 82.

⁵ Ibid, articles 83 and 99.

⁶ CRPD/C/KEN/CO/1, para. 52 (a).

⁷ Constitution of Gambia, art. 26.

Purohit & Moore v. The Gambia

The case, which was brought by mental health advocates on behalf of patients detained at Campama, a Psychiatric Unit of the Royal Victoria Hospital in the Gambia, included a complaint that patients detained in the Unit were not allowed to vote. In its judgement, the Commission noted that “[i]n its earlier submissions, the Respondent State admits that persons detained at Campama are not allowed to vote because they believe that allowing mental health patients to vote would open the country’s democratic elections to much controversy as to the mental ability of these patients to make an informed choice as to which candidate to vote for. Subsequently, the Respondent State in its more recent submissions suggests that there are limited rights for some mentally disabled persons to vote; however this has not been clearly explained.”⁸ The Commission went on to interpret Article 13 of the Charter, drawing also on clarifications provided by the UN Human Rights Committee regarding ICCPR Article 25, to find that there were no objective and reasonable criteria established by law which would provide grounds for excluding mentally disabled persons from voting.

Although few countries have no restrictions in place on the rights of persons with disabilities to participation in political and public life, positive examples exist. These include South Africa’s Constitution, which guarantees the right to vote to all its citizens.⁹

Example: Constitution of the Republic of South Africa No. 108 of 1996

19. Political rights.-

- (1) Every citizen is free to make political choices, which includes the right-
 - (a) to form a political party;
 - (b) to participate in the activities of, or recruit members for, a political party; and
 - (c) to campaign for a political party or cause.
- (2) Every citizen has the right to free, fair and regular elections for any legislative body established in terms of the Constitution.
- (3) Every adult citizen has the right-
 - (a) to vote in elections for any legislative body established in terms of the Constitution, and to do so in secret; and
 - (b) to stand for public office and, if elected, to hold office.

Examples from other regions include Austria, the Netherlands and Sweden where a survey conducted by the European Union’s Fundamental Rights Agency found that the rights of persons with mental health problems and intellectual disabilities to vote and be elected are protected by the constitution.¹⁰ In commenting on the survey, the Commissioner for Human rights of the Council of Europe noted that “experiences in these countries have shown that any fears that this approach would cause any real problems were unfounded.”¹¹

⁸ African Commission on Human and Peoples’ Rights, Purohit and Moore v. The Gambia, para. 74, Communication No. 241/2001, Sixteenth Activity report 2002-2003, Annex VII

⁹ Constitution of South Africa, para. 19.

¹⁰ European Union Agency for Fundamental Rights, *The Right to Political Participation of Persons with Mental Health Problems and Persons with Intellectual Disabilities*, pp. 18-19 (October 2011).

¹¹ The Commissioner for Human Rights of the Council of Europe, Mr. Hammarberg, issued a Human Rights Comment, available at: [https://wcd.coe.int/wcd/ViewDoc.jsp?Ref=PR242\(2011\)&Language=lanEnglish &Ver=original&BackColorInternet=F5CA75&BackColorIntranet=F5CA75&BackColorLogged=A9BACE](https://wcd.coe.int/wcd/ViewDoc.jsp?Ref=PR242(2011)&Language=lanEnglish &Ver=original&BackColorInternet=F5CA75&BackColorIntranet=F5CA75&BackColorLogged=A9BACE)

2. Develop Inclusive Voter Education and Information

Ensuring access for persons with disabilities to voter education and information requires accommodation and various modifications. For example, illustrative or pictorial information may be useful for a broad range of potential voters, including persons with intellectual disabilities and persons with hearing impairments. In preparing accessible information, other types of differences in communication and information needs should also be taken into account to accommodate the diversity of the electorate. Such variables can include language, literacy, urban versus rural populations, cultural traditions and gender, among others.

Political parties can play an important role in ensuring inclusive political outreach and education. In many countries coalitions of political parties that represent the interests of different social groups have recognised that persons with disabilities are an important pool of potential votes for political parties. Many of these have adapted their messaging to include sign language and braille to accommodate persons with disabilities.

Civic, social and political education should portray persons with disabilities as part of the electorate and as politicians. Public awareness campaigns should highlight the political rights of persons with disabilities. Education campaigns or programmes should also target children so that they are exposed to positive images of persons with disabilities as engaged citizens. This will help engender positive views on the role that persons with disabilities can and should play in society. In addition to promoting civic education, ensuring inclusive education for children with disabilities will further support their development as engaged citizens, and potentially as voters or elected office holders.

