

Putting Inclusive Political Science into Practice Training

Participant Handbook



Welcome to the Participant's Handbook

Welcome to the "Putting Inclusive Political Science into Practice" program. The next five days will add pieces to present a holistic view of the leadership of people with disabilities in the democratic process and elections. In Myanmar, it is estimated that there are approximately 8.5 million persons with disabilities, and many people with disabilities will take part in the 2020 elections. You are a member of a significant group of new leaders for your country! Taking part in the "Putting Inclusive Political Science into Practice" training program is an important first step to becoming a leader in your community. While the 2020 election is an important opportunity to participate in the democratic process, you also have an important role to play in advancing positive change in your communities and country leading up to the election. At the same time, your active participation helps to break down discriminatory stereotypes about the capacity of persons with disabilities and encourages others to contribute to their communities.

This program is designed to empower you with the skills and knowledge to become a leader and mobilize your community. This handbook contains all of the handouts you will need throughout the program as well as module summaries and a roadmap for your participant journey. You can use this handbook as a resource after the training is complete. During the training, make sure to engage with your facilitators and fellow participants – use their experiences and perspectives to enhance your understanding of the materials. Don't be afraid to ask questions and most importantly enjoy the experience!

Table of Contents

Introduction: Participant Welcome	1
Training Agenda	4

Module 2:

Session 1: Convention on the Rights of Persons with Disabilities and International Human Rights Instruments	8
• CRPD Comments and Recommendations	9
• UDHR	14
Session 2: Disability Rights from a Comparative Perspective	21
• EU Case Study	22
• Libya Case Study	30
• South Asia Case Study	33
Session 3: Rights and Responsibilities in Myanmar through a Disability Lens	38
• Amyotha Hluttaw Law Excerpts	39
• List of National Committee Members	51

Module 3

Session 1: Effective Leadership in Political Life	54
• Effective Leaders	55
• Effective Leadership Scenarios	59
• Effective Leadership Worksheet	60
Session 2: Building Self-Confidence	61
• Worksheet: Setting a Goal	63
Session 3: Public Speaking	64
• Public Speaking Score Cards	65
• Public Speaking Handout	67
Session 4: Planning and Managing Meetings	68
• Planning and Managing Meetings Tips	69
Session 5: Written Communication – Engaging with Government Officials	70
• Worksheet: Written Communication	71

Session 6: Networking	73
• Networking: Is this a Networking Event	74
Session 7: Communicating Effectively with Stakeholders – Quiet Diplomacy vs. Public Action	75
• Diplomacy vs action scenarios	76
• Diplomacy vs action: Advocacy Types	77
• Advocacy Example Pieces	78
Session 8: Mobilizing Support	79
• Mobilizing Support: Making a Plan	80
• Mobilizing Support: Scenarios	82

Module 4

Session 1: Inclusive Constitutions	84
• Cambodia: Constitution Excerpt	85
• India: Constitution Excerpt	101
• South Africa: Constitution Excerpt	107
Session 2: Inclusive Systems of Government	116
• Government Systems: Scenario	117
• Government Systems: Descriptions	118
Session 3: Elections	121
• Elections Gallery Walk Labels	122
• Cambodia Case Study	128
• Cameroon Case Study	148
• India Case Study	150
Session 4: Democratic Participation.....	155
• Case studies: India and Japan	156
Session 6: Personal Action Planning	160
• Handout: Drafting the Plan	161

Putting Inclusive Political Science into Practice ToT Training

16th July – 21st July 2018

Day One – 16 July (Monday)			
9:00 – 9:20	20	Registration	Project Team
9:20 – 10:00	40	Opening speech Welcome Remark Purpose of the training	MFPD MILI MILI
10:00 – 10:15	15	Tea break	
10:15 – 10:30	15	Pre Test	Project team
10:30 – 12:00	90	History of Myanmar's Political System	DKMMM CF – YYS, TTP
12:00 – 12:45	45	Lunch	
12:45 – 13:00	15	Energizer	
13:00 – 14:15	75	Myanmar's Government: The Constitution – A Social Contract	DKMMM CF – YYS, TTP
14:15 – 14:30	15	Questions and Feedback	
14:30 – 15:30	60	Myanmar's Government: The Executive Body	DKMMM CF – YYS, TTP
15:30 – 15:45	15	Tea Break	
15:45 – 16:45	60	Myanmar's Government: The Legislative Body	DKMMM CF – YYS, TTP
16:45 – 17:00	15	Feedback and recap for day 1	

Day Two – 17 July (Tuesday)			
9:00 – 9:15	15	Energizer and day one recap	
9:15 – 10:15	60	Myanmar's Government: Elected Representatives and Policy Development	DKMMM CF – YYS, TTP
10:15 – 10:30	15	Questions	
10:30 – 10:45	15	Tea break	
10:45 – 12:15	90	Myanmar's Government: State/Regional and Local Government	DKMMM CF – YYS, TTP
12:15 – 12:30	15	Questions	
12:30 – 13:15	45	Lunch break	
13:15 – 13:30	15	Energizer	
13:30 – 14:30	60	Myanmar's Government: Key Stakeholders – The Role of Political Parties, Civil Society and the Media	DKMMM CF – YYS, TTP
14:30 – 14:45	15	Questions	
14:45 – 15:00	15	Tea Break	
15:00 – 16:30	90	Equal Rights and Inclusion: The Convention on the Rights of Persons with Disabilities and other	UMM/YYS
16:30 – 17:00	15	Feedback and recap for day 2	

Day Three – 18 July (Wednesday)			
9:00 – 9:15	15	Energizer and day two recap	
9:15 – 10:45	90	International Human Rights Conventions Equal Rights and Inclusion: Disability Rights from a Comparative Perspective	YYS/TTP
10:45 – 11:00	15	Tea break	
11:00 – 12:30	90	Equal Rights and Inclusion: Rights and Responsibilities in Myanmar through a Disability Lens	YYS/TTP
12:30 – 13:15	45	Lunch break	
13:15 – 13:30	15	Energizer	
13:30 – 15:00	90	Leadership: Effective Leadership in Political Life	YYT/STA
15:00 – 15:15	15	Tea break	
15:15 – 16:45	90	Leadership: Budding Self-Confidence	NLS/ HHA
16:45 – 17:00	15	Feedback and recap for day 3	

Day Four – 19 July (Thursday)			
9:00 – 9:15	15	Energizer and day three recap	
9:15 – 10:45	90	Leadership: Public Speaking	YYT/ AZL
10:45 – 11:00	15	Tea break	
11:00 – 12:30	90	Leadership: Planning and Managing Meetings	TPW/SMO
12:30 – 13:15	45	Lunch	
13:15 – 13:30		Energizer	
13:30 – 15:00	90	Leadership: Written Communication - Engaging with Government Stakeholders	UMM/YYS
15:00 – 15:15	15	Energizer	
15:15 – 16:45	90	Leadership: Networking	TPW/ AZL
16:45 – 17:00	15	Feedback and recap for day 4	

Day Five – 20 July (Friday)			
9:00 – 9:15	15	Energizer and day four recap	
9:15 – 10:45	90	Engaging with Stakeholders: Quiet Diplomacy vs. Public Action	SMO/TTP
10:45 – 11:00	15	Tea break	
11:00 – 12:30	90	Leadership: Mobilizing Support	STA/HHA
12:30 – 13:15	45	Lunch	
13:15 – 13:30	15	Energizer	
13:30 – 15:00	90	Comparative Analysis: Inclusive Constitutions	TTP/YYS
15:00 – 15:15	15	Tea break	
15:15 – 16:45	90	Comparative Analysis: Inclusive Systems of Government	TTP/YYS
16:45 – 17:00	15	Feedback and recap for day 5	

Day Six – 21 July (Saturday)			
9:00 – 9:15	15	Energizer and day five recap	
9:15 – 10:45	90	Comparative Analysis: Elections	TTP/YYS
10:45 – 11:00	15	Tea break	
11:00 – 12:30	90	Comparative Analysis: Democratic Participation	TTP/YYS
12:30– 13:15	45	Lunch	
13:15– 13:30	15	Energizer	
13:30– 15:00	90	Comparative Analysis: Getting Involved	TTP/YYS
15:00– 15:15	15	Tea break	
15:15– 16:45	90	Personal Action Planning	TTP/YYS
16:45– 17:00	15	Feedback and recap for day 6	
17:00 - 17:15		Post-test, Congratulatory Remark and Awarding certificate	IFES



Module - 2

Session 1: Convention on the Rights of Persons with Disabilities and International Human Rights Instruments



- CRPD Comments and Recommendations

- UDHR



Putting Inclusive Political Science into Practice

CRPD Committee Comments and Recommendations



Country	Article 29	Article 12
Republic of Korea	Comment. The Committee is concerned that many polling booths are not fully accessible to persons with disabilities and that voting information is not provided to persons with disabilities in consideration of the various types of disabilities. It is also concerned about the low level of participation of persons with disabilities in political activities and as candidates in elections due to the barriers that they continue to face in that regard. It is also concerned that persons declared incompetent are denied the right to vote and stand for elections.	The Committee is concerned that the new adult guardianship system, which was introduced in July 2013, permits guardians to make decisions regarding the property and personal issues of persons deemed persistently incapable of managing tasks due to psychological restrictions caused by disease, disability or old age. The Committee notes that such a system continues to promote substituted decision-making instead of supported decision-making, contrary to the provisions of article 12 of the Convention, as elaborated in the Committee's general comment No. 1 (2014) on equal recognition before the law.
	Recommendation The Committee recommends that the State party step up its efforts to ensure that voting is fully accessible to all persons, irrespective of disability, and that voting information is provided in all accessible formats. It further recommends that the State party take specific measures to promote the participation of persons with disabilities in elected bodies. It also recommends that the State party repeal provisions denying the right to vote and stand for elections and provide the right to vote and stand for elections regardless of type of disability	The Committee recommends that the State party move from substitute decision-making to supported decision-making, which respects the person's autonomy, will and preferences and is in full conformity with article 12 of the Convention and general comment No. 1, including with respect to the individual's right to give and withdraw informed consent for medical treatment, to have access to justice, to vote, to marry, to work and to choose his or her place of residence. The Committee further recommends that the State party provide training, in consultation and cooperation with persons with disabilities and their





**Putting Inclusive Political Science
into Practice**
CRPD Committee Comments and Recommendations

<p>Thailand</p>	<p>Comment</p>	<p>The Committee is concerned about restrictions on the rights of persons with disabilities to vote and stand for election and the lack of measures to ensure the secrecy of their vote. It is also concerned about the lack of information on accessible formats of voting procedures.</p>	<p>representative organizations, at the national, regional and local levels for all actors, including civil servants, judges and social workers, on the recognition of the legal capacity of persons with disabilities and on the mechanisms of supported decision-making.</p> <p>The Committee is deeply concerned about substituted decision-making and guardianship regimes for persons with disabilities.</p>
<p>Recommendation</p>	<p>The Committee recommends that the State party revise all laws that limit the participation of persons with disabilities in political and public life in order to enable all persons with disabilities to vote and to stand for election, including by restoring legal capacity as required, and to ensure that all stages of an election are made fully accessible, including the political campaigns and their materials and the act of voting, including with respect to the secrecy of voting.</p>	<p>The Committee recommends that the State party revise all laws that limit the participation of persons with disabilities in political and public life in order to enable all persons with disabilities to vote and to stand for election, including by restoring legal capacity as required, and to ensure that all stages of an election are made fully accessible, including the political campaigns and their materials and the act of voting, including with respect to the secrecy of voting.</p>	<p>n the light of its general comment No. 1 (2014) on equal recognition before the law, the Committee urges the State party to repeal the regimes of substituted decision-making enshrined in, among others, sections 28 and 1670 of the Civil Code, and replace them with supported decision-making regimes that uphold the autonomy, will and preferences of persons with disabilities.</p>
<p>Mongolia</p>	<p>Comment</p>	<p>While noting that the State party recognizes inadequacies in ensuring the full participation of persons with disabilities in political and public life, the Committee is concerned about reports that the State party's "Great Khural" is</p>	<p>The Committee is concerned about the inadequacy of the State party's legal measures for ensuring the rights of persons with disabilities, in particular persons with intellectual and/or psychosocial disabilities, to</p>



Putting Inclusive Political Science into Practice

CRPD Committee Comments and Recommendations



		<p>election law" contains no specific references either to persons with disabilities or to assistive or support measures to accommodate persons with visual, hearing or mobility impairments.</p>	<p>make choices about their lives and enjoy legal capacity on an equal basis with others. The Committee is also concerned that the State party permits guardians of persons with disabilities to make decisions regarding the CRPD/C/MNG/CO/15 property and the personal issues of persons deemed persistently incapable of legal capacity owing to psychological restrictions caused by disability. The Committee notes that such a system continues to promote substituted decision-making instead of supported decision-making, contrary to the provisions of article 12 of the Convention and as set out in the Committee's general comment No. 1 (2014) on equal recognition before the law.</p>
	<p>Recommendation</p>	<p>The Committee recommends that the State party repeal legal provisions that deny or restrict the right to vote based on disability and develop appropriate legal measures to ensure that persons with disabilities can fully participate in elections and public life as citizens, voters and candidates.</p>	<p>The Committee urges the State party to ensure legal capacity for persons with disabilities, including with respect to their right to choose where and with whom they want to live, to vote for the political party they prefer, to have their health-care decisions respected, to control their own financial affairs and to have access to cinemas and other leisure and cultural activities. The Committee recommends that the State party amend the Civil Code so as to move from substitute decision-making to supported decision-making, which respects the person's autonomy, will and preferences and is in full</p>



Putting Inclusive Political Science into Practice

CRPD Committee Comments and Recommendations



<p>Australia</p>	<p>Comment</p>	<p>The Committee is concerned that persons with disabilities, in particular those with intellectual or psychosocial disabilities, are automatically excluded from the electoral roll. The Committee is further concerned that persons with disabilities face significant barriers in the voting process.</p>	<p>conformity with article 12 of the Convention and general comment No. 1, including with respect to the individual's right to give and withdraw informed consent for medical treatment, have access to justice, vote, marry, exercise parental rights, work and choose his or her place of residence. The Committee also recommends that the State party provide training, in consultation and cooperation with persons with disabilities and their representative organizations, at the national, regional and local levels for all actors, including civil servants, judges and social workers, on the recognition of the legal capacity of persons with disabilities and on the mechanisms of supported decision-making.</p>
<p>Recommendation</p>	<p>The Committee recommends that the State party enact legislation to restore presumption of the capacity of persons with disabilities to</p>	<p>The Committee notes that the Australian Law Reform Commission has been recently commissioned to inquire into barriers to equal recognition before the law and legal capacity for persons with disabilities. However, the Committee is concerned about the possibility that the regime of substitute decision-making will be maintained and that there is still no detailed and viable framework for supported decision-making in the exercise of legal capacity.</p>	<p>The Committee recommends that the State party effectively use the current inquiry to take immediate steps to replace substitute</p>





Putting Inclusive Political Science into Practice

CRPD Committee Comments and Recommendations



		<p>vote and exercise choice, and ensure that all aspects of voting in an election are made accessible to all citizens with disabilities.</p>	<p>decision-making with supported decision-making and that it provide a wide range of measures which respect a person's autonomy, will and preferences and are in full conformity with article 12 of the Convention, including with respect to a person's right, in his or her own capacity, to give and withdraw informed consent for medical treatment, to access justice, to vote, to marry and to work.</p> <p>The Committee further recommends that the State party provide training, in consultation and cooperation with persons with disabilities and their representative organizations, at the national, regional and local levels for all actors, including civil servants, judges and social workers, on recognition of the legal capacity of persons with disabilities and on the primacy of supported decision-making mechanisms in the exercise of legal capacity.</p>
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Universal Declaration of Human Rights

Preamble

Whereas recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,

Whereas disregard and contempt for human rights have resulted in barbarous acts which have outraged the conscience of mankind, and the advent of a world in which human beings shall enjoy freedom of speech and belief and freedom from fear and want has been proclaimed as the highest aspiration of the common people,

Whereas it is essential, if man is not to be compelled to have recourse, as a last resort, to rebellion against tyranny and oppression, that human rights should be protected by the rule of law,

Whereas it is essential to promote the development of friendly relations between nations,

Whereas the peoples of the United Nations have in the Charter reaffirmed their faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women and have determined to promote social progress and better standards of life in larger freedom,

Whereas Member States have pledged themselves to achieve, in cooperation with the United Nations, the promotion of universal respect for and observance of human rights and fundamental freedoms,

Whereas a common understanding of these rights and freedoms is of the greatest importance for the full realization of this pledge,

Now, therefore,

The General Assembly,

Proclaims this Universal Declaration of Human Rights as a common standard of achievement for all peoples and all nations, to the end that every individual and every organ of society, keeping this Declaration constantly in mind, shall strive by

teaching and education to promote respect for these rights and freedoms and by progressive measures, national and international, to secure their universal and effective recognition and observance, both among the peoples of Member States themselves and among the peoples of territories under their jurisdiction.

Article I

All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.

Article 2

Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing or under any other limitation of sovereignty.

Article 3

Everyone has the right to life, liberty and security of person.

Article 4

No one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms.

Article 5

No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.

Article 6

Everyone has the right to recognition everywhere as a person before the law. Article 7

All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination.

Article 8

Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law.

Article 9

No one shall be subjected to arbitrary arrest, detention or exile. Article 10

Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him.

Article 11

1. Everyone charged with a penal offence has the right to be presumed innocent until proved guilty according to law in a public trial at which he has had all the guarantees necessary for his defence.
2. No one shall be held guilty of any penal offence on account of any act or omission which did not constitute a penal offence, under national or international law, at the time when it was committed. Nor shall a heavier

penalty be imposed than the one that was applicable at the time the penal offence was committed.

Article 12

No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honour and reputation. Everyone has the right to the protection of the law against such interference or attacks.

Article 13

1. Everyone has the right to freedom of movement and residence within the borders of each State.
2. Everyone has the right to leave any country, including his own, and to return to his country.

Article 14

1. Everyone has the right to seek and to enjoy in other countries asylum from persecution.
2. This right may not be invoked in the case of prosecutions genuinely arising from non-political crimes or from acts contrary to the purposes and principles of the United Nations.

Article 15

1. Everyone has the right to a nationality.
2. No one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality.

Article 16

1. Men and women of full age, without any limitation due to race, nationality or religion, have the right to marry and to found a family. They are entitled to equal rights as to marriage, during marriage and at its dissolution.

2. Marriages shall be entered into only with the free and full consent of the intending spouses.
3. The family is the natural and fundamental group unit of society and is entitled to protection by society and the State.

Article 17

1. Everyone has the right to own property alone as well as in association with others.
2. No one shall be arbitrarily deprived of his property.

Article 18

Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.

Article 19

Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.

Article 20

1. Everyone has the right to freedom of peaceful assembly and association.
2. No one may be compelled to belong to an association.

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.

Article 22

Everyone, as a member of society, has the right to social security and is entitled to realization, through national effort and international co-operation and in accordance with the organization and resources of each State, of the economic, social and

cultural rights indispensable for his dignity and the free development of his personality.

Article 23

1. Everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment.
2. Everyone, without any discrimination, has the right to equal pay for equal work.
3. Everyone who works has the right to just and favourable remuneration ensuring for himself and his family an existence worthy of human dignity, and supplemented, if necessary, by other means of social protection.
4. Everyone has the right to form and to join trade unions for the protection of his interests.

Article 24

Everyone has the right to rest and leisure, including reasonable limitation of working hours and periodic holidays with pay.

Article 25

1. Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.
2. Motherhood and childhood are entitled to special care and assistance. All children, whether born in or out of wedlock, shall enjoy the same social protection.

Article 26

1. Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit.
2. Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace.
3. Parents have a prior right to choose the kind of education that shall be given to their children.

Article 27

1. Everyone has the right freely to participate in the cultural life of the community, to enjoy the arts and to share in scientific advancement and its benefits.
2. Everyone has the right to the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author.

Article 28

Everyone is entitled to a social and international order in which the rights and freedoms set forth in this Declaration can be fully realized.

Article 29

1. Everyone has duties to the community in which alone the free and full development of his personality is possible.
2. In the exercise of his rights and freedoms, everyone shall be subject only to such limitations as are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society.
3. These rights and freedoms may in no case be exercised contrary to the purposes and principles of the United Nations.

Article 30

Nothing in this Declaration may be interpreted as implying for any State, group or person any right to engage in any activity or to perform any act aimed at the destruction of any of the rights and freedoms set forth herein.

Session 2: Disability Rights from a Comparative Perspective



- EU Case Study

- Libya Case Study

- South Asia Case Study

People with disabilities have equal rights

The European Disability Strategy 2010-2020



European Commission

Equal rights, equal opportunities

European added value

Around 80 million people in the EU, a sixth of its population, have a disability. They are often prevented from full social and economic participation by barriers linked to attitudes and their environment. Moreover, poverty rates amongst people with disabilities are 70% higher than average.

Over 30% of over 75s are restricted to some extent, and over 20% are severely restricted. The percentage of people with disabilities is set to rise as the EU population ages.

Although Member States are mainly responsible for disability measures, the EU complements their actions and creates conditions for further progress. EU action begins with analysis of relevant policy areas from the perspective of the disabled. This fosters understanding of the needs of people with disabilities, which are taken into account when developing policy and legislation. The EU thus aims to ensure that all disabled people can use their basic human right to active inclusion and full participation in society.

The UN stance on disabilities

People with disabilities have the same entitlement as anyone else to dignity, independence and full social participation. Enabling them to benefit from this is at the centre of both EU action and the UN Convention on the Rights of Persons with Disabilities, to which the EU is a signatory.

The purpose of the Convention, which along with its Protocol entered into force on 3 May 2008, is to promote and protect full and equal enjoyment of all human rights and fundamental freedoms for all persons with disabilities. In terms of content, it is a significant step forward: it establishes disability not only as a social welfare issue but also as a human rights and legal matter.

The Convention reflects the core elements of the EU Disability Strategy 2010-2020, which combines anti-discrimination, equal opportunities and active inclusion. The rights recognised by the Convention cover almost all policy fields and the EU Disability Strategy aims to ensure its full implementation.

Areas for action

Accessibility

Accessibility is essential for participation in society. Accordingly, the EU Disability Strategy aims to eliminate barriers to access facing people with disabilities. Key areas for action include the built environment, transport, information and communication, and services.

The EU uses instruments such as research, policy and legislation, and standardisation to ensure provision of accessible products and services across the Union. Furthermore, it takes steps to improve the functioning of the assistive technology market so as to ensure that it works to the advantage of the disabled. The European Commission promotes a "Design for all" approach in order to benefit as wide a scope of the population as possible. It is also working towards a European Accessibility Act setting out a general framework for goods and services.

Participation

People with disabilities and their families should be able to participate on an equal basis with others in all aspects of social and economic life. They need to be able to exercise their rights as citizens, including the right to free movement, to choose where and how they live, and to full access to cultural, leisure and sport activities.

The Commission works to eliminate obstacles that people with disabilities face in everyday life as individuals, consumers, students, and economic and social actors. Examples of this work include: promotion of the European disability parking card; supporting the transition in Member States from institutional to community-based care; and promoting participation in sport such as through organisation of disability-specific sporting events.

Equality

53% of Europeans consider discrimination on grounds of disability or age to be widespread in the EU. The EU promotes equal treatment of people with disabilities through a two-pronged approach comprising anti-discrimination legislation and strategies, and promotion of equal opportunities in other policies. The EU also pays close attention to the impact on people with disabilities of discrimination on grounds such as age, gender and sexual orientation.

The Commission ensures full implementation of the EU Directive banning discrimination in the job market on the grounds of disability. It also promotes diversity and combats discrimination through awareness-raising at EU and national level, and supports the work of NGOs in the area.

The Commission also made a proposal for another Directive dealing with equal treatment but this time outside of the area of employment, covering access to goods and services.

Employment

Quality jobs ensure economic independence, foster personal development and offer the best protection against poverty.

The Commission seeks to improve the employment situation of people with disabilities. It pays special attention to difficulties of young disabled. Working conditions and career advancement are taken into account, in consultation with social partners. Other measures include making workplaces more accessible, supporting on-the-job training and increasing access to the open labour market for disabled people in sheltered employment.

As many people with disabilities need assistance, there is a growing need for carers and service providers.

Member States set their own employment policies in line with European guidelines. The Europe 2020 strategy for smart, sustainable and inclusive growth has set a target of a 75% employment rate in Europe. To reach this, labour market inclusion of people with disabilities must be increased and this will also help to achieve the aim of lifting 20 million Europeans out of poverty by 2020.

Education

The EU Disability Strategy 2010-2020 emphasises equal access to quality education and lifelong learning. These are key factors in enabling the disabled to participate fully in society and improve their quality of life. However, this has not yet been achieved and much segregation remains in European education.

The EU respects national responsibility for content and organisation of education. At the same time, it supports national efforts to promote inclusive education and lifelong learning for pupils and students with disabilities. It also promotes their mobility across the EU via the Lifelong Learning Programme.

Social protection and inclusion

People with disabilities need to be able to benefit from services such as social protection, poverty reduction programmes, disability-related assistance and public housing. Member States are mainly responsible for these matters but fix common objectives and indicators through a framework called the Open Method of Coordination.

National efforts are assessed by the Commission and Council in a joint report, which outlines achievements of EU-level initiatives in individual countries. The Commission also helps EU candidate and applicant countries to reform their social welfare systems. Joint Inclusion Memoranda are drawn up to set out priorities.

The EU supports national measures to ensure high quality, sustainable social protection for people with disabilities, notably by facilitating policy exchange. Furthermore, it promotes design and implementation of social innovation programmes.

Health

People with disabilities need equal access to high-quality, gender-sensitive health-care, including preventative care, rehabilitation and other specific services.

Member States are primarily responsible for organising and delivering health services. The Commission supports policies to improve access to mainstream care and specific services for people with disabilities. It also promotes health and safety at work so as to reduce the risk of disabilities arising due to accidents in the workplace and to help people with disabilities to return to the job market.

External action

The EU and its Member States promote the rights of people with disabilities in their external policies, including enlargement and international development.

The EU highlights the status of disability as a human rights issue by raising awareness of the UN Convention on the Rights of Persons with Disabilities as part of its humanitarian aid activity. It will continue to promote disability issues in international bodies such as the UN, the Council of Europe and the Organisation for Economic Cooperation and Development. The Commission also oversees progress by candidate and potential candidate countries in promoting rights of people with disabilities and uses pre-accession financial assistance instruments to this end.

EU instruments

The EU Disability Strategy 2010-2020

The European Disability Strategy 2010-2020 provides a framework for concerted EU and national-level action to improve the situation of people with disabilities. It aims to:

- make goods and services accessible and promote assistive devices;
- ensure that people with disabilities enjoy full benefits of EU citizenship;
- promote provision of high-quality community-based services;
- combat disability-based discrimination;
- enable many more people with disabilities to access the open labour market;
- promote inclusive education and life-long learning for pupils and students with disabilities;
- combat poverty and social exclusion by ensuring decent living conditions;
- promote equal access to health and related services;
- promote the rights of people with disabilities through EU enlargement and international development programmes;
- raise awareness of disability issues and make people with disabilities more aware of their rights and how to use them;
- improve use of EU accessibility and anti-discrimination funding instruments.

Financial instruments

Structural Funds

The European Social Fund supports active inclusion of the disabled in society and the job market. It co-finances projects that increase peoples' employability or adapt human resources to the labour market. The European Regional Development Fund finances development of key infrastructure in Europe. These funds have provisions prohibiting discrimination on the grounds of disability and ensuring compliance with accessibility requirements. Member States are responsible for priorities for funding and selecting projects. Accessibility for disabled people is an important criterium for choosing projects.

PROGRESS

Since 2007, several disability-related projects have been financed under the Programme for Employment and Social Solidarity - PROGRESS. These projects contribute to reaching EU goals for employment, social inclusion and protection, working conditions, gender equality, anti-discrimination and diversity. PROGRESS also has a facility to co-fund EU-level disability NGOs.

Research Framework Programmes support research and development relevant to people with disabilities in areas such as information and communication technology, accessibility, transport, the built environment, assistive devices and societal issues.



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Libyan Awareness Campaign Promotes Improved Access for Persons with Disabilities

Publication Date: 15 Jan 2014

News Type:
[Feature \(/news-type/feature\)](#)

Countries: [Libya \(/libya\)](#)

Issues: [Inclusion of Persons with Disabilities \(/issues/inclusion-persons-disabilities\)](#)

The unrest that followed eight months of armed struggle to remove former Libyan President Muammar Gaddafi remains pronounced more than two years since the regime's fall. While militias look for ways to transition back to civilian life, the number of wounded warriors and revolutionaries has risen sharply, underscoring the need to recognize persons with disabilities as equal citizens in a new Libya.

The General National Congress' (GNC) passage of the Convention for the Rights of Persons with Disabilities (CRPD) was a milestone in recognizing the rights of persons with disabilities. With IFES' support, Libyan activists and decision makers are uniquely positioned to put the CRPD into action by raising awareness and removing barriers persons with disabilities face in exercising basic rights.

The Electoral Access Working Group in Libya – which includes GNC members, disabled persons' organizations (DPOs), activists with disabilities and civil society – has been at the forefront of the CRPD awareness campaign. In September 2013, the group launched an innovative multimedia campaign titled *Zaykum Zayna* ("As You Are, We Are") that uses communications strategies to spread messages of equality and promote CRPD principles.

As the campaign gains traction with a growing Facebook and Twitter page, it also provides activists and decision makers with information about trainings and advocacy tools. *Zaykum Zayna* further serves as an important link between the High National Election Commission (HNEC) and the public on electoral access, promoting the publishing of voter education material in Braille and the use of sign language interpreters for all HNEC press conferences.

Most of all, the working group and media campaign have benefited from the diversity of its members. Partnerships have grown to include media representatives, who have provided input on creating an effective campaign and media strategy. *Zaykum Zayna* also relies on a web of volunteers who support the creation of advertising material and information dissemination.

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With IFES' support, *Zaykum Zayna* and the Electoral Access Working Group are not only cementing the principles of CRPD in Libya's culture and new political system, but also nurturing a new network of activists and decision makers.

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[Events \(/who-we-are/events\)](#)
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[Contact \(/who-we-are/contact\)](#)

WHAT WE DO (/NODE/59)

[Electoral Management \(/issues/electoral-management\)](#)
[Electoral Law \(/issues/electoral-law\)](#)
[Participation and Inclusion \(/issues/participation-and-inclusion\)](#)
[Research and Publications and-publications\)](#)

WHERE WE WORK (/NODE/60)

[Africa \(/africa\)](#)
[Americas \(/americas\)](#)
[Asia-Pacific \(/asia-pacific\)](#)
[Europe and Eurasia \(/europe-eurasia\)](#)
[Middle East and North Africa \(/middle-east-and-north-africa\)](#)
[View All Countries \(/regions/view-all-countries\)](#)

WORK WITH US (/NODE/63)

[Careers \(/work-us/careers\)](#)
[Partnerships \(/work-us/partnerships\)](#)
[Business Opportunities \(/work-us/business-opportunities\)](#)
[Fellowships \(/work-us/fellowships\)](#)
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Encouraging Disability Rights Discussions between Government Agencies

Wednesday, March 2, 2016 - 15:27

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In South Asia, the disability community came together to collaborate on strategies to gain government recognition and support



A participant speaks during the DPO Interface Meeting.

The Accomplishment



17-May-11

through careful planning and advocacy efforts, disability rights activists in South Asia collaborated with the International Foundation for Electoral Systems (IFES) to successfully encourage government agencies from eight different countries to begin talking about disability rights and inclusion of persons with disabilities.

The disability rights activists first met in Colombo, Sri Lanka while attending a regional conference on political rights for people with disabilities. More than 80 people participated from Afghanistan, Bangladesh, Bhutan, India, Maldives, Nepal, Pakistan, and Sri Lanka. The participants came from a variety of backgrounds, including disabled persons' organizations (DPOs), election organizations, media groups, and international organizations.

During the conference, participants agreed on the need to support political rights for people with disabilities. They also developed a list of recommendations for the Forum for South Asian Election Management Bodies (FEMBoSA), a network of government organizations that plan and manage elections in South Asian countries.

At the annual FEMBoSA meeting, disability rights representatives from the regional conference spoke with the members of FEMBoSA and encouraged them to support the recommendations. After the members of FEMBoSA discussed the recommendations and the need to support people with disabilities, they then decided to adopt language on disability-inclusive elections in their Colombo Resolution. They also agreed to develop common minimal standards for disability-inclusive elections in all South Asian countries.

What Worked



To successfully encourage discussions between government agencies, disability rights activists in South Asia kept in mind three important strategies:

1. Speaking with one voice to government officials by agreeing on a list of recommendations

Though it is important for organizations to advocate on local levels, it is also powerful and effective if disability rights organizations come together as one community and agree on a list of recommendations.

If many organizations each have their own list of recommendations that they want the government to use, and especially if those lists do not agree with each other, then it is easy for government agencies to be overwhelmed and decide that it is better to avoid conflict by not using *any* recommendations.

However, if the disability community – on a local, national, or regional level – decides to create one list of recommendations, then that is much easier for government agencies to adopt and use for their work. **By meeting with the South Asia government agencies as one group, it was much easier for the government agencies to understand the disability community's requests .**

2. Selecting recommendations that are specific, achievable, and can be measured

The conference participants were careful in choosing their recommendations. They realized that they needed to provide the government agencies with a list of goals that were *specific*, *achievable*, and that *could be measured*. If they did not choose their recommendations wisely, then government agencies could have said they could not support the recommendations.

As an example, one recommendation encouraged government agencies to provide election officials and election workers with disability inclusion training. Instead of saying "disability inclusion should be supported", this recommendation is a **specific** action that government agencies can do to support disability inclusion.

It is also an *achievable* action, because it is a **realistic** goal that the government agency can work towards over time. There are clear steps that the government can take to provide the training. For example, they can include a section on disability as part of their standard training for election workers.

Lastly, it is an action that *can be measured*. It will be clear if the recommendation is being achieved. If trainings are not being provided at all, then the government agency is not achieving the goal. If trainings are being provided, then the government agency is working to achieve the goal. There are other things that can be measured, for example, how the training impacts election officials and workers over time.

3. Choosing a good time to present the list of recommendations

One important factor for success is that the disability rights representatives chose a good time to present the list of recommendations so that they were able to speak with several government agencies at one time. They accomplished this in South Asia by hosting the regional conference at the same time as the annual meeting of the Forum of the Election Management Bodies of South Asia (FEMBoSA).

If they had chosen a different time of the year, it would have been harder to be able to speak to all of the government agencies at once. This would have made it more difficult to advocate for the recommendations to be adopted because then each country would have had to communicate with its government agency individually about a regional agreement. This way, government agencies were able to quickly decide whether to adopt the recommendations and confer on the best ways to support disability inclusion as part of their work.

About the Author



IFES is a global leader in promoting democracy and good governance and supporting the right of all citizens to freely participate in electoral processes. Since 1998, IFES has worked to include persons with disabilities in its work, leading to the creation of www.ElectionAccess.org, a national online clearinghouse of information on disability rights and political participation. IFES created a manual entitled [Equal Access: How to Include Persons with Disabilities in Elections and Political Processes](#), available in ten languages.

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Session 3: Rights and Responsibilities in Myanmar through a Disability Lens



- Amyotha Hluttaw Law Excerpts

- List of National Committee Members

The Union of Myanmar
The State Peace and Development Council

The Amyotha Hluttaw Election Law

Chapter IV

Eligible Voters

6. Persons possessing the following qualifications shall be eligible to vote at the election irrespective of sex and religion:

- (a) citizen, associate citizen, naturalized citizen or holder of temporary certificate who has completed the age of 18 years on the day of commencement of election and who does not contravene the provisions of this Law;
- (b) person whose name has been included in the voting roll of the respective constituency.

7. The following persons shall not be eligible to vote at the election :

- (a) member of religious order;
- (b) convict;
- (c) person adjudged to be of unsound mind as provided for in the relevant law;
- (d) person who has not yet been discharged as an insolvent;
- (e) person prohibited by Election law;
- (f) foreigner or person who has assumed foreign citizenship.

Chapter V
Persons Eligible to Stand for Election and Persons not
Eligible to Subsist

8. Citizens possessing the following qualifications shall be eligible to stand for election irrespective of sex and religion:

- (a) at the time of filing the nomination paper for the purpose of election:
 - (i) person who has completed the age of 30 years and who does not contravene the provisions of this Law;
 - (ii) person who has resided in the Union of Myanmar at least 10 consecutive years up to the time of his election as Hluttaw representative;

Proviso: The official period of stay in a foreign country with the permission of the State shall be counted as a residing period in the State;
 - (iii) person included in the voting roll;
- (b) citizen who was born of parents who are citizens;
- (c) person who possesses qualifications prescribed in this Law.

o

9. A person having the right to stand for election is eligible to contest in the election either individually or representing a political party.
10. The following persons shall not be eligible to stand for election:
 - (a) convict;
 - (b) person eligible to stand for election as a Hluttaw representative due to conviction for an offence causing disqualification of Hluttaw representative, or having committed a malpractice relating to election or failing to act in accord with the Election Law before or after the Constitution comes into operation and the period designated by the authority for him has not expired;
 - (c) person adjudged to be of unsound mind as provided in the relevant law;
 - (d) person who has not been discharged from being an insolvent as declared by the relevant court;
 - (e) citizen who was born of parents, both or one of whom was not citizen at the time of his birth;
 - (f) person who owes allegiance to a foreign government or person under the influence of a foreign government or subject of a foreign government or a citizen of a foreign country;
 - (g) person who is entitled to enjoy the rights and privileges of a subject of a foreign government or a citizen of a foreign country;
 - (h) person who obtains and utilizes directly or indirectly the support of money, land, housing, building, vehicle, property, etc., from government or religious organization or any other organization or any individual of a foreign country or is a member of an organization which obtains and utilizes the said aids;
 - (i) person who uses religion for political purpose and utters, delivers speech and makes or issues declaration to vote or not to vote

7

and who encourage and incite such acts or is a member of an organization which carries out such acts;

- (j) member of a religious order;
- (k) civil services personnel;

Proviso: The said expression shall not apply to the Defence Services personnel Hluttaw representatives selected and appointed in the Hluttaws and civil services personnel selected and appointed in the organizations of Hluttaws formed under the Constitution;

- (l) person who obtains and utilizes directly or indirectly the State-owned money, land, housing, building, vehicle, property, etc. or is a member of an organization which carries out such acts;

Proviso: (i) The expression, State-owned money, does not include pension, and emoluments or salary, and emoluments officially granted by the Union for services rendered in the interest of the Union;

- (ii) The expression, State-owned land, housing, building, vehicles and property, does not include State-owned land, housing, building and apartments, other buildings and apartments, State-owned aircraft, trains, vessels and motor vehicles and property etc., which have been permitted by the Union to be used under an existing law or as required by duty, or leased from the Union on payment;

- (m) associate citizen, naturalized citizen, foreigner or person who has assumed foreign citizenship;
- (n) person against whom there is credible evidence of contacting with an organization declared as an unlawful association under any

existing law, organization and persons designated by the State to have committed terrorist acts, insurgent organization or its members in revolt with arms against the State.

11. After being elected, a Hluttaw representative shall have no right to subsist as a Hluttaw representative on involvement of any of the following:
- (a) converting into a member of a religious order permanently;
 - (b) being adjudged to be of unsound mind as provided for in the relevant law;
 - (c) being declared an insolvent by the relevant court;
 - (d) being sentenced to imprisonment under any existing law, after being elected as a Hluttaw representative;
 - (e) being designated to cease to be a citizen under the relevant law;
 - (f) being designated by the authority concerned as a person born of either parent or both parents who are not citizens at the time of his birth;
 - (g) being decided by the Election Tribunal to be a person under allegiance to a foreign government or person under the influence of a foreign government or a subject of a foreign government or a citizen of a foreign country;
 - (h) being decided by the Election Tribunal to be a person entitled to the rights and privileges of a subject of a foreign government or a citizen of a foreign country;
 - (i) being permitted by the Commission to resign as a Hluttaw representative;
 - (j) being adjudged by the relevant court as having credible evidence that the person contacts with an organization declared as an unlawful association under any existing law, an organization and persons

designated by the State to have committed terrorist acts, the insurgent organization or its members in revolt with arms against the State;

- (k) being decided by the Election Tribunal to be a person or a member of an organization as provided for in Sub-sections (h), (i) or (l) of Section 10;
- (l) being informed by the respective head of the Civil Services Body to be a civil services personnel as provided for in Sub-section (k) of Section 10;

12. If the Commission receives a complaint that an elected person is involved with any provision contained in Sections 8 and 10, it may form an Election Tribunal and have the complaint inquired and decided as to whether or not, the elected person is eligible to subsist as the Hluttaw representative.