How can inclusive civic education be promoted?

- Teachers and other civic educators must be educated on policies and strategies for promoting the right of persons with disabilities to participate in the democratic process at all levels.
- Civic education programmes must be made disability-inclusive, ensuring that the voice and image of persons with disabilities as participants in the democratic process is reflected.
- Materials used to disseminate information to children on civic responsibility and the political system should portray images of persons with disabilities, and should refer to persons with disabilities specifically as voters, politicians and active participants in the community and in decision-making.
- DPOs have an essential role to play in designing and implementing inclusive civic education programmes.

3. Training Election Commission Officials on Accessible Elections

Election officials and election management bodies (EMBs) have an important role to play in ensuring election access for persons with disabilities. In many cases, however, they may lack training and awareness on how to achieve inclusive elections. The following measures can support election officials and EMBs to carrying out their responsibilities in a manner consistent with the CRPD:

- ▶ development of standards and guidelines for the accessibility of registration and polling centres;
- ▶ ensuring that site selection of registration and polling centres takes into account all aspects of accessibility for persons with disabilities;
- ▶ providing training for election officials on accessibility issues facing persons with disabilities in the voting context;
- ▶ providing election information and voting materials in accessible formats, such as braille and in easy to read and understand forms;
- ▶ allowing voters to be assisted by a person of their own choosing and, in addition, make available to voters guides and professional sign language interpreters to facilitate accessibility at polling centres; *and*
- ▶ utilizing accessible technology, such as accessible websites and electronic voting machines that are fully accessible to persons with disabilities.

Case Example: Malawi 2014 General Elections

In a reaction to the non-inclusion of persons with disabilities in the 2014 electoral cycle, the Federation of Disability Organisations in Malawi (FEDOMA) threatened to take legal action on the grounds that the Malawi Electoral Commission (MEC) had not provided tactile ballots. Following the elections, FEDOMA engaged with the MEC and developed election guidelines based on lessons learned from the 2014 election cycle. Thereafter the MEC began to provide sign language interpretation in its television messages and to make available tactile ballots. Provision was also made for adjustable ballot boxes.

Prior to the elections DPOs in Malawi led by FEDOMA also involved Malawi's four main political parties to ensure that their manifestos included interventions they would provide if voted into power. All four main parties signed such social contracts.

4. Election Monitoring and Observation for Inclusive Elections

Election monitoring and observation can be undertaken by a variety of stakeholders. Observers may include domestic observers from local civil society organizations, representatives of political parties, journalists, oversight and regulatory agencies, and national human rights institutions (NHRIs). Additionally, international observers representing international governmental or non-governmental organizations may also take part in election monitoring and observation.

How can Electoral Monitoring and Observation Support Accessible Elections?

- In order to design an inclusive approach for election monitoring and observation, persons with disabilities must be included at all stages of monitoring efforts, as well as in the development of monitoring tools.
- Materials developed to guide electoral monitoring processes should incorporate a disability dimension. This may include, for example, electoral observer reference guides and checklists and electoral observer reporting forms that provide specific guidance on disability access. Questions that could be included in an election observation form include, inter alia:
 - Physical accessibility:
Was the polling place accessible to a person using a wheelchair or someone with a mobility impairment? Were there physical barriers to reaching the polling place (e.g., stairs)? Were there barriers inside the polling place (e.g., limited space for movement)? Were the bathrooms accessible?
 - Assistance:
Were voters with disabilities and other voters requiring assistance allowed to be assisted by a person of their choice?
 - Harassment/impermissible exclusions:
Were there instances of disability-related harassment, especially in relation to voters with mental disabilities and/or arbitrary exclusion based on election official perception of mental disability?

5. Developing Accessible Ballots

In order to guarantee the right to vote, governments must provide accessible ballots.¹² In many African countries, efforts have been made to make paper ballots accessible through the development of tactile ballot guides. The tactile guides are made of paper and are produced at low cost. The guide allows a paper ballot to be placed into a folder-like guide with cut out windows that the voter uses to enable him or her to know where to place the required thumb print or mark. Tactile guides have been effectively used in Sierra Leone, Ghana, and Liberia and elsewhere to help secure the right to vote in secret and independently.¹³ In these instances, materials on the use of the guides were developed, poll workers were trained in their use, and outreach was undertaken to ensure that voters with visual impairments were aware of its availability.

Good Practice Tips for Accessible Balloting

- Development of tactile ballot guides for use by voters who are blind or visually impaired to facilitate unassisted and secret ballot casting
- Accommodation to allow marking of the ballot paper with toe or elbow prints for voters without arms
- Pictorial instructions for voters who are deaf to understand balloting procedures
- Easy-to-read instructions for balloting
- Placing ballot boxes on a low table for individuals using wheelchairs
- Ensuring that individual voting booths are accessible for individuals using wheelchairs, crutches or other supportive devices so that they can access the booth

¹² Ballots are tickets or pieces of papers used to vote in an election. Increasingly, ballots may also refer to electronic screens or other electronic approaches to recording or counting votes.

¹³ See, e.g., Modern Ghana.com, Tactile Balloting to Help Blind Voter in Election, 23 Sept. 2004, <http://www.modernghana.com/news/63517/1/tactile-balloting-to-help-blind-voters-in-election.html>. For samples of tactile ballot guides, see Global Initiative to Enfranchise People with Disabilities, <http://www.electionaccess.org>

6. Ensuring Civil Society Participation

In order to promote a fully inclusive political process, it is essential for government officials to consult with civil society organizations, particularly DPOs. DPOs are perhaps best placed to serve as resources on accessibility with regard to electoral processes and public decision-making more generally.

DPOs should be regarded as expert resource organizations for:

- ▶ training of election officials;
- ▶ designing accessible voting procedures;
- ▶ conducting voter education on issues of election access;
- ▶ developing election monitoring tools that are inclusive of disability issues; and
- ▶ designing accessible websites and election materials.

Case Study: Liberia: Liberian DPO Election Access Participation

In Liberia, disabled peoples organizations and the National Election Commission worked together in the historic 2004 elections to enhance the political participation of Liberians with disabilities. Measures take included the following:

- training of more than 100 election officials on election access, law and policy;
- lobbying of Chairwoman of Election Commission for enhanced voter access;
- production of election access guide for the Liberian Electoral Commission;
- design of voter education materials using the voice and image of voters with disabilities;
- conduct of voter education;
- piloting of tactile ballot guide; and
- design of disability questions for voter observation training.

Source: J. Lord et al, Facilitating an Equal Right to Vote for Persons with Disabilities 6 Human Rights Practice (March 2014).

7. Ensuring Accessible Electoral Complaints Systems

Full enjoyment by persons with disabilities of the right to participate in political and public life requires accessibility to electoral complaint mechanisms. In instances where persons with disabilities feel they have experienced discrimination on the basis of disability in the electoral context, they must be able to file a complaint with such a body or mechanism. In particular, individuals with disabilities must be able to challenge restrictions and limitations on political and electoral rights, including in relation to seeking political office, supporting political parties and candidates, and registration and voting itself.

Key Questions to Consider in Ensuring Accessibility to Electoral Complaints Mechanisms:

- Clarity and availability of accessible information regarding format and formal requirements for submitting a complaint, including on who may file a complaint and on what basis.
- Official forms provided for the filing of election complaints should be easy to find on a website, available in accessible formats (for example usable with screen reading technology), and written in plain language.
- Informational materials on the legal bases on which to file a complaint should include examples of access issues, such as denials of voter registration on the basis of disability or inability to cast a vote due to an inaccessible voting procedure.
- Decisions of complaints mechanisms should be made available, along with the reasons for such decisions.



See Learning Activity 2.C. titled *Ensuring Inclusive Political Processes*.

2.D The Right to Stand for Elected Office and Participate in Public Service

Persons with disabilities have the right to stand for election for and to serve in public office. States may limit the participation of individuals in these processes on the basis, for example, of not having reached the minimum age. Such restrictions must be justifiable and reasonable. Disability cannot count as a restrictive condition.

Persons with disabilities must also enjoy equal access to public service opportunities and government jobs at all levels, including working at local government offices as well as serving as government representatives at international levels such as in the United Nations. Numerous elected representatives with disabilities as well as governmental public servants participated in the UN negotiations that resulted in the adoption of the CRPD, including from across the African Continent. Such inclusion helps ensure that government at all levels takes into account the needs of persons with disabilities.

In some countries DPOs have advocated positive measures to ensure that their interests are effectively represented in their legislatures. In Uganda, for example, the Constitution requires that a certain percentage of seats in Parliament be accorded to representatives with disabilities. In other countries the executive may set aside a certain number of parliamentary seats. In Namibia, for example, this policy has resulted in the presidential appointment of representatives with disabilities to parliament. In other cases persons with disabilities may have representation through a commissioner in the national human rights commission, as in the case of South Africa.