Chapter IX Holding Election

34. The Commission shall :
- (a) hold the elections simultaneously on the same day as far as possible;
 - (b) hold the elections on public holiday as far as possible;
 - (c) designate and declare the date of election in advance.
35. The Hluttaw representatives, except the Hluttaw representatives included in Chapter VIII, shall be elected by the eligible voters residing in the respective constituencies directly by secret ballot.
36. The Commission may :
- (a) allocate the number of the polling booths for Wards and Village-tracts on the basis of number of eligible voters and situation of the locality or may assign duty also to the relevant Sub-commissions at various levels;
 - (b) may assign duty to the Township Sub-commissions to designate the venues for the polling booths.
37. If it is to hold the elections not only for one Hluttaw but also for other Hluttaws simultaneously and to vote at the same time, the Township Sub-commissions may in so allocating the polling booths, have the polling booths designated for each Hluttaw accommodated in separate rooms in a single polling booth in accord with the directive of the Commission .
38. In building polling booths, arrangements shall be made to build the polling booths at the places easily accessible to the public to be secure and not detrimental to the secret ballot. The venue of the polling booths shall be notified to the public in advance.

39. In order to supervise the polling booths at various constituencies, the Township Sub-commission concerned shall form polling booth teams in the prescribed manner. In so forming, it shall :

- (a) appoint suitable persons from amongst the civil services personnel as polling booth officers;
- (b) form polling booth teams consisting of civil services personnel, and citizens, associate citizens or naturalized citizens who are trusted and respected by the local public and are included in any voting roll as far as possible, and assign duties as prescribed;
- (c) prescribe the duties and powers of polling booth officer and members of polling booth team in accord with this Law and Rules.

40. On the day of election, each Hluttaw candidate may, in the prescribed manner, appoint a polling booth agent and an assistant agent who are to act on his behalf at the respective polling booth in the constituency where he is contesting. Such agent and assistant agent shall be included in any voting roll

41. (a) If there is only a single Hluttaw candidate in a constituency, election for such constituency shall not be held, and the relevant Region or State Sub-commission shall declare such candidate to be the Hluttaw representative.

- (b) If there are more than one Hluttaw candidate in a constituency, voting shall be arranged with the ballot boxes and ballot papers as prescribed by Rules.

42. (a) On the day of election, polling booths shall be kept open from 6 a.m. to 4 p.m. However, polling booths may be closed earlier than 4 p.m. if all eligible voters have cast their votes.

- (b) If there are more than one Hluttaw candidate in a constituency, voting shall be arranged with the ballot boxes and ballot papers as prescribed by Rules.
42. (a) On the day of election, polling booths shall be kept open from 6 a.m. to 4 p.m. However, polling booths may be closed earlier than 4 p.m. if all eligible voters have cast their votes.
- (b) When the polling booth is closed at 4 p.m. exactly, if out of those who have arrived on the premises of the said polling booth before it is closed, there are persons who have not cast votes as yet, a list of them shall be prepared and only the persons who are included in that list shall be permitted to cast vote although the polling hours are over.
43. Eligible voters, except the voters who cast with advance ballot paper, shall proceed to the respective polling booth and draw the ballot paper personally, express their wish secretly on it and cast it into the respective ballot box and not by proxy.
44. An eligible voter in an election shall have the right to vote only by a single vote for a Hluttaw candidate whom he wishes out of the Hluttaw candidates to the Hluttaw and shall not have the right to vote more than once.
45. (a) The respective Township Sub-commission shall arrange for the Defence Services personnel, students, trainees, detainees, in-patients at the hospitals and persons on duty who are away from the respective constituency to enable them to vote with advance ballot paper for their respective constituency.
- (b) The respective Ward or Village-tract Sub-commission shall arrange for an eligible voter who is included in the voting roll and who will be away from his constituency on the day of election to vote with advance ballot paper.

- (c) If persons residing in the constituency who are unable to come to the polling booth to vote in person due to any of the following reasons desire to vote, the Ward or Village-tract Sub-commission concerned shall arrange for them to vote with advance ballot papers as prescribed:
- (i) having contracted leprosy;
 - (ii) being seriously ill;
 - (iii) being of old age;
 - (iv) giving birth;
 - (v) being detained in a police custody or in prison;
 - (vi) taking medical treatment as an in-patient in hospital;
 - (vii) being civil services personnel, Defence Services personnel or members of the Police Force who are on temporary duty, away from the area in which they have their voting roll.
- (d) Rules shall be made regarding the manner of voting by persons having difficulties in making entries on the advance ballot paper or ballot paper on their own.

46. For obtaining the right to vote, other voters including civil services personnel who are out of the relevant area on duty in any projects, industries, agricultures, livestock breedings and other businesses in other places and voters who are out of the constituency for any matters except the voters contained in Sub-section (b), clause (7) of Sub-section (c) of Section 45:

- (a) if such voters are desirous to vote for Hluttaw candidates in those respective constituencies by voting roll of permanent place of residence shall perform as follows: -
 - (i) going to their permanent place of residence and voting by advance ballot paper at the Ward or Village-tract Sub-commission within the stipulated day before holding election;
 - (ii) voting with the ballot paper in person at the stipulated polling booth in their permanent place of residence on election day;
 - (b) if such voters are not desirous to vote at their place of permanent residences, it shall be performed in the stipulated manner for enrolling in the voting roll, voting by advance ballot paper and voting by ballot at the polling booth for enabling to vote for the Hluttaw candidates contesting in the constituencies where they exist.
47. (a) The Commission shall make arrangements to enable the diplomats of the Union of Myanmar and members of their household, diplomatic staff and members of their household, State scholars and members of their household, delegates and members of their household, who are outside the country at the time of holding election and those who are outside the country with the permission of the Union government and members of their household at the time of holding election to vote in advance for their respective constituency.
- (b) The Ministry of Foreign Affairs shall take the responsibility of communicating with those who are outside the country and who have the right to vote so as to enable them to vote in advance.

Union of Myanmar

Union government

July 2017

Formation of National Committee for the rights of person with disability in Myanmar

(1)	Vice President	<i>Chairman</i>
(2)	Union Minister, Ministry of Relief, Resettlement and Social Welfare	<i>Vice Chairman(1)</i>
(3)	Chairman of MFPD	<i>Vice Chairman(2)</i>
(4)	Deputy Minister, Ministry of Foreign Affair	<i>Member</i>
(5)	Deputy Minister, Ministry of Home Affair	<i>Member</i>
(6)	Deputy Minister, Ministry of Defense	<i>Member</i>
(7)	Deputy Minister, Ministry of Transport and Communication	<i>Member</i>
(8)	Deputy Minister, Ministry of Labor and Immigration	<i>Member</i>
(9)	Deputy Minister, Ministry of Education	<i>Member</i>
(10)	Deputy Minister, Ministry of Health and Sport	<i>Member</i>
(11)	Deputy Minister, Ministry of Planning and Finance	<i>Member</i>
(12)	Deputy Minister, Ministry of Construction	<i>Member</i>
(13)	Social Welfare Minister, Naypyidaw Council	<i>Member</i>
(14)	Social Welfare Minister, Kachin State Government	<i>Member</i>
(15)	Social Welfare Minister, Kayin State Government	<i>Member</i>
(16)	Social Welfare Minister, Kayah State Government	<i>Member</i>
(17)	Social Welfare Minister, Chin State Government	<i>Member</i>
(18)	Social Welfare Minister, Sagaing Region Government	<i>Member</i>
(19)	Social Welfare Minister, Bagon Region Government	<i>Member</i>
(20)	Social Welfare Minister, Tanintharri Regional Government	<i>Member</i>
(21)	Social Welfare Minister, Magwe Regional Government	<i>Member</i>
(22)	Social Welfare Minister, Mandalay Regional Government	<i>Member</i>
(23)	Social Welfare Minister, Mon State Government	<i>Member</i>
(24)	Social Welfare Minister, Shan State Government	<i>Member</i>
(25)	Social Welfare Minister, Rakhine State Government	<i>Member</i>
(26)	Social Welfare Minister, Yangon Regional Government	<i>Member</i>
(27)	Social Welfare Minister, Ayeyawaddy Regional Government	<i>Member</i>
(28)	Permanent Secretary, Ministry of Border Affair	<i>Member</i>
(29)	Permanent Secretary, Ministry of Information	<i>Member</i>
(30)	Permanent Secretary, Ministry of Information	<i>Member</i>
(31)	Permanent Secretary, Ministry of Industry	<i>Member</i>
(32)	Permanent Secretary, Ministry of Agriculture, Livestock and Irrigation	<i>Member</i>
(33)	Permanent Secretary, Ministry of Economic and Commerce	<i>Member</i>
(34)	Permanent Secretary, Ministry of Hotel and Tourism	<i>Member</i>
(35)	Vice Chairman, National Human Rights Commission	<i>Member</i>
(36)	Director, Ministry of Ethnic Affairs	<i>Member</i>
(37)	Director General, Ministry of Relief, Resettlement and Social Welfare	<i>Member</i>
(38)	Daw YuYa Thu, Persons with Physical Disability	<i>Member</i>



Module - 3



Session 1: Effective Leadership in Political Life



- Effective Leaders

- Effective Leadership Scenarios

- Effective Leadership Worksheet

Judith Heumann

Judith Heumann is an internationally recognized leader in the disability community and a lifelong civil rights advocate for people with disabilities. She served as Special Advisor for International Disability Rights at the U.S. Department of State until 2017. She was also the World Bank's first Adviser on Disability and Development.

Heumann is best known for leading the Section 504 sit-in that took place in Berkeley, California. For 25 days in April 1977, a group of roughly 150 disability rights activists took over the fourth floor of a federal building in San Francisco. They would not leave, they said, until President Jimmy Carter's administration agreed to implement a four-year-old law protecting the rights of people with disabilities.

The American Coalition of Citizens with Disabilities (ACCD) insisted that the regulations be signed unchanged. If they were not signed by April 5, the ACCD would act. As the date arrived with no response from Califano, hundreds of people with disabilities and their supporters sat-in at HEW offices in several cities around the country. Most of the sit-ins lasted only a day or two, but in San Francisco the sit-in lasted nearly a month. The sit-in brought together a cross-disability coalition of activists. According to Judith Heumann, "Blind people, deaf people, wheelchair users, disabled veterans, people with developmental and psychiatric disabilities and many others, all came together." The experience created a strong sense of solidarity.

The choice to hold a sit-in as opposed to other tactics had symbolic significance. Sit-ins were used effectively with the 1960s civil rights movement. More importantly, a sit-in upended popular notions of people with disabilities as weak, incapable of asserting themselves, or as objects of pity.

Section 504 of the Rehabilitation Act of 1973 helped pave the way for the Americans with Disabilities Act (ADA), a document that was foundation for the development of the CRPD.

"Through the sit-in, we turned ourselves from being oppressed individuals into being empowered people. We demonstrated to the entire nation that disabled people could take control over our own lives and take leadership in the struggle for equality." – Judith Heumann

Text above from Smithsonian Institute [via](#)



Nelson Mandela

Nelson Mandela is one of the world's most revered statesmen, who led the struggle to replace the apartheid regime of South Africa with a multi-racial democracy. Jailed for 27 years, he emerged in 1990 to become the country's first black president four years later and to play a leading role in the drive for peace in other spheres of conflict. He won the Nobel Peace Prize in 1993.

In 1942, he joined the African National Congress (ANC) and later co-founded the ANC Youth League. Together, Mr Mandela and his law partner Mr Oliver Tambo campaigned against apartheid, the system devised by the all-white National Party which oppressed the black majority. In 1956, Mr Mandela was charged with high treason, along with 155 other activists, but the charges against him were dropped after a four-year trial.

Resistance to apartheid grew, mainly against the new Pass Laws, which dictated where black people were allowed to live and work. The ANC was outlawed in 1960 and Mr Mandela went underground. This marked the end of peaceful resistance and Mr Mandela, already national vice-president of the ANC, launched a campaign of economic sabotage. He was eventually arrested and charged with sabotage and attempting to violently overthrow the government. He remained in prison on Robben Island for 18 years before being transferred to Pollsmoor Prison on the mainland in 1982.

As Mr Mandela and other ANC leaders languished in prison or lived in exile, the youths of South Africa's black townships did their best to fight white minority rule. Hundreds were killed and thousands were injured before the schoolchildren's uprising was crushed.

In 1980, the ANC led by the exiled Mr Tambo, launched an international campaign against apartheid but ingeniously decided to focus it on one cause and one person - the demand to release Mr Mandela. This culminated in the 1988 concert at Wembley stadium in London when some 72,000 people - and millions more watching on TV around the world - sang "Free Nelson Mandela".

Popular pressure led world leaders to tighten the sanctions first imposed on South Africa in 1967 against the apartheid regime. The pressure produced results, and in 1990, President FW de Klerk lifted the ban on the ANC. Mr Mandela was released from prison and talks on forming a new multi-racial democracy for South Africa began.

In December 1993, Mr Mandela and Mr de Klerk were awarded the Nobel Peace Prize. Five months later, for the first time in South Africa's history, all races voted in democratic elections and Mr Mandela was overwhelmingly elected president.

"I have cherished the ideal of a democratic and free society in which all persons will live together in harmony and with equal opportunities. It is an ideal for which I hope to live for and to see realised. But if needs be, it is an ideal for which I am prepared to die." – Nelson Mandela

Text from [BBC: "Nelson Mandela's Life and Times"](#)



Senarath Attanayake

Senarath Attanayake was a member of the Uva Provincial Council in Sri Lanka. His personal engagement as a politician with a disability with disability rights advocates from around the world inspired them to run for office and to work with government officials to reduce barriers in their communities.

Attanayake was the first wheelchair-user in Sri Lanka to join the bar and the first person with a disability to enter politics in Sri Lanka. Becoming the first person with a disability in Sri Lanka to hold ministerial portfolios, Attanayake served as the minister of agriculture, irrigation, livestock and land from 1999-2004 and as the acting chief minister for a brief period. Attanayake was serving his fourth term as a member of the Uva Provincial Council (UPC), becoming one of the longest serving elected politicians with a disability in the world.

His tenure as a member of the UPC was marked by his significant efforts to increase access of persons with disabilities to political and public life. His work as a politician modeled advocacy for accessibility as well as leadership of persons with disabilities within the community, for which he received the Henry Viscardi Achievement Award in 2016. Attanayake successfully put into practice the ideals of universal access and highlighted at international conferences around the world how working with government officials provides opportunities to integrate persons with disabilities in public life, not only as a citizen with a disability but also as a political leader who himself has encountered barriers when going to school or voting.

As provincial councilor, Attanayake undertook the singular achievement of creating the first disability- and age-friendly district in Sri Lanka. His vision for a barrier-free community made possible increased participation and improved the lives of those who elected him. Attanayake conceptualized and implemented, in partnership with the UPC, the World Health Organization (WHO) and several other key stakeholders, Sri Lanka's first disabled and age friendly city. In 2012, the city of Wellawaya became a member of WHO's Global Age-friendly City Network, and he expanded the project to cover the entire district of Moneragala. The community made possible, for the first time, the equal participation of persons with disabilities in all aspects of life, whether they are attending an accessible school or taking part in recreational activities with their peers, allowing citizens with disabilities to become engaged as active members of society, breaking down stigma and proving that they make valuable contributions to the community.

Text from [IFES](#)



Smitha Sadasivan

Smitha Sadasivan has led Disability Rights Alliance, India (DRA), a collective of disabled persons' organizations (DPOs) in India, to take significant steps to increase access to the political process. In 2016, DRA drafted a 12-point charter on the rights of persons with disabilities to participate politically. The charter highlights availability of personal assistance while voting and inclusion of persons living in institutions, among other issues.

As a result of DRA's ongoing advocacy, the Election Commission of India (ECI) adopted a tableau for the 2016 elections with the theme of Inclusive and Qualitative Electoral Participation. The tableau highlighted a model polling station, which included accommodations for persons with disabilities. The murals were part of a vigorous public voter information campaign by the ECI in Tamil Nadu, during which information on accessible voting booths was included as a result of DRA's lobbying efforts, which expanded knowledge on rights of persons with disabilities to vote. Articles in local newspapers and online publications increased the reach of the campaign, and DRA created multiple advertisements and slogans, which can be accessed [here](#).

Working closely with the Election Commission of India (ECI), DRA has successfully provided input to expand ECI's checklist for accessible polling stations, to select a focal point on inclusion of voters with disabilities, to print braille ballots, to ensure priority queueing for voters with disabilities, and to increase the mandated number of basic minimum facilities for accessibility. ECI also announced in March that it will make its official website accessible, for which a resource on accessible websites developed by the International Foundation for Electoral Systems (IFES) was shared with the ECI. DRA has also taken steps to increase candidacy among persons with disabilities, resulting in ECI providing instructions to elections officials to accept candidacy forms of persons with disabilities outside of their offices if the offices are inaccessible.

DRA's advocacy with election officials has been accompanied by programs aimed at increasing access to voter registration and voting processes to people with disabilities whether they are living at home or in institutions. DRA utilized local laws and the CRPD, as well as video recordings of youth with developmental & intellectual disabilities on the decision making rights of persons with disabilities, to lobby with Election Officials on the right to vote for persons with intellectual/psycho social disabilities. DRA also worked with the Disability Network in the Indian state of Kerala to facilitate securing a court order to allow persons with psychosocial disabilities in Kerala access to voter registration.

"Inclusion of diverse groups like persons with disabilities on electoral rolls and their political participation are essential for the realistic & holistic development of persons with disabilities; However, actual inclusion would happen only when persons with disabilities are included with mutual respect in each and every step of electoral process and other developmental processes whether crucial decision making dialogues or trainings of different cadres of officials / sections of people or implementation of laws and policies with the motto of UNCRPD 'Nothing about us, without us'."

— Smitha Sadasivan, Disability Rights Alliance, INDIA (DRA)





Putting Inclusive Political Science into Practice

Effective Leadership in Political Life



Scenarios

1. A newly elected representative is passionate about disability rights, and he is supporting a bill that will guarantee that all children with disabilities attend school. There are many people with disabilities who live in his district, but they say the bill is not inclusive because it requires that children with disabilities attend a separate school and do not have the option to attend a school with other children. The representative decides that any school is better than no school and votes for the bill. Is this effective leadership?

2. The mayor of a village is overseeing a project to bring clean water to all residents. She holds a town hall discussion in an accessible location. At the discussion, some residents are in favor of the project. Representatives of a local DPO are not in favor of the project because people with visual disabilities will not be able to read the signs to know where to get the clean water. The mayor decides to meet with the DPO after the town hall to get more information and suggestions for making the project accessible to everyone. Is this effective leadership?

3. A candidate for office makes eloquent speeches about disability rights, citing the CRPD and Myanmar's disability law. However, there is no sign language interpreter present at any of his speeches. One of his opponents for the post points this out during a debate. He says that he cannot hire an interpreter at his events because it is too expensive but adds language to his speeches about the importance of making sign language interpretation available. Is this effective leadership?

4. An elected official with a disability does not know very much about the disability rights movement because she was not involved with a DPO before she was elected. She tells her colleagues that she can make policies about people with all types of disabilities because she herself has a disability. Is this effective leadership?





**Putting Inclusive Political Science
into Practice**

Effective Leadership in Political Life



My Leadership Qualities	Leadership Qualities I Want to Improve



Session 2: Building Self-Confidence



-
- **Worksheet: Setting a Goal**
-





Putting Inclusive Political Science into Practice

Building Self-Confidence



Setting a Goal

Write your goal in the space below

2. What skills might you need to achieve this goal?



Session 3: Public Speaking



- **Public Speaking Score Cards**

- **Public Speaking Handout**



**Putting Inclusive Political Science
into Practice**
Effective Presentations



Please add comments on the group's presentation in the table below.

Group number _____

Body language	
Verbal communication	
Speech content	
Delivery methods	
Preparation	



**Putting Inclusive Political Science
into Practice**
Effective Presentations



Please add comments on the group's presentation in the table below.

Group number _____

Body language	
Verbal communication	
Speech content	
Delivery methods	
Preparation	



Putting Inclusive Political Science into Practice *Effective Presentations*



Public Speaking Tips

Body Language and Image

- Think confident
- Stand or sit up as straight as possible
- Make eye contact with the audience if possible
- Smile
- Wear something you feel good in that is right for the occasion
- Careful not to move too much e.g. waving arms

Verbal Communication

- Speak slowly and clearly. It might sound too slow to you, but the audience will not think you are speaking too slowly.
- Project your voice so that the person at the back can hear you. Test this with someone you know before you start
- Think about word choice

Avoid Weakening Language

- Don't ask permission to speak eg: do not say "do you mind if I add something?" instead say "I would like to add something"
- Don't be too humble – you have a right to speak!
- Don't overly apologise eg, don't say "I am sorry I didn't make that clear" instead say "Please let me clarify"
- Say what you mean eg, do not say "I would just like to say something" instead say "I would like to say something"

Speech Content

- Know your audience and your message
- Structure your speech:
Introduction (get the attention of the audience or just greet the audience)
Your key message (the things of value you are giving to the audience)
Sum up and clearly state your call to action if there is one

Delivery Methods

- Do not read your speech. This is very boring for the audience.
- Also, do not memorize your speech
- INSTEAD, prepare an outline of your speech on a piece of paper or on note cards.
- Consider using visuals
- Remember people have different learning styles

Practice Tips

- Practice in front of someone
- Rest well the night before your presentation
- Arrive in good time
- If possible, say hello informally to members of the audience before you make your speech it will break the ice
- Deep breaths
- Smile
- Take your time

Session 4: Planning and Managing Meetings



-
- **Planning and Managing Meetings Tips**
-



Putting Inclusive Political Science into Practice

Planning and Managing Meetings

4. After the meeting

- Write a thank you note and confirm any promises the official made during the meeting.
- If there were requests for more information, follow through in providing the information.
- Keep a record of what was said at the meeting, especially if the official made any commitments to your group. These notes can be useful for preparing future meetings, holding an elected official to the position they articulated and tracking where various other elected officials stand.

1. Arranging the meeting

- Find out how to contact the government official.
- Request an appointment.
- Ask how much time is available so you can use it to your best advantage.

3. The meeting

- Introduce everyone in your party and explain why you wanted to meet.
- Write down the names of any other officials who were able to attend the meeting.
- Try to keep your conversation focused on a few basic points. If the official changes the topic, gently return to your main point.
- Ask the official if they have any questions and do your best to answer them. If you do not know the answer, say so and offer to find the answer and get back to them. You can then use that opportunity later to follow up on the meeting.
- Do not be angry, discourteous or sarcastic. On rare occasions, an official may be hostile to your concerns. If that is the case, reiterate your key points and end the meeting.
- Try to get a commitment. Ask the elected official or policy maker to do something concrete to show support for your issue.

2. Preparing for the meeting

- Have two or three well-prepared speakers attend the meeting. Having too many members of your organization attend the meeting can be intimidating.
- Provide a one-page written summary of your case, your organization's origin, credentials and area of work.
- Prepare a couple of facts and statistics on your issue that show you have done the relevant research as well as a few stories that illustrate your arguments. Stories personalize the issue and may resonate with an official more than statistics.
- Agree on the order of speaking and the issue each speaker will address.
- Rehearse your presentation (to each other or just in front of the mirror). This will help to ease any nervousness.
- Assign someone to take notes.
- Arrive at least five minutes early, and be prepared for the meeting to be shorter than anticipated.



Session 5: Written Communication – Engaging with Government Officials



-
- **Worksheet: Written Communication**
-



**Putting Inclusive Political Science
into Practice**
Written Communication



In your group, answer the following questions about the letter that you are asked to review:

1. To whom is the letter?

2. What is the problem to be solved?

3. Why is this individual/office/agency key to the change?

4. What is the solution proposed?





Putting Inclusive Political Science into Practice

Written Communication



5. Overall, in your opinion, is this letter likely to result in the proposed changes? Please circle one.

Not very likely

Somewhat unlikely

Somewhat likely

Very likely

6. What could be changed to make the letter more likely to result in the proposed changes?





-
- **Networking: Is this a Networking Event**
-



**Putting Inclusive Political Science
into Practice**
Networking



Is This a Networking Event?

1. A work colleague's birthday celebration in the office	YES	NO
2. A close friend's party	YES	NO
3. An event at an embassy	YES	NO
4. A meeting with a mentor	YES	NO
5. A reception for family from out-of-town	YES	NO
6. A political party rally	YES	NO
7. Your spouse's birthday party	YES	NO
8. Seeing a movie at the theater	YES	NO
9. A fundraiser for your organization	YES	NO
10. A town hall meeting in your village	YES	NO
11. Waiting in line at the grocery store	YES	NO
12. A new year celebration	YES	NO



Session 7: Communicating Effectively with Stakeholders – Quiet Diplomacy vs. Public Action



• Diplomacy vs action scenarios

• Diplomacy vs action: Advocacy Types

• Advocacy Example Pieces



Putting Inclusive Political Science into Practice

Quiet Diplomacy vs. Public Action



Scenarios

1. The leader of a political party has made public statements against the use of a voluntary party quota to increase participation of people with disabilities as political leaders. You are the president of a DPO that is in favor of a quota. What do you do?
2. A member of parliament is working on a bill that will require all universities to provide services so they are inclusive of persons with physical disabilities, but it does not have provisions for students with sensory, intellectual, or psychosocial disabilities. You work for the Ministry of Social Welfare on disability rights issues and are in favor of including students with all types of disabilities. What do you do?
3. The Prime Minister has not made any statements for or against the rights of persons with disabilities. The CRPD Committee has recently released a report that highlights gaps in access to elections. You are the leader of a DPO that is working toward the full inclusion of persons with disabilities in political life. What do you do?
4. The Ministry of Social Welfare has issued a public statement for International Women's Day that is not inclusive of women with disabilities. Your organization has recently produced a report on the barriers that women with disabilities face as they participate in public life and will hold a launch event in the coming days. What do you do?



Putting Inclusive Political Science into Practice

Quiet Diplomacy vs. Public Action



Strategies for Advocacy

Writing

Position papers

Describe a social problem for which you are advocating change. Provide historical context and give as much quantitative, comparative data as possible.

Information packets

Provide research to an elected official on the issue on which you are working.

Letters

Directly address an agency or official and provide a solution to the problem.

Drafting legislation

Provide a draft bill to members of parliament or make comments on draft legislation.

Press releases

Distribute information to media outlets.

Websites and social media

Connect with supporters online and keep them up to date with an accessible website and by using Twitter, Facebook, and other networks.

Direct Communication

In-person meetings

Have a conversation with an elected or ministry official.

Telephone calls and text messages

Advocate with legislators immediately before a vote on your topic.

Inviting an official to an event or site visit

Show an official the work that your DPO is doing at an event or visit to your office.

Conferences

Strengthen the voice of your community by building commitment through an annual conference to review progress and strategize next steps.

Campaigns

Marches/rallies/demonstrations

Express public support on your topic but use sparingly: demonstrations can be alienating to officials with whom you are in direct contact.

Signature campaigns (petitions)

Show strong support for an initiative by collecting signatures from voters.

Parliament question time

Advocate with members of parliament to include questions for government ministers.

Formal testimony

An invitation to provide formal testimony in parliament can establish your organization as an expert on your issue.

Creating a policy platform

Have candidates sign a platform on disability rights that you can leverage when they are elected.

**Australian
Aid**


UKaid
from the British people

Note to facilitator: copy this page and cut into pieces

Information packets
Letters
In-person meetings
Telephone calls and text messages
Position papers
Drafting legislation
Press releases
Websites and social media
Marches/rallies/demonstrations
Signature campaigns
Questions in parliament
Formal testimony
Creating a policy platform
Inviting an official to a site event
Conferences

Session 8: Mobilizing Support



- Mobilizing Support: Making a Plan

- Mobilizing Support: Scenarios



Putting Inclusive Political Science into Practice

Mobilizing Support



Making a Plan

What financial resources do you have available?

What human resources do you have available?

What is your goal? What do you want to mobilize people to do?

By when do people need to be mobilized? Is this activity tied to an event, such as an election?





Putting Inclusive Political Science into Practice

Mobilizing Support



Scenarios

1. You work for the Community Action Center (CAC), which supports people with disabilities who live in your township. CAC is currently implementing a \$10,000 project that is funded by Disability Rights Fund. There are five employees: one finance officer, two program officers, an administrative assistant, and a program manager. There are several objectives for the project, including creating a library with information about disability inclusion (50% of the grant) and conducting awareness trainings (50% of the grant). You want people in the township to know more about people with disabilities so that they will support future advocacy conducted by CAC.
2. You work for the National Disability Support Network (NDSN), a body that consists of several DPOs. NDSN is currently implementing a \$20,000 project that is funded by an international donor. There are nine employees at NDSN: one finance officer, one communications officer, two program officers, an administrative assistant, two program managers, one reporting officer, and one logistics officer. There are several objectives for the project, including encouraging people with disabilities to vote in the upcoming elections. You want people with disabilities across the country to be empowered to vote in 2020.
3. You work for the Disability Awareness Campaign (DAC), an organization that conducts advocacy with government officials on disability rights. DAC is currently implementing a \$15,000 project that is funded by ASEAN Disability Forum (ADF) to put pressure on the government to implement the new Disability Law. There are twenty employees at DAC, but only five of them work on the ADF project: one program officer, one finance officer, one report writer, one program manager, and the president of the organization. You want to encourage DPOs across the country to work with you to put pressure on the government to implement the Disability Law.
4. You work for the Integration Center (IC), an organization that focuses primarily on working with people with intellectual disabilities. IC is currently implementing a \$10,000 project that is funded by Disability Rights Advocacy Fund to empower people with intellectual disabilities to participate in political life and reduce discrimination against their participation. There are ten employees at IC but only four who are working on the project: one project officer, one communications officer, one finance assistant, and one program manager. You want to encourage people with disabilities and their peers to support the work that you are doing, which will help to mitigate stereotypes about people with intellectual disabilities.





Module - 4

Session 1: Inclusive Constitutions



- Cambodia: Constitution Excerpt

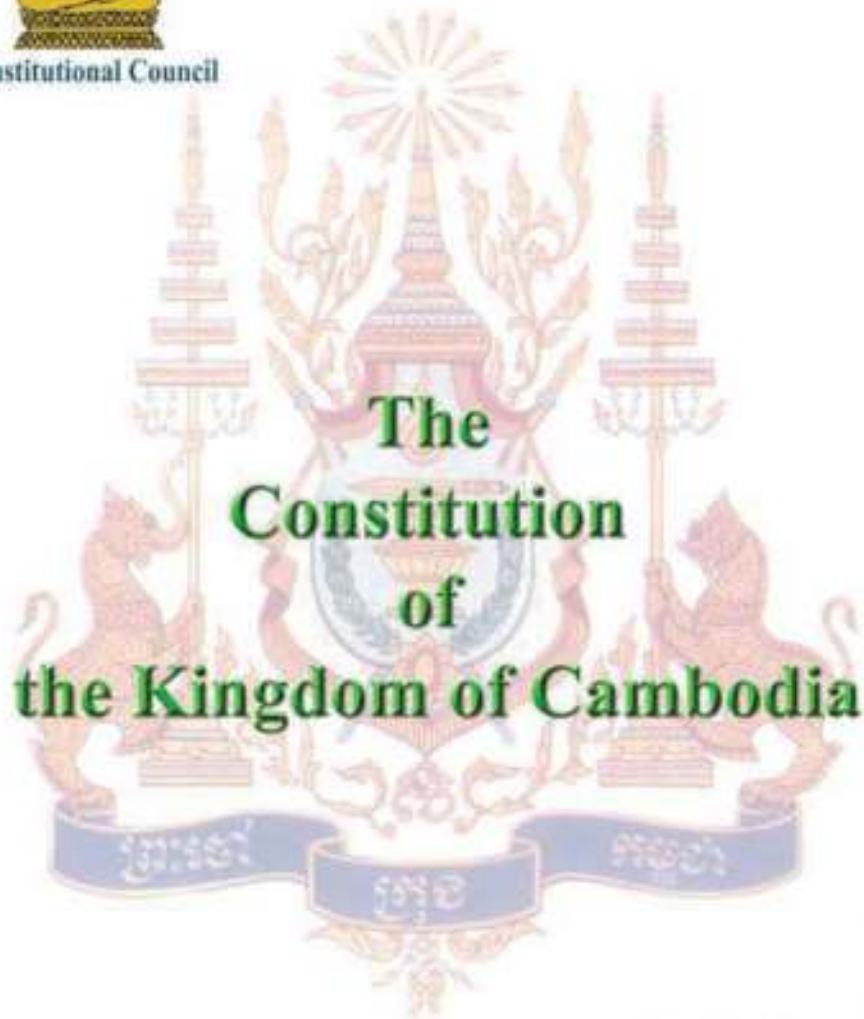
- India: Constitution Excerpt

- South Africa: Constitution Excerpt



Constitutional Council

**KINGDOM OF CAMBODIA
NATION RELIGION KING**



**The
Constitution
of
the Kingdom of Cambodia**

**Unofficial Translation
Version supervised
by the Constitutional Council
March 2010**



CONTENTS

Preamble	1
Chapter I: On the sovereignty	2
Chapter II: On the King	4
Chapter III: On the rights and duties of Khmer citizens	10
Chapter IV: On the political regime	18
Chapter V: On the economy	20
Chapter VI: On the education, the culture, and the social affairs	22
Chapter VII: On the National Assembly	25
Chapter VIII: On the Senate	35
Chapter IX: On the congress of the National Assembly and the Senate	42
Chapter X: On the Royal Government	43
Chapter XI: On the Judiciary	46
Chapter XII: On the Constitutional Council	49
Chapter XIII: On the administrative organization	52
Chapter XIV: On the National Congress	53
Chapter XV: On the effect, the revision and the amendment of the Constitution	54
Chapter XVI: On the transitional provisions.....	55
 ADDITIONAL CONSTITUTIONAL LAW	 57
<i>TENDING TO ENSURE THE REGULAR FUNCTIONING OF THE NATIONAL INSTITUTIONS</i>	

CHAPTER III

ON THE RIGHTS AND DUTIES OF KHMER CITIZENS

Article 31.

The Kingdom of Cambodia recognizes and respects human rights as enshrined in the United Nations Charter, the Universal Declaration of Human rights and all the treaties and conventions related to human rights, women's rights and children's rights.

Khmer citizens are equal before the law, enjoying the same rights, liberties and duties regardless of race, color, sex, language, beliefs, religions, political tendencies, birth origin, social status, wealth or other situations. The exercise of personal rights and liberties by any individual shall not adversely affect the rights and freedom of others. The exercise of such rights and liberties shall be in accordance with the law.

Article 32.

Everyone has the right to life, liberty and security of person.

In any case, there shall be no death penalty.

Article 33.

Khmer citizen shall not be deprived of his/her nationality, exiled, or arrested to be extradited to a foreign country, except in case of mutual agreement.

Khmer citizen residing abroad enjoys the protection of the State.

The acquisition of Khmer nationality shall be determined by law.

Article 34 *new*

Khmer citizens of both sexes shall enjoy the right to vote and to stand as candidates for the election.

Khmer citizens of both sexes, at least eighteen years old, have the right to vote.

Khmer citizens of both sexes, at least twenty-five years old, have the right to stand as candidates for the elections of the members of the National Assembly.

Khmer citizens of both sexes, at least forty years old, have the right to stand as candidates for the elections of the members of the Senate.

Provisions restricting the right to vote and the right to stand as candidates for the elections shall be determined by the Electoral Law.

Article 35.

Khmer citizens of both sexes have the right to participate actively in the political, economic, social and cultural life of the nation.

All requests from citizens shall be given full consideration and resolution by the State's organizations.

mail, telegram, telex, facsimile and telephone shall be guaranteed.

Search of residences, properties and body search shall be done in accordance with the legal stipulations.

Article 41.

Khmer citizens shall have the freedom to express their personal opinions, the freedom of press, of publication and of assembly. No one can take abusively advantage of these rights to impinge on dignity of others, to affect the good mores and custom of society, public order and national security.

The regime of the media shall be regulated by law.

Article 42.

Khmer citizens shall have the right to create associations and political parties. This right shall be determined by law.

Khmer citizens may participate in mass organizations meant for mutual assistance, protection of national realizations and social order.

Article 43.

Khmer citizens of both sexes shall have the full right of belief.

Freedom of belief and religious practice shall be guaranteed by the State, provided that such freedom and religious practice do not impinge on other beliefs or religions, on public order and security.

Buddhism is State's religion.

Article 44.

All persons, individually or collectively, shall have the right to ownership. Only natural person or legal entity of Khmer nationality shall have the right to land ownership.

Legal private ownership shall be protected by law.

Expropriation shall be possible only if public utility demands in the cases stipulated by the law and if prior appropriate and fair compensation is granted.

Article 45.

All forms of discrimination against women shall be abolished.

The exploitation of women's labour shall be prohibited.

Men and women have equal rights in all fields, especially with respect to those of marriage and family.

Marriage shall be done according to the conditions set by the law and based on the principles of mutual consent and monogamy.

Article 46.

Human trafficking, exploitation of prostitution and obscenities which affect the dignity of women shall be prohibited.

The dismissal of woman worker for reason of pregnancy shall be prohibited. Woman shall have the right to take

CHAPTER IV

ON THE POLITICAL REGIME

Article 51 *new*

The Kingdom of Cambodia adopts a policy of liberal multi-party democracy.

Khmer citizens are masters of their country's destiny.

All powers shall belong to the citizens. The citizens shall exercise their powers through the National Assembly, the Senate, the Royal Government and the Jurisdictions.

The powers shall be separated between the legislative power, the executive power and the judicial power.

Article 52.

The Royal Government of Cambodia shall commit itself resolutely to preserve and defend the independence, sovereignty, and territorial integrity of the Kingdom of Cambodia, implement a policy of national reconciliation to ensure national unity, and protect the good mores and custom of the nation. The Royal Government of Cambodia shall defend legality and ensure public order and security. The State shall give priority to the improvement of the living conditions and welfare of citizens.

Article 53.

The Kingdom of Cambodia maintains resolutely a policy of permanent neutrality and non-alignment. The Kingdom of Cambodia coexists peacefully with its neighbours and with all other countries throughout the world.

CHAPTER VII

ON THE NATIONAL ASSEMBLY

Article 76.

The National Assembly shall comprise at least 120 members.

The Members of the National Assembly shall be elected by a universal, free, equal, direct suffrage and secret ballot.

The National Assembly's Members are re-eligible.

Khmer citizens of both sexes, enjoying the right to vote, aged at least 25 years and having Khmer nationality by birth, have the right to be candidates to the National Assembly.

The organization in charge of preparing the elections, their modalities and functioning shall be determined by the electoral law.

Article 77.

The Members of the National Assembly are the representatives of the whole Khmer Nation and not of the only citizens from their constituencies.

Any imperative mandate shall be considered as null.

Article 78.

The legislature of the National Assembly is of 5 years and shall terminate on the day of the new National Assembly entering in function. The National Assembly cannot be dissolved before the end of its mandate, except in the case of

If the National Assembly can not convene for imperative reasons, notably in case of territorial occupation by foreign forces, the declaration of the state of emergency must be automatically extended.

During the period when the nation is in a state of emergency, the National Assembly can not in any case be dissolved.

Article 87.

The President of the National Assembly presides over the National Assembly sessions, takes cognizance of the laws and the resolutions adopted by the National Assembly, ensures the implementation of the Rules of Procedure and organizes the international relations of the National Assembly.

In case the President of the National Assembly is prevented from performing his/her duties for health reason, or for assuming his/her functions as Head of State *ad interim* or as Regent, or for being on mission abroad, a Vice-President shall replace him/her.

In case of resignation or decease of the President or of the Vice-Presidents, the National Assembly shall elect a new President or new Vice-Presidents.

Article 88 new (two)

The National Assembly sessions shall be public.

The National Assembly can convene *in camera* at the request of the President or of at least one-tenth of its Members, of the King or of the Prime Minister.

CHAPTER VIII *new*

ON THE SENATE

Article 99 *new*

The Senate is an organ invested with legislative power which exercises its functions according to the provisions of the Constitution and the laws in force.

The number of the Senators must not exceed half of the total number of the National Assembly's Members.

The Senate is composed of appointed members and members elected at restricted suffrage.

The Senators can be appointed anew or re-eligible. Can be candidates to the Senate the Khmer citizens of both sexes enjoying the right to vote, aged 40 years at least and having Khmer nationality by birth.

Article 100 *new*

Two Senators are appointed by the King.

Two Senators are elected by the National Assembly at a relative majority vote.

The other Senators are elected at a restricted suffrage.

Article 101 *new*

The modalities of the organization and the functioning of the appointment and the elections of the Senators as well as the determination of the voters, the electoral colleges and the electoral constituencies must be determined by a law

CHAPTER IX *new*
**ON THE CONGRESS OF THE NATIONAL
ASSEMBLY AND THE SENATE**

Article 116 *new*

In case of necessity, the National Assembly and the Senate can convene in Congress to resolve the important issues of the country.

Article 117 *new*

The important issues of the country as provided in the Article 116 *new*, as well as the organization and functioning of the Congress shall be determined by a law.

Article 4.

The elaboration of the candidate lists for the elections and for the vote of confidence shall be organized as followed:

- the list of the candidates for Presidency, Vice-Presidencies of the National Assembly, as well as of those for Chairmanship and Vice-Chairmanships of specialized Commissions, must be prepared and proposed by the political parties which agree to form a coalition government, then conveyed to the most senior member of the National Assembly;

- upon the proposal by the majority political party at the National Assembly, submitted through the most senior member, the King designates a high ranking personality among the members of the National Assembly from the elections winning political party to form the Royal Government.

This designated high ranking personality prepares the attribution of the different ministerial posts within the Royal Government, then sends the list of all its members to the most senior member of the National Assembly;

- the most senior member of the National Assembly shall combine these lists into a single one, composed of the candidates for Presidency, Vice-Presidencies of the National Assembly, for the Chairmanships and Vice-Chairmanships of all the specialized Commissions of the National Assembly as well as for the posts of Prime Minister and members of the Royal Government, in order to submit it to the vote of the National Assembly.

THE CONSTITUTION OF INDIA

WE, THE PEOPLE OF INDIA, having solemnly resolved to constitute India into a ¹[SOVEREIGN SOCIALIST SECULAR DEMOCRATIC REPUBLIC] and to secure to all its citizens:

Preamble.

JUSTICE, social, economic and political;

LIBERTY of thought, expression, belief, faith and worship;

EQUALITY of status and of opportunity;

and to promote among them all

FRATERNITY assuring the dignity of the individual and the ²[unity and integrity of the Nation];

IN OUR CONSTITUENT ASSEMBLY this twenty-sixth day of November, 1949, do HEREBY ADOPT, ENACT AND GIVE TO OURSELVES THIS CONSTITUTION.

¹Subs. by the Constitution (Forty-second Amendment) Act, 1976, s. 2, for "SOVEREIGN DEMOCRATIC REPUBLIC" (w.e.f. 3-1-1977).

²Subs. by s. 2, *ibid.*, for "unity of the Nation" (w.e.f. 3-1-1977).

PART III

FUNDAMENTAL RIGHTS

General

Definition.

12. In this Part, unless the context otherwise requires, "the State" includes the Government and Parliament of India and the Government and the Legislature of each of the States and all local or other authorities within the territory of India or under the control of the Government of India.

Laws inconsistent with or in derogation of the fundamental rights.

13. (1) All laws in force in the territory of India immediately before the commencement of this Constitution, in so far as they are inconsistent with the provisions of this Part, shall, to the extent of such inconsistency, be void.

(2) The State shall not make any law which takes away or abridges the rights conferred by this Part and any law made in contravention of this clause shall, to the extent of the contravention, be void.

(3) In this article, unless the context otherwise requires,—

(a) "law" includes any Ordinance, order, bye-law, rule, regulation, notification, custom or usage having in the territory of India the force of law;

(b) "laws in force" includes laws passed or made by a Legislature or other competent authority in the territory of India before the commencement of this Constitution and not previously repealed, notwithstanding that any such law or any part thereof may not be then in operation either at all or in particular areas.

¹[(4) Nothing in this article shall apply to any amendment of this Constitution made under article 368.]

Right to Equality

Equality before law.

14. The State shall not deny to any person equality before the law or the equal protection of the laws within the territory of India.

¹Ins. by the Constitution (Twenty-fourth Amendment) Act, 1971, s. 2.

(Part III.—Fundamental Rights.—Arts. 15-16.)

15. (1) The State shall not discriminate against any citizen on grounds only of religion, race, caste, sex, place of birth or any of them.

Prohibition of discrimination on grounds of religion, race, caste, sex or place of birth.

(2) No citizen shall, on grounds only of religion, race, caste, sex, place of birth or any of them, be subject to any disability, liability, restriction or condition with regard to—

(a) access to shops, public restaurants, hotels and places of public entertainment; or

(b) the use of wells, tanks, bathing ghats, roads and places of public resort maintained wholly or partly out of State funds or dedicated to the use of the general public.

(3) Nothing in this article shall prevent the State from making any special provision for women and children.

¹[(4) Nothing in this article or in clause (2) of article 29 shall prevent the State from making any special provision for the advancement of any socially and educationally backward classes of citizens or for the Scheduled Castes and the Scheduled Tribes.]

²[(5) Nothing in this article or in sub-clause (g) of clause (1) of article 19 shall prevent the State from making any special provision, by law, for the advancement of any socially and educationally backward classes of citizens or for the Scheduled Castes or the Scheduled Tribes in so far as such special provisions relate to their admission to educational institutions including private educational institutions, whether aided or unaided by the State, other than the minority educational institutions referred to in clause (1) of article 30.]

16. (1) There shall be equality of opportunity for all citizens in matters relating to employment or appointment to any office under the State.

Equality of opportunity in matters of public employment.

(2) No citizen shall, on grounds only of religion, race, caste, sex, descent, place of birth, residence or any of them, be ineligible for, or discriminated against in respect of, any employment or office under the State.

(3) Nothing in this article shall prevent Parliament from making any law prescribing, in regard to a class or classes of employment or appointment to an office

¹Added by the Constitution (First Amendment) Act, 1951, s. 2.

²Ins. by the Constitution (Ninety-third Amendment) Act, 2005, s. 2 (w.e.f. 20-1-2006).

¹[PART IVA FUNDAMENTAL DUTIES

51A. It shall be the duty of every citizen of India—

(a) to abide by the Constitution and respect its ideals and institutions, the National Flag and the National Anthem;

(b) to cherish and follow the noble ideals which inspired our national struggle for freedom;

(c) to uphold and protect the sovereignty, unity and integrity of India;

(d) to defend the country and render national service when called upon to do so;

(e) to promote harmony and the spirit of common brotherhood amongst all the people of India transcending religious, linguistic and regional or sectional diversities; to renounce practices derogatory to the dignity of women;

(f) to value and preserve the rich heritage of our composite culture;

(g) to protect and improve the natural environment including forests, lakes, rivers and wild life, and to have compassion for living creatures;

(h) to develop the scientific temper, humanism and the spirit of inquiry and reform;

(i) to safeguard public property and to abjure violence;

(j) to strive towards excellence in all spheres of individual and collective activity so that the nation constantly rises to higher levels of endeavour and achievement;

*[(k) who is a parent or guardian to provide opportunities for education to his child or, as the case may be, ward between the age of six and fourteen years.]

Fundamental
duties.

¹Ins. by the Constitution (Forty-second Amendment) Act, 1976, s. 11 (w.e.f. 3-1-1977).

*Ins. by the Constitution (Eighty-sixth Amendment) Act, 2002, s. 4 (which is yet not in force, date to be notified later on).

PART V

THE UNION

CHAPTER I.—THE EXECUTIVE

The President and Vice-President

The President of
India.

52. There shall be a President of India.

Executive power
of the Union.

53. (1) The executive power of the Union shall be vested in the President and shall be exercised by him either directly or through officers subordinate to him in accordance with this Constitution.

(2) Without prejudice to the generality of the foregoing provision, the supreme command of the Defence Forces of the Union shall be vested in the President and the exercise thereof shall be regulated by law.

(3) Nothing in this article shall—

(a) be deemed to transfer to the President any functions conferred by any existing law on the Government of any State or other authority; or

(b) prevent Parliament from conferring by law functions on authorities other than the President.

Election of
President.

54. The President shall be elected by the members of an electoral college consisting of—

(a) the elected members of both Houses of Parliament; and

(b) the elected members of the Legislative Assemblies of the States.

¹[*Explanation.*—In this article and in article 55, "State" includes the National Capital Territory of Delhi and the Union territory of *Pondicherry.]

¹Ins. by the Constitution (Seventieth Amendment) Act, 1992, s. 2 (w.e.f. 1-6-1995).

*Now Puducherry, *vide* the Pondicherry (Alteration of Name) Act, 2006, s. 3 (w.e.f. 1-10-2006).

(Part V.—The Union.—Art. 55.)

55. (1) As far as practicable, there shall be uniformity in the scale of representation of the different States at the election of the President.

Manner of election of President.

(2) For the purpose of securing such uniformity among the States *inter se* as well as parity between the States as a whole and the Union, the number of votes which each elected member of Parliament and of the Legislative Assembly of each State is entitled to cast at such election shall be determined in the following manner:—

(a) every elected member of the Legislative Assembly of a State shall have as many votes as there are multiples of one thousand in the quotient obtained by dividing the population of the State by the total number of the elected members of the Assembly;

(b) if, after taking the said multiples of one thousand, the remainder is not less than five hundred, then the vote of each member referred to in sub-clause (a) shall be further increased by one;

(c) each elected member of either House of Parliament shall have such number of votes as may be obtained by dividing the total number of votes assigned to the members of the Legislative Assemblies of the States under sub-clauses (a) and (b) by the total number of the elected members of both Houses of Parliament, fractions exceeding one-half being counted as one and other fractions being disregarded.

(3) The election of the President shall be held in accordance with the system of proportional representation by means of the single transferable vote and the voting at such election shall be by secret ballot.

¹[*Explanation.*—In this article, the expression "population" means the population as ascertained at the last preceding census of which the relevant figures have been published:

Provided that the reference in this *Explanation* to the last preceding census of which the relevant figures have

¹Subs. by the Constitution (Forty-second Amendment) Act, 1976, s. 12, for the *Explanation* (w.e.f. 3-1-1977).

(Part V.—The Union.—Arts. 55—58.)

been published shall, until the relevant figures for the first census taken after the year ¹[2026] have been published, be construed as a reference to the 1971 census.]

Term of office of President.

56. (1) The President shall hold office for a term of five years from the date on which he enters upon his office:

Provided that—

(a) the President may, by writing under his hand addressed to the Vice-President, resign his office;

(b) the President may, for violation of the Constitution, be removed from office by impeachment in the manner provided in article 61;

(c) the President shall, notwithstanding the expiration of his term, continue to hold office until his successor enters upon his office.

(2) Any resignation addressed to the Vice-President under clause (a) of the proviso to clause (1) shall forthwith be communicated by him to the Speaker of the House of the People.

Eligibility for re-election.

57. A person who holds, or who has held, office as President shall, subject to the other provisions of this Constitution, be eligible for re-election to that office.

Qualifications for election as President.

58. (1) No person shall be eligible for election as President unless he—

(a) is a citizen of India,

(b) has completed the age of thirty-five years, and

(c) is qualified for election as a member of the House of the People.

(2) A person shall not be eligible for election as President if he holds any office of profit under the Government of India or the Government of any State or under any local or other authority subject to the control of any of the said Governments.

¹Subs. by the Constitution (Eighty-fourth Amendment) Act, 2001, s. 2, for "2000".

(Part V.—The Union.—Arts. 101—103.)

which the House is prorogued or is adjourned for more than four consecutive days.

Disqualifications
for membership.

102. (1) A person shall be disqualified for being chosen as, and for being, a member of either House of Parliament—

(a) if he holds any office of profit under the Government of India or the Government of any State, other than an office declared by Parliament by law not to disqualify its holder;

(b) if he is of unsound mind and stands so declared by a competent court;

(c) if he is an undischarged insolvent;

(d) if he is not a citizen of India, or has voluntarily acquired the citizenship of a foreign State, or is under any acknowledgment of allegiance or adherence to a foreign State;

(e) if he is so disqualified by or under any law made by Parliament.

¹[*Explanation.*—For the purposes of this clause] a person shall not be deemed to hold an office of profit under the Government of India or the Government of any State by reason only that he is a Minister either for the Union or for such State.

²[(2) A person shall be disqualified for being a member of either House of Parliament if he is so disqualified under the Tenth Schedule.]

Decision on
questions as to
disqualifications of
members.

³[103. (1) If any question arises as to whether a member of either House of Parliament has become subject to any of the disqualifications mentioned in clause (1) of article 102, the question shall be referred for the decision of the President and his decision shall be final.

¹Subs. by the Constitution (Fifty-second Amendment) Act, 1985, s. 3, for "(2) For the purposes of this article" (w.e.f. 1-3-1985)

²Ins. by s. 3, *ibid.* (w.e.f. 1-3-1985).

³Art. 103 has been successively subs. by the Constitution (Forty-second Amendment) Act, 1976, s. 20 (w.e.f. 3-1-1977) and the Constitution (Forty-fourth Amendment) Act, 1978, s. 14 to read as above (w.e.f. 20-6-1979).

(Part V.—The Union.—Arts. 119—123.)

effect in relation to Parliament under clause (2) of that article, such provision shall prevail.

Language to be used in Parliament.

120. (1) Notwithstanding anything in Part XVII, but subject to the provisions of article 348, business in Parliament shall be transacted in Hindi or in English:

Provided that the Chairman of the Council of States or Speaker of the House of the People, or person acting as such, as the case may be, may permit any member who cannot adequately express himself in Hindi or in English to address the House in his mother-tongue.

(2) Unless Parliament by law otherwise provides, this article shall, after the expiration of a period of fifteen years from the commencement of this Constitution, have effect as if the words "or in English" were omitted therefrom.

Restriction on discussion in Parliament.

121. No discussion shall take place in Parliament with respect to the conduct of any Judge of the Supreme Court or of a High Court in the discharge of his duties except upon a motion for presenting an address to the President praying for the removal of the Judge as hereinafter provided.

Courts not to inquire into proceedings of Parliament.

122. (1) The validity of any proceedings in Parliament shall not be called in question on the ground of any alleged irregularity of procedure.

(2) No officer or member of Parliament in whom powers are vested by or under this Constitution for regulating procedure or the conduct of business, or for maintaining order, in Parliament shall be subject to the jurisdiction of any court in respect of the exercise by him of those powers.

CHAPTER III.—LEGISLATIVE POWERS OF THE PRESIDENT

Power of President to promulgate Ordinances during recess of Parliament.

123. (1) If at any time, except when both Houses of Parliament are in session, the President is satisfied that circumstances exist which render it necessary for him to take immediate action, he may promulgate such Ordinances as the circumstances appear to him to require.

(Part XV.—Elections.—Arts. 324—326.)

Provided that the Chief Election Commissioner shall not be removed from his office except in like manner and on the like grounds as a Judge of the Supreme Court and the conditions of service of the Chief Election Commissioner shall not be varied to his disadvantage after his appointment:

Provided further that any other Election Commissioner or a Regional Commissioner shall not be removed from office except on the recommendation of the Chief Election Commissioner.

(6) The President, or the Governor ^{1***} of a State, shall, when so requested by the Election Commission, make available to the Election Commission or to a Regional Commissioner such staff as may be necessary for the discharge of the functions conferred on the Election Commission by clause (1).

No person to be ineligible for inclusion in, or to claim to be included in a special, electoral roll on grounds of religion, race, caste or sex.

325. There shall be one general electoral roll for every territorial constituency for election to either House of Parliament or to the House or either House of the Legislature of a State and no person shall be ineligible for inclusion in any such roll or claim to be included in any special electoral roll for any such constituency on grounds only of religion, race, caste, sex or any of them.

Elections to the House of the People and to the Legislative Assemblies of States to be on the basis of adult suffrage.

326. The elections to the House of the People and to the Legislative Assembly of every State shall be on the basis of adult suffrage; that is to say, every person who is a citizen of India and who is not less than ²[eighteen years] of age on such date as may be fixed in that behalf by or under any law made by the appropriate Legislature and is not otherwise disqualified under this Constitution or any law made by the appropriate Legislature on the ground of non-residence, unsoundness of mind, crime or corrupt or illegal practice, shall be entitled to be registered as a voter at any such election.

¹The words "or Rajpramukh" omitted by the Constitution (Seventh Amendment) Act, 1956, s. 29 and Sch.

²Subs. by the Constitution (Sixty-first Amendment) Act, 1988, s. 2, for "twenty-one years".

The Constitution

OF THE REPUBLIC OF SOUTH AFRICA, 1996

As adopted on 8 May 1996 and amended
on 11 October 1996 by the Constitutional Assembly

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CHAPTER 1

FOUNDING PROVISIONS

Republic of South Africa

1. The Republic of South Africa is one, sovereign, democratic state founded on the following values:
 - (a) Human dignity, the achievement of equality and the advancement of human rights and freedoms.
 - (b) Non-racialism and non-sexism.
 - (c) Supremacy of the constitution and the rule of law.
 - (d) Universal adult suffrage, a national common voters roll, regular elections and a multi-party system of democratic government, to ensure accountability, responsiveness and openness.

Supremacy of Constitution

2. This Constitution is the supreme law of the Republic; law or conduct inconsistent with it is invalid, and the obligations imposed by it must be fulfilled.

Citizenship

3.
 - (1) There is a common South African citizenship.
 - (2) All citizens are—
 - (a) equally entitled to the rights, privileges and benefits of citizenship; and
 - (b) equally subject to the duties and responsibilities of citizenship.
 - (3) National legislation must provide for the acquisition, loss and restoration of citizenship.

National anthem

4. The national anthem of the Republic is determined by the President by proclamation.

National flag

5. The national flag of the Republic is black, gold, green, white, red and blue, as described and sketched in Schedule 1.

Chapter 1: Founding Provisions

Languages

6. (1) The official languages of the Republic are Sepedi, Sesotho, Setswana, siSwati, Tshivenda, Xitsonga, Afrikaans, English, isiNdebele, isiXhosa and isiZulu.
- (2) Recognising the historically diminished use and status of the indigenous languages of our people, the state must take practical and positive measures to elevate the status and advance the use of these languages.
- (3) (a) The national government and provincial governments may use any particular official languages for the purposes of government, taking into account usage, practicality, expense, regional circumstances and the balance of the needs and preferences of the population as a whole or in the province concerned; but the national government and each provincial government must use at least two official languages.
(b) Municipalities must take into account the language usage and preferences of their residents.
- (4) The national government and provincial governments, by legislative and other measures, must regulate and monitor their use of official languages. Without detracting from the provisions of subsection (2), all official languages must enjoy parity of esteem and must be treated equitably.
- (5) A Pan South African Language Board established by national legislation must—
 - (a) promote, and create conditions for, the development and use of—
 - (i) all official languages;
 - (ii) the Khoi, Nama and San languages; and
 - (iii) sign language; and
 - (b) promote and ensure respect for—
 - (i) all languages commonly used by communities in South Africa, including German, Greek, Gujarati, Hindi, Portuguese, Tamil, Telegu and Urdu; and
 - (ii) Arabic, Hebrew, Sanskrit and other languages used for religious purposes in South Africa.

CHAPTER 2

BILL OF RIGHTS

Rights

7. (1) This Bill of Rights is a cornerstone of democracy in South Africa. It enshrines the rights of all people in our country and affirms the democratic values of human dignity, equality and freedom.
- (2) The state must respect, protect, promote and fulfil the rights in the Bill of Rights.
- (3) The rights in the Bill of Rights are subject to the limitations contained or referred to in section 36, or elsewhere in the Bill.

Application

8. (1) The Bill of Rights applies to all law, and binds the legislature, the executive, the judiciary and all organs of state.
- (2) A provision of the Bill of Rights binds a natural or a juristic person if, and to the extent that, it is applicable, taking into account the nature of the right and the nature of any duty imposed by the right.
- (3) When applying a provision of the Bill of Rights to a natural or juristic person in terms of subsection (2), a court—
 - (a) in order to give effect to a right in the Bill, must apply, or if necessary develop, the common law to the extent that legislation does not give effect to that right; and
 - (b) may develop rules of the common law to limit the right, provided that the limitation is in accordance with section 36(1).
- (4) A juristic person is entitled to the rights in the Bill of Rights to the extent required by the nature of the rights and the nature of that juristic person.

Equality

9. (1) Everyone is equal before the law and has the right to equal protection and benefit of the law.
- (2) Equality includes the full and equal enjoyment of all rights and freedoms. To promote the achievement of equality, legislative and other measures designed

Chapter 2: Bill of Rights

to protect or advance persons, or categories of persons, disadvantaged by unfair discrimination may be taken.

- (3) The state may not unfairly discriminate directly or indirectly against anyone on one or more grounds, including race, gender, sex, pregnancy, marital status, ethnic or social origin, colour, sexual orientation, age, disability, religion, conscience, belief, culture, language and birth.
- (4) No person may unfairly discriminate directly or indirectly against anyone on one or more grounds in terms of subsection (3). National legislation must be enacted to prevent or prohibit unfair discrimination.
- (5) Discrimination on one or more of the grounds listed in subsection (3) is unfair unless it is established that the discrimination is fair.

Human dignity

10. Everyone has inherent dignity and the right to have their dignity respected and protected.

Life

11. Everyone has the right to life.

Freedom and security of the person

12. (1) Everyone has the right to freedom and security of the person, which includes the right—
 - (a) not to be deprived of freedom arbitrarily or without just cause;
 - (b) not to be detained without trial;
 - (c) to be free from all forms of violence from either public or private sources;
 - (d) not to be tortured in any way; and
 - (e) not to be treated or punished in a cruel, inhuman or degrading way.
- (2) Everyone has the right to bodily and psychological integrity, which includes the right—
 - (a) to make decisions concerning reproduction;
 - (b) to security in and control over their body; and
 - (c) not to be subjected to medical or scientific experiments without their informed consent.

Chapter 2: Bill of Rights

- (a) propaganda for war;
- (b) incitement of imminent violence; or
- (c) advocacy of hatred that is based on race, ethnicity, gender or religion, and that constitutes incitement to cause harm.

Assembly, demonstration, picket and petition

17. Everyone has the right, peacefully and unarmed, to assemble, to demonstrate, to picket and to present petitions.

Freedom of association

18. Everyone has the right to freedom of association.

Political rights

19. (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.

Citizenship

20. No citizen may be deprived of citizenship.

Freedom of movement and residence

21. (1) Everyone has the right to freedom of movement.
- (2) Everyone has the right to leave the Republic.
- (3) Every citizen has the right to enter, to remain in and to reside anywhere in, the Republic.
- (4) Every citizen has the right to a passport.

Chapter 4: Parliament

The National Assembly**Composition and election**

46. (1) The National Assembly consists of no fewer than 350 and no more than 400 women and men elected as members in terms of an electoral system that—
- is prescribed by national legislation;
 - is based on the national common voters roll;
 - provides for a minimum voting age of 18 years; and
 - results, in general, in proportional representation.
- (2) An Act of Parliament must provide a formula for determining the number of members of the National Assembly.

[Sub-s. (1) amended by s. 1 of the Constitution Tenth Amendment Act of 2008 and by s. 1 of the Constitution Fifteenth Amendment Act of 2008.]

Membership

47. (1) Every citizen who is qualified to vote for the National Assembly is eligible to be a member of the Assembly, except—
- anyone who is appointed by, or is in the service of, the state and receives remuneration for that appointment or service, other than—
 - the President, Deputy President, Ministers and Deputy Ministers; and
 - other office-bearers whose functions are compatible with the functions of a member of the Assembly, and have been declared compatible with those functions by national legislation;
 - permanent delegates to the National Council of Provinces or members of a provincial legislature or a Municipal Council;
 - unrehabilitated insolvents;
 - anyone declared to be of unsound mind by a court of the Republic; or
 - anyone who, after this section took effect, is convicted of an offence and sentenced to more than 12 months imprisonment without the option of a fine, either in the Republic, or outside the Republic if the conduct constituting the offence would have been an offence in the Republic, but no one may be regarded as having been sentenced until an appeal against the conviction or sentence has been determined, or until the time for an appeal has expired. A disqualification under this paragraph ends five years after the sentence has been completed.

Chapter 6: Provinces

- (c) provides for a minimum voting age of 18 years; and
- (d) results, in general, in proportional representation.

[Sub-s. (1) amended by s. 3 of the Constitution Tenth Amendment Act of 2003 and by s. 3 of the Constitution Fourteenth Amendment Act of 2008.]

- (2) A provincial legislature consists of between 30 and 80 members. The number of members, which may differ among the provinces, must be determined in terms of a formula prescribed by national legislation.

Membership

106. (1) Every citizen who is qualified to vote for the National Assembly is eligible to be a member of a provincial legislature, except—
- (a) anyone who is appointed by, or is in the service of, the state and receives remuneration for that appointment or service, other than—
 - (i) the Premier and other members of the Executive Council of a province; and
 - (ii) other office-bearers whose functions are compatible with the functions of a member of a provincial legislature, and have been declared compatible with those functions by national legislation;
 - (b) members of the National Assembly, permanent delegates to the National Council of Provinces or members of a Municipal Council;
 - (c) unrehabilitated insolvents;
 - (d) anyone declared to be of unsound mind by a court of the Republic; or
 - (e) anyone who, after this section took effect, is convicted of an offence and sentenced to more than 12 months' imprisonment without the option of a fine, either in the Republic, or outside the Republic if the conduct constituting the offence would have been an offence in the Republic, but no one may be regarded as having been sentenced until an appeal against the conviction or sentence has been determined, or until the time for an appeal has expired. A disqualification under this paragraph ends five years after the sentence has been completed.
- (2) A person who is not eligible to be a member of a provincial legislature in terms of subsection (1)(a) or (b) may be a candidate for the legislature, subject to any limits or conditions established by national legislation.

Chapter 9: State Institutions supporting Constitutional Democracy

Tenure

189. The Auditor-General must be appointed for a fixed, non-renewable term of between five and ten years.

Electoral Commission**Functions of Electoral Commission**

190. (1) The Electoral Commission must—
- (a) manage elections of national, provincial and municipal legislative bodies in accordance with national legislation;
 - (b) ensure that those elections are free and fair; and
 - (c) declare the results of those elections within a period that must be prescribed by national legislation and that is as short as reasonably possible.
- (2) The Electoral Commission has the additional powers and functions prescribed by national legislation.

Composition of Electoral Commission

191. The Electoral Commission must be composed of at least three persons. The number of members and their terms of office must be prescribed by national legislation.

Independent Authority to Regulate Broadcasting**Broadcasting Authority**

192. National legislation must establish an independent authority to regulate broadcasting in the public interest, and to ensure fairness and a diversity of views broadly representing South African society.

General Provisions**Appointments**

193. (1) The Public Protector and the members of any Commission established by this Chapter must be women or men who—

Session 2: Inclusive Systems of Government



- **Government Systems: Scenario**

- **Government Systems: Descriptions**



Putting Inclusive Political Science into Practice

Systems of Government



Scenario 1

You live in a country that has a central government and regional governments that sometimes have different laws from each other.

People with disabilities who live in State 1 are required to submit their preferred accommodations for voting to election officials to ensure that they have access to assistive devices for voting independently and in secret. People who are registered to vote in State 2 do not have that option, and the election officials in State 2 have refused to make changes to the system.

What can people with disabilities in State 2 do under this system of government to get equal access?

Scenario 2

You live in a country in which each state sets its own laws and has ratified the CRPD. Some advocates with disabilities want their rights to be protected, so they advocate with the states to harmonize laws with the CRPD.

In State 3, there is a nondiscrimination law that protects against discrimination on the basis of sex, gender, ethnic origin, religion, and sexual orientation but not disability. They even take a case to the state court; however, it is rejected. There is a similar case in State 4. In State 3, people with disabilities win, and discrimination against persons with disabilities is recognized.

What can people with disabilities in State 3 do under this system of government to be recognized?

Scenario 3

You live in a country that has a strong central government.

During the election, you notice that local poll workers were not trained to support voters with disabilities; they were dismissive and ignored voters with disabilities who wanted to move to the front of the queue. You submitted a complaint to the local office, but they tell you that they are not the ones who run the trainings.

What can people with disabilities do under this system of government to make sure poll workers are trained?

Scenario 4

You live in a country that has a central government and regional governments that sometimes have different laws from each other. Your country ratified the CRPD several years ago.

DPOs recognize that State 5 is not implementing key provisions of the CRPD, and people with psychosocial and intellectual disabilities are barred from voting. The restrictions are at the state level, not the national level.

What can people with disabilities in State 5 do under this system of government to ensure legal rights?





Putting Inclusive Political Science into Practice

Systems of Government



Country	Description	Which system of government is used? (Circle one)
Argentina	There are 23 provinces (and one autonomous district) in Argentina. Each of the provinces has its own constitution, laws, and government structures. Provincial laws are required to comply with the national constitution and laws.	CONFEDERAL FEDERAL UNITARY
France	There are regions, departments and communes in France, but the central government decides which duties it delegates to those sub-divisions. The Parliament has two chambers: the National Assembly has 577 members, elected for a five-year term in single seat-constituencies directly by the citizens, and the Senate has 348 members, elected for six-year terms.	CONFEDERAL FEDERAL UNITARY
India	Power is divided between the central government and state governments. The central government is responsible for running things like the military and international relations. State governments deal with internal security and other state issues. Each state has a legislative assembly.	CONFEDERAL FEDERAL UNITARY
Japan	The government of Japan contains forty-seven administrative divisions, with the Emperor as its head of state, but there are no states or provinces. People from across the country elect members to the National Diet, which consists of two houses, the House of Councillors and the House of Representatives.	CONFEDERAL FEDERAL UNITARY
Myanmar	Myanmar has seven regions and five self-administered zones, and each state or region has a regional state government. The State/Region Government shall, subject to the policies adopted by the Union Government and Union Laws, implement projects that are to be undertaken in the State/Region.	CONFEDERAL FEDERAL UNITARY





Putting Inclusive Political Science into Practice

Systems of Government



Nepal	In 2015, Nepal formed seven provinces. The provinces have not yet received their official names, but they will each have a provincial legislative assembly. The provincial legislatures can make their own laws, but they must be in compliance with the national law.	CONFEDERAL FEDERAL UNITARY
Pakistan	There are four provinces in Pakistan. Governors for each province are appointed by the President, but they act only as representatives of federal government in the province. Governors do not have any part in running the government. Each province has its own provincial assembly.	CONFEDERAL FEDERAL UNITARY
Philippines	In the Philippines, each of the four provinces answer directly to the central government. The President has the power to create, abolish and determine the composition of regions across the country. Autonomous regions must vote to approve these changes.	CONFEDERAL FEDERAL UNITARY
Sri Lanka	Citizens of Sri Lanka directly elect a president every five years, and they elect legislative representatives. The Parliament has 225 members and makes all of the laws in the country. The President may summon, suspend, or end a legislative session and dissolve Parliament any time after it has served for one year.	CONFEDERAL FEDERAL UNITARY
Switzerland	The Swiss Federal Council is a seven-member executive council that heads government administration. Switzerland requires a referendum to make many types of legislative changes, making it a semi-direct democracy. There are 26 cantons, each with their own constitutions.	CONFEDERAL FEDERAL UNITARY
United States	There are 50 states in the United States of America. Each state has its own executive, legislative, and judicial branch of government. Laws can be made by individual states, though they can be challenged in the Supreme Court.	CONFEDERAL FEDERAL UNITARY





**Putting Inclusive Political Science
into Practice**
Systems of Government



European Union	The European Union has a parliament that consists of 751 members. Each member of the EU is considered to be a sovereign state.	CONFEDERAL FEDERAL UNITARY
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Session 3: Elections



- Elections Gallery Walk Labels

- Cambodia Case Study

- Cameroon Case Study

- India Case Study

Poll Worker Handout

Nepal, 2017

IFES designed a handout for poll workers that included guidelines for supporting voters with physical, auditory, visual, intellectual and psychosocial disabilities. The Election Commission of Nepal (ECN) distributed this handout to polling stations across the country. Similar one-pagers have been used by EMBs in Indonesia, Kenya, Kyrgyzstan, Macedonia, Pakistan, and Tunisia.

Braille Ballot

Indonesia, 2013

This tactile ballot is from a presidential election in Indonesia. The ballot has the names of parties and candidates in braille. It can be read by persons with visual disabilities

The braille ballot guide used in Myanmar in 2015 is a better practice because voters can use the same ballot as others, keeping their vote secret.

Ramp*India, 2016*

This photo shows a ramp that goes into a polling station. However, the ramp is too steep for a person using a mobility assistive device, such as a wheelchair or crutches, to use the ramp on their own.

Election Access Working Group*Pakistan, 2016*

The Election Commission of Pakistan (ECP), with support from IFES, created a working group on gender and disability that includes commissioners and rights advocates. The group meets periodically to discuss initiatives to include persons with disabilities and women in the ECP's work. This photo shows an event that took place to celebrate the International Day of Persons with Disabilities in 2016.

Accessible Website

Pakistan, 2017

An IFES-supported audit of the Election Commission of Pakistan's (ECP) website accessibility features noted errors in the ECP website's code that impact accessibility for persons who use screen readers and other visitors. Recommended features include introducing a text-to-speech service and code that complies with WCAG 2.0 standards. Updated code would be compatible with screen reading software and other technologies. Finally, convening a website committee will ensure new content is accessible according to the WebAIM checklist. ECP launched a mock-up site with a new accessibility page, an option to change the site's theme, and accessibility keys for easier navigation.

Voter Education for Deaf Communities

Sri Lanka, 2018

Sri Lanka Central Federation for the Deaf and IFES produced a series of videos with instructions for voting and other information with support from USAID. The videos, which cover topics such as voter registration, voting process, local elections, and everyone's right to vote include Sri Lankan Sign Language, Sinhala, Tamil, and English.

Although this example is not from an EMB, EMBs can include targeted voter education to Deaf populations.

Voter Education*India, 2016*

This voter education video from India does not include any actors with disabilities. Mainstreaming, or integrating, actors with disabilities is an important way to ensure that the public is sensitized to the inclusion of persons with all types of disabilities as they participate in electoral processes.

Poll Workers with Disabilities*Nepal, 2017*

This photo does not show any poll workers with disabilities. Persons with disabilities have the right to participate in each part of the electoral cycle, including as poll workers. Additionally, hiring people with disabilities shows their leadership and breaks down stereotypes.

Inclusive Election Video

Timor-Leste, 2017

The National Elections Commission (CNE) and Ra'es Hadomi Timor Oan (RHTO), a disabled people's organization in Timor-Leste, with the support of IFES, produced a public service announcement (PSA) on the rights of persons with disabilities to participate in elections. Sign language interpretation increased accessibility for Deaf communities.

This video would also have been improved by showing people with disabilities as active members of their communities, combating stigma and negative stereotypes.

Low Ballot Box

Papua New Guinea, 2017

When setting up the polling station, staff ensured that all persons could cast their ballot independently by placing the ballot box low to the ground.

Accessible Polling Station

Philippines, 2013

The Election Commission of the Philippines (COMELEC) created accessible polling stations that had step-free entries, wide paths, and low booths and ballot boxes. They also trained staff to support persons with disabilities. In this photo, a woman casts her ballot, as supported by the UN Convention on the Rights of Persons with Disabilities (CRPD).

Targeted Voter Registration

Philippines, 2012

Recognizing that most malls were accessible to people with disabilities, the Election Commission of the Philippines (COMELEC) held a voter registration drive in shopping malls.

Assisted Voting


Indonesia, 2014

This video from Indonesia, which is included in poll worker training, demonstrates that people with disabilities have the right to bring an assistant with them to the voting booth. The video also shows that the woman was able to choose her assistant.

Chapter 2: Cambodia

Disability Inclusion in Voter Registration Processes

Research conducted by the Cambodian Disabled People's Organization (CDPO)



40
more interviews or discussions

The top three obstacles in the voter registration process are:



The law could be used to exclude persons with intellectual or psycho social disabilities

Some people with disabilities are not able to get the ID card they need in order to register to vote



There is no disability information on either the ID card or the voter card, so it is tough for poll workers to identify and help voters with disabilities



The other obstacles are:

- Inaccessible registration buildings
- A lack of accessible information about how to register to vote
- A lack of community support



I. Background

From the early days of Cambodian democracy, the Royal Government has ensured the equal access and participation of its citizens in politics. The Cambodian Constitution, which was enacted on September 21, 1993, states that Khmer citizens shall enjoy the right to vote and to stand as candidates for the election.¹ Almost two decades later, Cambodia enacted the *Law on Protection and Promotion of the Rights of Persons with Disabilities* (LPPRPD) in 2009 and subsequently ratified the *United Nations Convention on the Rights of Persons with Disabilities* (CRPD) in December 2011. Both treaties guarantee the fulfillment of political rights of persons with disabilities in Cambodia. Legally, none shall be prohibited in exercising their political rights in Cambodia.²

Yet, inclusive elections are still not the norm. In particular, voter registration remains a major challenge for Cambodians with disabilities. This is shown through research among 450 respondents conducted by the Cambodia Disabled People's Organization (CDPO) and funded by the United States Agency for International Development (USAID) which shows that only 66.2% (n=298) of respondents with disabilities participated in the 2012 Election, while 33.8% (n=152) were not registered on the list.³ For those who were registered (66.2%, n=298), the process was not easy as claimed by 21.8% (n=65) respondents with disabilities.⁴ Inaccessible registration locations and unavailability of assistances were the main reasons. In the end, only 61.6% (n=277) of respondents with disabilities voted in the 2012 Election.⁵

Cambodia will hold a national election in 2018 and preparation has already begun. It is important for CDPO to effectively advocate for inclusive elections with the National Election Committee (NEC). The NEC, in turn, needs to address the challenges that voters with disabilities face and promote their participation in political processes, as guaranteed by the constitution. Therefore, research on accessible voter registration as a pathway to disability inclusion in political rights was conducted by CDPO with support from International Foundation for Electoral Systems (IFE) through the AGENDA project. The report will be used as part of advocacy materials and support provided to the NEC in redesigning the voter registration process in Cambodia.

Voter Registration in Cambodia

Cambodia maintains a periodic voter list generated by voters registering at government-designated registration offices made available for a one-and-a-half-month period each year. Typically, the

1 Article 34 of the Amendment of the Constitutional Law, 1999.

2 LPPRPD Article 44 and CRPD Article 29.

3 CDPO. (2013). Accessible elections for persons with disabilities in Cambodia. Phnom Penh: AGENDA/IFE/USAID.

4 *Ibid.*

5 *Ibid.*

registration period is held around nine months prior to an election. For the 2018 election, the NI intends to use a digital voter registration system that will utilize voters' finger prints and photos to verify their identity. It is hoped that this new system will prevent voter list irregularities found in past elections. Currently, the registration system relies on each voter possessing a national identification card (Khmer ID) to prove their eligibility. Once registered, it is incumbent upon citizens to appear at the registration office each year in order to verify that their information is correct.



Responsibility for the voter list and for managing the voter registration process is shared between the NEC and locally elected Commune Councils under the Ministry of Interior without clear demarcation of responsibility and accountability between the two. In addition, recent enacted laws such as the *Law on Election of Members to the National Assembly* (LEMNA) – which established requirements for voter registration – and the NEC Law, may represent a step backward in democratic principles and may not necessarily improve the voter registration process. Civil society has called for amending both laws.

An NEC audit carried out two weeks prior to the July 2013 election found that 9% of people registered to vote in the election could not find their names on the voter registry. Similar audits by the Committee for Free and Fair Elections in Cambodia (COMFREL) and the National Democratic Institute (NDI) reinforce the significant disenfranchisement of Cambodian voters due to overlapping lines of responsibility between the NEC and Commune Councils, inadequacy of identity and residency documents, antiquated handling processes, cumbersome requirements for the voter to appear every year, and unclear procedures to correct errors on the voter list.

For the upcoming commune and national elections, the NEC will continue to cooperate with sub-national administrations to implement the national voter registration process. The process began

with the NEC establishing voter registration offices inside commune and *sangkat*⁶ offices (and some *phum*⁷ or village offices) throughout the country prior to the registration period.

The registration period for the upcoming commune elections has been set from March 1st, 2016 to 10 August 10th, 2016. Eligible voters must visit the registration office during this timeframe to register or to verify their registration. Voters with disabilities are permitted to be accompanied by an adult.

To be placed on the voter list, voters are required by law to meet the following criteria:

- Khmer nationality;
- Age of 18 (eighteen) years by Election Day;
- Residency or place of abode in the commune, *sangkat* or *phum* where they cast the ballot; and
- Not be insane or be under custody with a letter certified by a competent ministry or institution.

Upon confirming eligibility, NEC staff use a computerized system to register voters and submit data from the registration office to the NEC Computer Center daily. Most complaints are dealt with at the Commune Council with the possibility of appeal to the NEC and to the Constitution Council. Each registration office posts their preliminary voter list and lists of the names of people who are deleted from the voter list at the registration office and at a site in the commune, *sangkat* or *phum*. At the NEC Computer Center, preliminary electoral rolls are posted after registration and all complaints at all levels are decided upon. In hiring decisions, the NEC encourages - and gives priority to - applicants with disabilities who are competent and are physically suitable for the job concerned.

II. Research Objectives

In general, this research aims to explore the possible options to improve the political participation of voters with disabilities in Cambodia to be considered by NEC in redesigning the process for the next election.

6 Subdivision of a district (*khan*).

7 A *sangkat* is further subdivided into *phum*, which are usually translated as villages, though they do not necessarily cover one single settlement.

To achieve this aim, key questions of the research are as follows:

1. What are the challenges for voters with disabilities in the registration process?
2. What are the good practices in ensuring accessible voter registration for voters with disabilities?
3. What are the lessons learned in ensuring accessible voter registration for voters with disabilities?

III. Research Methodology

Location

The research was conducted mostly in Phnom Penh, Cambodia where most of the targeted key informants live. However, there were a few interviews conducted by E-Mail with DPO representatives from the Philippines, Laos, and Indonesia.

Data Collection Methods

Qualitative methodology was used for data collection, with desk-based research, key informant interviews (KIIs) and focus group discussions (FGDs).

Desk-based Research

Secondary data was collected through desk-based research on documents that relate to electoral issues, the voter registration process and/or the Cambodian elections as well as related legal frameworks. Specifically, CDPO collected data on inclusive voter registration policies and/or practices in other countries.



Key Informant Interviews (KIIs)

KIIs were conducted with individuals whose information, ideas and recommendations on the related topics will enrich the analysis. Twelve CDPO interviewed experts on inclusive voter registration from the EMB, DPOs, other Cambodian and non-Cambodian CSOs, and academics. The key informants are described in the table below:

Table 2 - Interviewed informants

Informant type	Number
Election Specialists from related CSOs	3
EMB officials	3
DPO officials who advocate on election access in other countries	3
Academics	3
Total	12

Focus group discussions (FGDs)

To obtain the perceptions and attitudes of specific groups, 13 FGDs were conducted with officials from non-governmental organizations (NGOs) whose organizations work on disability and/or electoral issues, representatives from political parties, and representatives from Provincial Election Committees (PECs) and Commune Election Committees (CECs).

Table 3 - FGD participants

Informant type	Number
Officials from NGOs working on disability issues (Phnom Penh)	6
Officials from NGOs working on electoral issues (Phnom Penh)	6
Members of Provincial Election Committees (Kampong Spue Province)	6
Members of Commune Election Committees (Kampong Spue Province)	6
Representatives of political parties Phnom Penh	6
Total	30

Limitations

The limitations of this study are as follows:

1. CDPO finalized this report under an accelerated timeline so that its contents would be useful in the public discussion with the NEC on the inclusiveness of the voter registration process.
2. Final voter registration regulations were not finalized until after research for this report was completed.
3. The CECs had not yet been appointed during the period of research for this report.
4. CDPO was facing difficulties arranging meetings with the NEC to interview members as part of the research since the newly appointed commissioners were busy drafting the Voter Registration regulations.
5. Communication with DPOs in other countries was very difficult since it took a long time for them to respond to emails and interview requests.

IV. Findings

Challenges

This research strengthens earlier research that CDPO conducted through AGENDA in 2013.⁸ Twenty-one legal frameworks have not fully protected all types of disabilities, nor removed physical and social barriers to the fulfillment of political rights. Social barriers remain an underlying challenge as reflected in negative attitudes toward persons with disabilities. This challenge will be described in the subsections below.

Gaps in the legal framework

Even though there are many legal frameworks that exist for the inclusion of persons with disabilities in the electoral processes, gaps in the law remain. For example, persons with intellectual and psychosocial disabilities and persons under guardianship may be excluded from standing as candidates in the election of the National Assembly and excluded from registering to vote.

⁸ CDPO. (2013). *Accessible elections for persons with disabilities in Cambodia*. Phnom Penh: AGENDA.

The Law on Elections of Commune Councils (LECC), which was initially promulgated in 2001 and then amended in 2006, prohibits persons who are “certified by a competent institution as being insane or under a guardianship” to register or vote in the Commune Councils election. This restriction not only puts persons with intellectual or psychosocial disabilities at high risk of being excluded from the political and electoral processes, but codifies discrimination as a social barrier.

Requirements and process of voter registration

There are three main challenges for voters with disabilities in Cambodia that relate to registration requirements.

First, the legal frameworks have potentially excluded persons with intellectual and psychosocial disabilities through the LEMNA and LECC laws. The ambiguity (and absence of explanation) as to what defines “insane” and “under guardianship” may lead to confusion and misinterpretation.

“There isn’t any statement saying how people who have intellectual disability involve in social and political events and so on. There is not yet regulation, Prakas and procedure” (TR, male, FGD Disability NGOs, Krousar Thmey)

A second challenge is the requirement of providing a valid identity (ID) card to register to vote. The process of obtaining an ID card is a significant challenge for individuals with some types of disabilities. Government officials and caregivers are not prepared to assist persons with disabilities in navigating this often cumbersome and inaccessible bureaucratic process. As a result, some persons with disabilities may not be eligible to vote in the 2018 national elections.

A third challenge is that there is no identification of one’s disabilities either on the identity card or on the current registration form. It is not feasible to expect clerks to automatically identify or assist voters with disabilities given their workloads. Numerical errors and misspelled names are common examples.

“Some names of voters were not found in the list or there were double name but we do not know the unfound names how many percentage are disabilities or normal people” (PR, Male, KII Election Specialist CSO-Transparency International Cambodia)

Inaccessible Registration Posts

Regardless of the fact that an accessible environment has been guaranteed through LPPRPD, the research has found that access continues to be a challenge. First, the location registration posts might not be accessible to voters with disabilities. Then, even if voters with disabilities are able to reach registration posts, they may not be able to navigate the posts which may also be inaccessible. Further, posts may not be equipped with assistive devices and materials like braille. The unavailability of braille materials is supposed to have been available since the 2008 General Election.

“There is no braille letter for them to register, especially when they ask to check the name on the list, they could not do it” (TR, male, FCG Disability NGOs, Krousar Thmey)

Lack of Information

A lack of information contributes significantly to the violation of persons with disabilities’ right. In terms of voter registration, access to information is crucial to know when, where, and how to register.

The role of mass media is important as public opinion is shaped through the information that the media disseminates, including on voter registration. Yet, this has not been fully optimized. Persons with disabilities are not well-informed of the voter registration process nor its requirements.

“We want to disseminate information about voter registration, but the information does not reach them. Both media and information could not reach them. Sometimes, the media reaches them, but they could not catch it” (KC, Male, KII Election Specialist CSO, COMFREL)

Secondly, there is a lack of awareness of the rights of persons with disabilities. These apply not only to electoral officials, but also to the disability community itself.

Furthermore, it is commonly found that the provision of assistive devices is seen as an expensive effort, especially among EMB officials. This is a good example that limited understanding of disability and lack of capacity puts persons with disabilities’ rights as “the cost”.

“There is not enough budget to assist PWD in registration for example to facilitate them with wheelchair and so on as we have until 1633 registration offices, and it might increase” (KII EMB TMR, female, NEC Rep of CNRP)

Lack of social support

Lack of social supports is a fundamental barrier for persons with disabilities in exercising the political rights. In general, society still stigmatizes persons with disabilities and even belittle the political aspirations.

*“People generally assume that number of PWD is so small which their voice is not so significant”
(FGD Electoral NGOs)*

There is a common perception that persons with disabilities are under their families’ responsibility. Thus, all of their needs must be fulfilled by the family including assistance in the electoral process.

“It is a family of persons with disabilities’ obligation to spread the information as they are more accessible to information than their persons with disabilities’ family member” (YV, female, KII Academic from Build Bright University)

At the same time, families do not understand that their relatives with disabilities have political rights too. There is an assumption that the voices of their relatives with disabilities are not significant and thus there is no need to encourage them to engage their political rights.

“There is no encouragement from family and society. Sometimes people do not understand about the significance of voting” (FGD Disability NGOs)

“There is no encouragement from family, friends and society to participate in election process including voter registration, saying it is not necessary for PWD to go to vote” (KC, Male, KII Election Specialist CSO, COMFREL)

Usually, non-profit organizations contribute to advocating for the rights of citizens in the government's absence. Since electoral access is an emerging topic, however, there is a limited number of electoral CSOs and NGOs which include inclusion as part of their agenda. At the same time, there is a limited number of DPOs that work in political rights. This helps to explain why there is limited effort in ensuring inclusive elections.

This lack of support has affected persons' with disabilities self-confidence and realization of their rights. As has been argued by informants in this research, the willingness and commitment of voters with disabilities themselves is vitally important in the provision of support.

Good Practices in Cambodia

Fortunately, there are a few enabling factors that bring optimism in promoting an inclusive voter registration process in Cambodia despite the different legal frameworks.



Coverage of legal frameworks

The law and the Constitution have the ultimate authority over efforts to impede the rights of voters with disabilities to be registered and participate in elections. The Constitution guarantees that "Khmer citizens of either sex shall enjoy the right to vote and to stand as candidates for election".⁹ In addition to the fact that the Royal Government of Cambodia has been a state party to human rights instruments including CRPD, the LPPRPD ensures that "in case of any provision

9 Article 34 of the Constitution.

that contradict the provisions of this law, the provisions of those international treaties shall be considered as the principle provisions.”¹⁰ In short, the rights of persons with disabilities have been guaranteed by the government.

Some of the informants acknowledge this and argue that problems occur not due to legislation but their implementation.

“There is law that state PWD has equal rights and opportunity to participate in political and social activities without discrimination. Yet, the implementation still have some gap as there is no encouragement and PWD did not receive information well and clear enough. Law is already there, but the problem is about implementation” (FGD Disability NGOs)

Recently voter registration regulations and procedures in Cambodia were redesigned by the new NEC. This new draft allocates more time for the voter registration process over five to six months. In particular, it allows for enough time for voters to review and submit complaints for any problem related to their registration processes. Most importantly, the term “PWD” is mentioned in the new voter registration regulations and procedures and the NEC is now considering including a disability column as part of the registration list.

“We already discussed about this within NEC. Some country they like to put and some country don’t like to put disability type because sound discriminate to them. We will wait for the call of disability representative to decide whether or not we put the column of disability type” (HP, Male, KII NEC Rep of NGOs)

Engagement and partnership

The Cambodian voter registration process does not fully accommodate the needs of voters with disabilities. However, there has been progress. Efforts are underway and contributions are being made by DPOs and NGOs.

10 Article 49 of LPPRPD

“In the past, disability meet difficulty since there was not any mechanism to facilitate disability, so they are also careless in the voter registration process but I think in the new law, the NGOs, which work with disability, participates in advocating, so it may make change in new election law” (YS, Male, KII Academic, PUC)

“COMFREL actually has a committee called ERA, Election Reform Alliance that has over 20 NGOs including DPOs. The committee works to advocate to election reform, laws, and regulations of NEC” (KC, Male, KII Election Specialist CSO COMFREL)

There were meetings between CDPO, DPOs and the NEC to discuss disability inclusion in the new electoral reforms process, including advocacy for notation of the disability type in the voter registration list. CDPO actively participated in the process of amending the draft law on NEC at the LEMNA and in meetings, workshops and press conferences with the Election Reforms Alliance (ERA) and the two main political parties, CPP and CNRP.

Most recently, on June 5, 2015, CDPO proposed an advisory group called the National Election Committee Disability Advisory Group which aims to provide support and advice on specific initiatives to be undertaken by the NEC to remove barriers in the electoral process and to increase opportunities available to persons with disabilities.¹¹

Also, on June 5, 2015, CDPO submitted its Disability Inclusive Policy to NEC for increasing participation of persons with diverse disabilities in the electoral process. The Policy will help guide the NEC in making the electoral process barrier-free for persons with disabilities. In the policy, two priority areas are noted:

AREA 1: Strengthening NEC’s inclusive policy to increase participation and promote the empowerment of persons with disabilities in electoral processes

AREA 2: Establishing an inclusive regulatory framework and institutional practices and policies which include all persons with disabilities in the election process.

11 Draft of National Election Committee: NEC Accessibility Advisory Committee. Term of Reference year 2015

As a result of the policy, the NEC released a formal letter to CDPO responding to the inclusion of the “Disability Policy” in the following:¹²

1. NEC encourages and gives priority to peoples with disabilities who are capable of and physically fit for jobs to be employed with the election committees at all levels,
2. NEC has included the procedure for collecting fingerprints for disabled people who have lost one or both thumbs or one or both arms in the computer system during the voter registration period and organized papers with special frames for the people who have lost one or two eyes and still want to cast ballots by themselves,
3. NEC has introduced sign language for deaf people in educational spots related to voter registration and elections,
4. NEC has installed polling stations on the ground floors to create access for people with disabilities to enter to vote, given priority to people with disabilities to enter the voter registration offices and polling stations and provided some other assistances required in the Election Law.

Good Practices and Lessons Learned in Other Countries

Legal mechanisms

In many countries, the CRPD has played a very important role in reinforcing government obligations to protect the rights of persons with disabilities. In order to provide equal access to national laws should explicitly include universal suffrage for all citizens.

Implementing the values in CRPD can be done by many political actors. In South Africa, political parties have a significant role in amending the Electoral Act to recognize all forms of identification

Citizens can use their green, barcoded ID book;¹³ smartcard; or a valid Temporary Identification Certificate to register as voters, the option to use different documents has successfully minimized the number of citizens who are disenfranchised. Meanwhile in Liberia, DPOs played a major role in drafting the national disability law. The law was drafted as an effort to abide by and implement the CRPD.¹⁴

12 Formal letter from National Election Committee N.056/15/NEC, subject: *Request for inclusive of “Disability Policy” in the National Election Committee for review and consideration*

13 A South African national ID book features citizens’ unique ID number and barcode, when a voter applies for registration his/her ID book is scanned using a machine.

14 Pintor & Gratschew, 2002

In Liberia, accessibility for voters with special needs is addressed within the National Electoral Commission guidelines. The NEC regulation states that voter registration centers should be established in areas that are free of threats, politically neutral and accessible for all, particularly for persons with disabilities. Liberia's 1986 Election Law was specially amended and two subsections were added to respectively give preference to persons with disabilities at registration centers and to instruct the electoral commission to arrange the establishment of registration centers in locations accessible to voters with special needs.¹⁵

Another good example of inclusion for persons with disabilities can also be found in the Philippine Republic Act No. 10366. The Act states that the role of the election management body and the government is to ensure the inclusion of different types of disability in the electoral processes:¹⁶

The Philippines EMB implements the Act through a regulation that improves voter registration access for persons with disabilities. Section 10 of Commission on Elections (COMELEC) of the Philippines Resolution 9149 provides:

“Express Lane for Elderly, Disabled, Detainees and Pregnant Applicants –The Office of the Election Officer shall provide during the registration period express lane and give priority/preferential treatment to person with disabilities, elderly, detainees and pregnant applicants.”

Joint collaboration and capacity readiness

The inclusion of persons with disabilities in the voter registration process cannot be achieved by the EMB alone. It is more strategic for EMBs to work closely with DPOs who understand the needs of persons with disabilities and the barriers they face in accessing voter registration.

One of the best practices for such initiatives is in the Philippines where the EMB formed an Inter-Agency and NGO Network on Empowering Persons with Disabilities.¹⁷ A working group was established to develop inclusive policy recommendations such as establishing better campaigns for registering persons with disabilities to vote.

15 Evrensel, (2006, p. 142). *Voter Registration in Africa*. Johannesburg: EISA.

16 Philippine Republic Act No. 10366

17 IFES. (2014, p. 45). *Equal Access: How to Include Person with Disabilities in Election and Political Process*. Washington: IFI

DPOs in the Philippines have been working with the other electoral stakeholders to ensure vote with disabilities could fulfill and practice their political rights. For the upcoming 2016 elections, the COMELEC, in partnership with the National Council on Disability Affairs and The Asia Foundation created a satellite voter registration¹⁸ for persons with disabilities and senior citizens in malls. The registration was conducted in celebration of the 37th National Disability Prevention and Rehabilitation week. More than 5,200 people went to malls for voter registration and validation over the appointed weekend resulting in higher turnout than any election offices.

In Laos, many DPOs have tried to counteract the stigma associated with disability. One of the large DPOs is the Lao Disabled People's Association (LDPA) with branches in 11 of the 18 provinces. A representative from the LDPA argued that many DPOs in Laos just started factoring political rights into their advocacy activities.

"There is a very few organizations active in the issue of PWD's political rights. Even if there is some of advocacy activity mention the political rights of PWD, it is addressed in very broad or generic term. Most disability sectors in Lao PDR advocate for other rights of PWD; such as livelihood, well-being, access to education, healthcare, work and employment, vocational training, access to physical environment and access to information, rather than specifically political rights" (NT, male, KII Indonesia, LDPA)

The General Election Commission (KPU) of Indonesia invited DPOs to contribute to drafting a regulation on voter registration and its registration system. Due to the representation of persons with disabilities in the decision making process, the Indonesian voter registration system now provides a column for disability type. The system has allowed DPOs and EMBs to understand the statistics behind persons with disabilities at each polling station and be better able to allocate any support, assistance, and materials to accommodate persons with disabilities throughout the election process. This is helpful in the allocation of assistive devices.

These examples strengthen the argument in this report that active involvement of DPOs in the registration process is essential. The higher the level of involvement is, the better the communities and the government officials' understanding of disability issues and, therefore the higher the chances of achieving a fully inclusive voter registration process.

18 COMELEC Resolution No. 9853 - Chapter I

19 Aquino, L.A., (17 July 2015). "PWD welcome mall-based voting in 2016", *Manila Bulletin*. Available at: <http://www.mb.com.ph/pwds-welcome-mall-based-voting-in-2016/>

It is also important that EMBs and DPOs place attention and effort in pre-election assessments to find out how the voter registration process addresses accessibility for persons with disabilities.

In an example from the Philippines, DPOs and other NGOs worked closely with COMELEC to find out the barriers that might be faced by persons with disability in voter registration and came up with program suggestions on how persons with disabilities could be encouraged to register to vote.

“We look at the accessibility of registration venue, and we found out the most of the venues are not accessible.” (CM, female, KII, National Council on Disability Affairs of the Philippines)

In Armenia, DPOs have worked through successive electoral cycles to document physical barriers to polling centers and to undertake barrier removal at certain sites. In Canada, transfer passes are provided to enable voters with physical disabilities, while in Ghana, most polling stations are outdoors.²⁰

Voter education

Raising awareness on the importance of participating in the election process (especially voter registration) plays a crucial role in increasing the number of registered voters. EMBs should pay close attention to marginalized groups such as persons with disabilities.

“We have been educating them about their rights to vote ... education for person with disability and their family...and you cannot get the right service as you desire if you don't participate in choosing a leader.” (CM, female, KII, National Council on Disability Affairs of the Philippines)

A voter education initiative can help enhance society's awareness of voting rights. To ensure voter registration accessibility for persons with disabilities, voter education materials and tools should exist in various formats.

In Quebec, Canada, informational materials for voters were made available in alternative media such as braille, audiocassette, large print, as well as videocassettes in both Quebec Sign Language and American Sign Language. In addition, all televised messages were subtitled for people with hearing or visual disabilities and a teletypewriter for the deaf (TTY). Different media provides options for election information officers in adapting the best mode of communication for their audience.

20 Pintor & Gratschew, 2002

The Philippines in 2011 had a national campaign on the involvement of persons with disabilities in elections.

“Sometimes, during the disability week, there is nation-wide that sign of registration going on. We are the part of that campaignwe go around to different cities, and gather stakeholders and aware them about person with disability and how to assist people with disability”

In Guatemala, an increase in the number of registered voters was not only due to mass registration campaigns, but also through the EMB’s alleviating the administrative procedure and the cost to register. The EMB had taken into account long-term voter education (Pintor Gratschew, 2002).

“We have PWD’s voting rights in our education system.” (CM, female, KII, National Council on Disability Affairs of the Philippines)

Registration day

To enhance the inclusion of persons with disabilities in voter registration, the Philippines allow persons with disabilities to be assisted by their relatives, the Election Officer, or other officials when completing the registration application. In South Africa, persons with disabilities were encouraged to come and register daily until Election Day.

“We fill out the form, and asking what assistant would you require for the election?” (CM, female, KII, National Council on Disability Affairs of the Philippines)

In Indonesia, it wasn’t until the 1997 election that voter registration was “compulsory” and door-to-door registration was used. Problems were encountered by those who did not have permanent residency. By 1999 the “compulsory” registration system was abolished, and a “voluntary” voter registration method was adopted. The most significant change about the new method is that it only requires one form of legal identification to register.²¹ While gaining one form of identification the enumerator will be able to collect data on an individual’s household status, ID card number, full name, birthplace, and physical or intellectual disability data. The data provide information for polling stations to accommodate different physical and intellectual disabilities needs.

21 Pintor & Gratschew, 2002

V. Conclusions and Recommendations

Learning from global experiences, cooperation between EMBs and DPOs is key to an inclusive voter registration process. While there are a lot of legal instruments from the international, regional and national level in place to ensure and to accommodate the rights and full participation of persons with disabilities in the political exercise, there are still gaps and legal gray areas especially where there is no detailed regulation or guidelines.

In this redesign of voter registration regulations and procedures, the upcoming commune and national elections in 2017 and 2018 mean that this is a golden opportunity to have different NGOs and DPOs working in disability sectors to improve disability inclusion in the voter registration processes, and the electoral system as whole.

The following are recommendations for short and long term outputs and outcomes for disability inclusion in the voter registration process:

Legal Mechanisms

- DPOs should work together to draft policies on political rights for persons with disabilities (such as Philippines Act 10366) (long term plan).
- DPOs advocate with the NEC on new inclusive regulations and procedures for voter registration.

Joint Collaboration and Capacity Readiness

- Joint collaboration between DPOs and the NEC.
- DPOs should closely work with the Ministry of the Interior and local police to make sure persons with disabilities are able to obtain a National ID card.
- DPOs engage in the planning and implementing of the electoral process or at least in the voter registration process.
- DPOs should look for financial support for voter registration education.
- Persons with disabilities should be included as registration officers.
- Capacity building to improve NEC and election officer training on how to facilitate and accommodate persons with disabilities.
- DPOs should work closely with local authorities to identify barriers that might be faced by persons with disabilities and suggest better solutions.

- Statistics showing the type of disability for which assistance may be needed should be clearly recorded in the voter registration form/database for the purpose of support services arrangements.

Voter Registration Education

- Raising awareness of voter registration should take place before the registration date and different means of communication should be used to reach persons with disabilities (consider TV, radio, posters and door-to-door).
- Mainstreaming voter registration in the formal education curriculum (long term).
- Ongoing awareness raising at the village level about disability rights to impact community attitudes towards persons with disabilities.
- Persons with disabilities and their family members should be specifically educated about the importance of their participation in voter registration and of exercising their political rights.

Voter Registration Period

- DPOs should accommodate severely disabled people who cannot register to vote on their own.
- Assistants, support and assistive materials should be accessible to persons with disabilities.
- Persons with disabilities should have a longer acceptance period than others for coming to registration offices.



IDA HUMAN RIGHTS PUBLICATION SERIES

International Disability Alliance

Issue 1 - The Right to Vote and to Stand for Election

March 2013

Accessible elections for persons with disabilities in Cameroon by Joseph Enyegue Oye

The participation of persons with disabilities in political life in Cameroon has been insignificant over the years. Data from a 2010 study conducted by the National Association of Youth of Cameroon (ANAJEHCAM) revealed that only 32.2% of persons with disabilities voted in elections which was less than half of the figure of the general population of voters. This situation can be attributed both to societal barriers and the general marginalisation of persons with disabilities which exclude them from participating in many important aspects of society.



Joseph Oye © 2011 Sightsavers

Under the initiative of [Sightsavers Cameroon](#), the '[Accessible Elections for Persons with Disabilities Project](#)' (AEPD) was launched in 2010, in view of the Presidential elections of 2011, together with organisations of persons with disabilities (DPOs), in particular blind persons' organisations, and other key partners such as the [UN Centre for Human Rights and Democracy in Central Africa](#) (CNUDHD), [UN Elections](#), the [Institution for Referendums and Elections of Cameroon](#) (ELECAM) and the National Commission on Human Rights and Freedoms.

Project AEPD began with a series of workshops with key stakeholders to elaborate a plan of action on advocacy for policy change and to raise awareness amongst persons with disabilities themselves to be key players in the electoral process in order to ensure that their input and views are included in the development agenda of Cameroon.



Under this project, awareness-raising campaigns were carried out by DPOs via media, door to door visits, mobile vans, and the dissemination of posters and flyers to mobilise persons with disabilities to register to vote. Capacity building workshops were organised to train DPOs on the laws governing elections in Cameroon in relation to their rights and obligations. Thirty-six persons with disabilities from selected DPOs, in particular members of blind persons' organisations, were trained as elections observers, and for the very first time, officially observed the election across the country.



Participants of the workshop © 2011 Sightsavers

Twelve pilot polling stations were identified in five of the ten regions in Cameroon and were refurbished to accommodate all kinds of disability through the construction of ramps, improved lighting systems, provision of elections guidelines in Braille and sign language interpretation.

Despite certain shortcomings, such as the absence of tactile ballot papers mostly due to the large number of presidential candidates, and the absence of sign language interpretation resulting in inaccessible campaigning, the initiative achieved positive outcomes. With the support of the project by ELECAM, and thanks to advocacy carried out by DPOs and other partners, the processes of registration, voter card collection and voting, greatly facilitated participation in the elections by persons with disabilities.



A blind man using a white cane to navigate a ramp with another man showing him the way © 2011 Sightsavers



IDA HUMAN RIGHTS PUBLICATION SERIES

International Disability Alliance

Page 2

The official Elections Procedural Guide by ELECAM highlighted special considerations for persons with disabilities and other vulnerable groups in the entire electoral process. A field on disability was introduced in the voter registration software which led to disaggregation of data by disability, thus allowing the compilation of concrete numbers of participation of persons with disabilities. At the end of the elections, it was noted that 75% of registered voters with disabilities had participated in the elections. This information is central to evaluate the success of the measures taken in the project and to adapt them for increased participation in future elections.



A man wearing a shirt which reads: "Personne handicapée, inscris-toi sur le rôle électoral because your voice counts!" © 2011 Sight Savers

One of the major impacts of Project AEPD was the massive mobilisation of DPOs which led to the creation, in September 2011, of the platform, '[Inclusive Society for Persons with Disabilities](#)', made up of DPOs and other civil society organisations to promote an inclusive society in Cameroon. No such consensual and functional union of DPOs existed in Cameroon previously.

This platform now carries out advocacy for the social inclusion of persons with disabilities in all areas of life. Recent examples of the platform's advocacy include the recruitment of qualified disabled youth as part of a national recruitment initiative launched by Government, and advocacy for the mainstreaming of inclusive education in public schools.

Through the AEPD Project initiative and ensuing DPO advocacy, ELECAM drew inspiration and demonstrated will and commitment to promote the participation of persons with disabilities in public and political life, and many more stakeholders are enthusiastic to join together with DPOs for the establishment of a more inclusive society in Cameroon.



A polling booth for wheelchair users © 2011 Sight Savers

"For the first time, I saw women with disabilities vote in the Adamawa. Before, husbands did not allow their wives to vote and even hid their wives who were disabled. For the first time, I read the election laws in Braille. I hope that the voting cards will also be in Braille for the blind"

Amina Baba, Meiganga

On 9 October 2011, the presidential election day, I went to my polling place. I voted along with several other persons with disabilities in a kindergarten in Ekié. The reception was great, because we had been made aware through the Project Accessible Elections on how to exercise our right to vote. Further, the police were also aware about our rights and they guided us to the main room. For the sake of discretion, my guide accompanied me inside the voting booth. He read the ballots of all candidates for me to choose freely. I had taken care to put the ballot papers in my pockets. I chose one that corresponded to my preferred candidate. When my guide finished and went out, I took the ballot which corresponded to my candidate; put it in the envelope and my guide led me to the ballot box. I put my vote in the ballot box with confidence.

Léopold Assiéné, Ekié

Dr Joseph Enyegue Oye is Country Director of [Sight Savers Cameroon](#).



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ENABLING ELECTIONS

MAKING THE 2014 GENERAL ELECTIONS
IN INDIA PARTICIPATORY AND ACCESSIBLE
FOR VOTERS WITH DISABILITIES



MARCH 2014

IV. MAKING ELECTIONS ACCESSIBLE - THE 2004 EXPERIENCE

The first time any serious effort was made to include voters with disabilities in the election process was during the general elections in 2004. In 2004, based on a letter received from an NGO the "Disability Rights Group" complaining about the lack of access to voting for persons with disabilities, the Supreme Court in *Disabled Rights Group v. Chief Election Commissioner & Anr.*²⁵ registered it as a writ petition in public interest. In this case the Supreme Court gave directions to the Election Commission to implement the concerns raised by the petitioners which included putting wooden ramps at polling stations to enable disabled persons access; numbers in EVMs to be written in Braille, separate queues and special arrangements for persons with disability at polling stations; polling station personnel to be courteous and render necessary assistance to enable persons with disability to exercise their franchise with least inconvenience. It directed that advance and sufficient publicity should be given in print and electronic media about the availability of the facilities for the electors with disabilities to exercise their franchise.

The Chief Election Commissioner did forward these directions to the States Governments and Union Territories. Responding to the directions of the Supreme Court, the ECI in 2005 urged the Government/Local authorities to take action in executing the order at the earliest.²⁶ The ECI issued a Circular of guidelines to the state and local election authorities and ordered for strict compliance with instructions such as:

- The personnel at the polling station have to ensure that electors with disabilities are given priority for entering polling stations, without having to wait in the queue for other electors;
- Full facility should be provided for such electors to take their wheel chair inside the polling station. If ramps are not present inside the polling stations, temporary ramps must accordingly be arranged for.
- The polling personnel should be specifically briefed about the provisions of Rule 49N of the Conduct of Elections Rules, 1961 which provides for permitting a companion to accompany a blind/infirm elector to assist him/her to cast the vote.
- At the training classes for the polling personnel, they should be sensitized about the specific needs of the disabled, for courteous behavior towards them and for providing necessary support to them at the polling station; and
- Electors with speech and hearing impairment should also be given special care as in the case of other disabled persons.

The implementation of these directions was not satisfactory and the participation of electors with disabilities was not adequate in the 2004 elections. The Supreme Court directions and the Election Commission's guidelines were preliminary in nature as the directions largely focused on infrastructural needs such as putting up ramps or providing wheelchairs, apart from training of presiding officers only for the actual voting process. Access for the pre-voting stage was not address and this did not ensure greater participation in the entire election process itself.

V. RECOMMENDATIONS

Despite having the above Supreme Court and ECI directions, the 2004 elections did not adequately include voters with disabilities. In order to make the upcoming 2014 elections, it is therefore crucial that the ECI makes it a priority to take up disability concerns and takes up accessibility for electors with disabilities seriously. The ECI should identify 'Inclusion' as the theme of the upcoming elections and announce that inclusion of electors with disabilities in the elections will be a priority.



Based on many of the barriers faced by persons with disabilities as outlined in the sections above, we therefore make the following recommendations for inclusion of electors with disabilities:

i) Enabling Registration of Voters with Disabilities

- a. Providing registration information on the website in an accessible manner and upon request providing this in Braille, large print and other formats and dedicating a web page to this information.
- b. Providing a facility where voter registration officials can visit the residence care facilities to complete registration formalities of persons with disabilities.
- c. Ensuring that there is a record of all voters with disabilities registered in each constituency and recording their specific needs and ensuring that special efforts are made to facilitate their voting.
- d. Using communication such as text messaging, e-mails, phone calls and letters to direct all election communication to persons with disabilities since they may not be abreast of news on mainstream communication channels and encourage voter registration.
- e. Keeping a flexible time for registration of persons with disabilities- i.e., they can register all year round. Alternatively, have a fixed one month period twice a year when registration of persons with disabilities can be carried out and widely communicate this so the process is made easy for both the voters, as well as registration officials.
- f. Allocating specific dates for carrying out special registration drives for persons with disabilities in the premises of select disability organisations around the city.
- g. Ensuring that officials are sensitized to communicate with persons with disabilities and are competent to address their needs.
- h. Making necessary structural modifications to registration centres to make them accessible for persons using wheelchairs or other support.
- i. Disseminating public information over radio and television in the final weeks of the elections encouraging people with disabilities to participate in voter registration and voting and to inform people with disabilities about facilities which will be provided, such as priority status at the registration lines and polling booths.
- j. Prior to the elections, information must be given to electors about locations for polling stations, locations which have special access, wheelchair facilities, technological assistance etc

ii) Communication and Use of Technology

- a. All election material must be made available in large print, Braille, audio and other accessible formats upon request. Candidate Guides must be made available so that the electors with disabilities can have full knowledge of the candidates they want to vote for.
- b. Standards for accessibility must be adopted in all domains, such as the Web Content Accessibility Guidelines (WCAG 2.0) for web accessibility to ensure that all communication is rendered accessible.
- c. Communication must be made available in multiple formats and over different media such as print, television and websites to ensure that persons with different disabilities are able to access information in one way or another.
- d. The mobile phone must be recognized and used as a key tool for communicating election related information- both through voice calls, as well as through messaging or dial in service where persons can call and find out all election related information.
- e. A toll free help line may be made available throughout the country to assist voters with disabilities.



- f. All political parties and media houses must be directed to follow guidelines for accessible communication which may be issued by the Election Commission.
- g. No election related advertisement or communication should adversely depict persons with disabilities.

iii) Making Voting Accessible

- a. All polling sites and buildings should be accessible, preferably without multiple levels and with ramps and lifts. If there are steps or a narrow entrance etc., persons using wheelchairs cannot access them. Similarly if the table on which the EVMs/ ballot papers is too high or there is a booth, which is very narrow, then they cannot navigate or access it.
- b. EVMs themselves can be inaccessible and there should be audio/tactile outputs.
- c. Disability organisations should be involved in testing and training in the use of EVMs and measures should be taken to make them accessible. Persons with disabilities may be allowed to try using them before the actual day of voting.
- d. Voters with disabilities who cannot travel to polling booths or who are in care homes may be given an option to cast their votes by mail or by availing of mobile voting facility.
- e. Persons with disabilities should be given priority at queues and not made to wait.
- f. Officials should be asked to permit voters with disabilities a choice of technology use or human assistance. In the former case, voting technologies must hence be fully accessible.
- g. The ECI may also consider allocating a special time for persons with disabilities to cast their vote, along with postal ballots.
- h. Provisions may be made at reception centres of polling stations/ voter assistance booths on the poll day to provide live assistance to disabled voters.
- i. ECI may consider posting a disabled election officer at each polling station/ designating one contact person from any Disabled Persons Organisation (DPO) to assist with votes.
- j. Blanket disqualification on the grounds of unsoundness of mind is not to be permitted.
- k. A demonstration voting machine for voters to practice on before they enter a voting station would also be beneficial. Sample ballots and machines have long been recognized as "best practices," and yet they are often missing from sites or ineffectively presented.
- l. Mobile Polling Booths: As the EVM is a portable device, mobile polling booths can easily be provided in a number of hospitals, care-homes, institutions etc. This ensures that patients and persons with severe disabilities and people in old age homes etc. can vote as well. The date and time of the mobile polling can be advertised at the venues.
- m. Provision of transportation to voters requiring assistance in traveling to voting sites.

iv) Training and Sensitization

- a. All election officials, including presiding officers, sector magistrates and staff at voter registration sites and polling sites should necessarily undergo a sensitization training to meet the diverse needs of persons with disabilities- this should include communication, physical and electronic accessibility requirements. This should be integrated into the Comprehensive Resource of Human Resource Management prepared by the election commission for all levels of management.
- b. Officer responsibilities should include knowing how many voters with disabilities are there in their jurisdiction as part of their voter contact program, to ensure that all voting and physical and electronic machinery is made accessible to them and the voters with disabilities are given directions in advance on the use of the voting machines.
- c. Specially designed outreach and public information efforts should be made.



- d. Provide information to administrators and staff of health care and residential facilities of their role in supporting the rights of electors with disabilities in their care. These initiatives should also be directed at family members in the lives of residents in nursing homes and similar care facilities.

v) Election Observation and Monitoring

- a. A sub-committee may be delegated with the task of implementing accessibility and to this end may develop/ identify accessibility standards and guidelines for registration offices, procedures and polling centres.
- b. There should be a complaint redressal mechanism to address grievances and needs of voters with disabilities.
- c. There may be a small reckoner/manual for persons with disabilities in multiple formats which informs about the various facilities and options available to them and efforts should be made to widely publicize the contents of this reckoner to all persons with disabilities across the country through print and electronic media, websites and personal interaction.
- d. DPOs should be involved in the committee on accessibility, as well as at various stages of the election process, such as training and sensitization, voter assistance, developing manuals/ guidelines and election monitoring and observation.
- e. New technologies may be used for monitoring and gathering data on accessible polling stations and data on disabled voter access. Accessibility should also be identified as key criteria for evaluating polling booths in the observer manuals or other relevant instructions.
- f. There is a need to develop election monitoring methods in order to collect data, surveys and studies to understand the involvement of persons with disabilities. The ECI needs to engage and test pilot projects across the nation in order to device best practices which includes pre-election, electionday and post-election observation. Implementing these recommendations will significantly improve the participation of electors with disabilities in the elections.
- g. Persons with disabilities should be involved in the elections process by having them serve as officers or staff at polling stations, wherever possible, in collaboration with disability groups and NGOs.²⁷
- h. Pre and Post-election reviews with electors with disabilities are necessary. This can be done through consultations, evaluations, surveys that focus on whether the voter needs and expectations were met and how best to overcome the difficulties in future.
- i. Conduct voter education and information programs for youth with disabilities among other possible groups of electors with disabilities
- j. ECI must approach and consult with major political parties at national level to ensure, all candidate meetings are accessible in matters of location, meeting, advertising and assistance services.
- k. ECI must review all its electoral policies, model code of conduct, administrative rules and practices in order to comply with UNCRPD.



Session 4: Democratic Participation



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- Case studies: India and Japan
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Putting Inclusive