African Parliamentary Representation of Persons with Disabilities

Uganda

Uganda's Constitution requires that five national members of Parliament have personal experience with disability. The Local Government Act of 1997 provides for the election of one woman with a disability and one man with a disability in every village, parish, sub-county and district council. Incredibly there are some 47,000 representatives sitting on directly-elected bodies, easily the largest group of politicians with disabilities anywhere in the world. Members of Parliament with disabilities have served on a variety of Parliamentary committees including those concerned with Presidential Appointments, Rules and Privileges, Legal and Parliamentary Affairs, Commissions, Statutory Authorities, State Enterprises, Social Services, Public Service, Gender, and Local Government. Serving in the Parliament is more accessible now that rules have been changed to permit guide dogs and sign language interpreters in meetings and parliamentary sessions.

South Africa

The 2012 figures for self-representation of persons with disabilities as public representatives are:

- Parliament (National Assembly and National Council of Provinces): 16
- National Cabinet (Deputy Minister for Women, Children and People with Disabilities): 1
- Nine Provincial Legislatures: 8
- Provincial Executive Councils: 3 and
- Municipalities (eight metropolitan councils, 226 local and 44 district councils): 72

In addition, persons with disabilities represent the interests of the disability sector in a number of other public institutions such as the SAHRC, the CGE, the National Youth Development Agency, the Public Service Commission, the National Economic Development and Labour Council (NEDLAC), the National Lotteries Board and its Distributing Agencies, the UIF, the Commission on Employment Equity, the National Development Agency, the Pan South African Language Board, the National Skills Authority and the South African National Aids Council (SANAC).

2.E The Right to Form and Join Organisations

DPOs have an important role in representing the views of persons with disabilities and can serve as a mechanism enabling persons with disabilities to make a contribution to political life and public service through their involvement in the DPO. The CRPD recognizes the right of persons with disabilities to form and join DPOs for the purpose of representation at all levels. This reflects the human right of anyone to found an association with others around a particular issue or to join an existing association. Forming an association and joining as a member must be voluntary: no one can be forced to join any association. States must provide a legal framework for establishing associations and must protect the right to do so.

DPOs are explicitly referred to in the CRPD because they refer to organisations established by and for persons who themselves have disabilities. Associations established and run by persons with experience of disability are best placed to ensure that the voice of persons with disabilities is heard in decision-making processes. DPOs played an important role in the process of drafting the CRPD and will continue to play critical roles in the implementation of the treaty at national level. Indeed it is essential for DPOs to work together, with each other and other civil society actors to advocate for and monitor national action on disability.



3. SUMMARY & KEY LEARNING POINTS








The information provided in this module focuses on participation in political and public life and sets forth the various contexts within which inclusion of persons with disabilities must be considered, consistently with international standards on inclusion.

The key recommendations that governments should undertake in order to facilitate the inclusion of persons with disabilities in political processes are as follows:

- ▶ Review legal frameworks, including electoral codes, legal capacity provisions, and constitutional provisions, comprehensively for conflicts with Article 29 of the CRPD.
- ▶ Train election officials on how to effectively accommodate voters with disabilities.
- ▶ Ensure that electoral registration is not denied to individuals based on disability.
- ▶ Design civic education to address the inclusion of persons with disabilities in political and public life.
- ▶ Include disabled people's organizations as participants and as expert resources in civic education and voter education programmes.
- ▶ Provide information on election registration in accessible formats to persons with disabilities (for persons with visual, sensory and intellectual disabilities).
- ▶ Implement accessible election campaigns.
- ▶ Design polling stations so that they are accessible to persons with physical disabilities and ensure that voters with disabilities are accommodated at the polling station.
- ▶ Train judges and lawyers for effective representation in disability discrimination cases in the electoral process.
- ▶ Develop balloting procedures that are accessible to persons with disabilities, for example through the provision of tactile ballots for voters who are blind.
- ▶ Require that electoral monitoring and observation includes accessibility assessments in all phases.
- ▶ Make electoral complaints mechanisms available and accessible to persons with disabilities seeking redress for violation of their political participation rights.



4. USEFUL RESOURCES

-  Committee on the Rights of Persons with Disabilities, General Comment No. 1, Article 12: Equal recognition before the law (2014)
-  Committee on the Rights of Persons with Disabilities, Communication No. 4/2011, Views adopted by the Committee at its tenth Session (2-13 Sept. 2013), CRPD/C/10/D/4/2011
-  Committee on the Rights of Persons with Disabilities, Concluding Observations of the Committee on the Rights of Persons with Disabilities, Spain, (Sixth Session, 2011), para. 48, U.N. Doc. CRPD/C/ESP/CO/1, available at: <http://www.ohchr.org/EN/HRBodies/CRPD/Pages/Session6.aspx>.
-  Office of the High Commissioner for Human Rights, Thematic study on participation in political and public life by persons with disabilities (2011)
-  European Union Agency for Fundamental Rights, *The Right to Political Participation of Persons with Mental Health Problems and Persons with Intellectual Disabilities* (October 2011).
-  J. Lord et al, *Facilitating an Equal Right to Vote for Persons with Disabilities 6 Human Rights Practice* (March 2014).
-  J. Lord et al, *Human Rights. YES! Action and Advocacy on the Rights of Persons with Disabilities 31-43* (2d ed., 2012).



5. LEARNING ACTIVITIES

Session Sheet for the Trainer – Participation in Political and Public Life, Session 1

Technical Content 2.A.: Background









Learning Activity 2.A.: Barriers to Participation in Political and Public Life

Session Sheet for the Trainer – Participation in Political and Public Life, Session 2

Technical Content 2.C: Measures to Ensure Inclusive Political Processes

Learning Activity 2.C.: Ensuring Inclusive Political Processes

Session Sheet for the Trainer - Participation in Political & Public Life, Session 1

	Key Messages	See the summary and key learning points.
	Objectives	By the end of this session, participants will have: <ul style="list-style-type: none"> - identified obstacles to participation and political and public life for persons with disabilities; - applied this learning to their local contexts.
	Room Arrangement	Tables for small groups of 4. Round table/ chair circle for plenary discussion.
	Activity	20 mins – Presentation of obstacles to participation in political and public life for persons with disabilities. 40 mins – Group work: Learning Activity 2.A. 30 mins – Feedback and summary discussion.
	Duration	90 minutes
	Notes for a Training Team	Ensure there is enough time in Part 2 of the learning activity for each participant to contribute to the conversation.
	Task Sheets	Learning Activity 2.A: Barriers to Participation in Political and Public Life
	Handouts	N/A



Learning Activity 2.A.: Barriers to Participation in Political and Public Life

Objective: To identify obstacles to participation and political and public life for persons with disabilities. To apply this learning to local contexts.

“Stereotypes about disability often lead to discrimination against persons with disabilities in decision-making processes generally and in the specific processes of voting, running for office, or participating in public outreach initiatives by political parties. The role of governments in ensuring that persons with disabilities are able to participate in decision-making processes of all kinds is important and extends not only to election management bodies, but to all decision-making entities within government.”¹⁴

Part 1

In your groups, consider the barriers to exercising the rights to political participation outlined in the table on the following page. Consider what barriers might apply to people with different kinds of disability, including physical and/or psycho-social disabilities. Consider how this might apply specifically to women, men and people who identify as of another gender.

Rights	Women	Men	Other Gender
Joining a political party or organization			
Voting			
Running for, or holding public office			
Accessing information			

¹⁴ Toolkit on Disability | Africa, Module Participation in Public Life, p5











Part 2

In your group, select one of the barriers you have identified and explore in more depth how that barrier might impact on women or young people with disabilities. Identify two or three actions that could be taken to reduce or eliminate the barrier.



You have 40 minutes to complete both Part 1 and Part 2 in your groups.

Session Sheet for the Trainer – Participation in Political & Public Life, Session 2

	Key Messages	Participation in Political & Public Life, Session 2
	Objectives	By the end of this session, participants will have: - discussed practical measures to ensure persons with disabilities are included in the political process.
	Room Arrangement	Tables for small groups of 4. Round table/chair circle for plenary discussion.
	Activity	20 mins – Presentation and input on key measures to ensure inclusive political processes 30 mins – Group work: Learning Activity 2.C 40 mins – Plenary feedback and summary discussion
	Duration	90 minutes
	Notes for a Training Team	During the activity assign a measure to each group. During plenary feedback and summary discussion, facilitate the conversation and makes connections to Article 29 and the rights of persons with disabilities to stand for election, participate in public service and form and join organizations.
	Task Sheets	Learning Activity 2.C.: Ensuring Inclusive Political Processes
	Handouts	N/A

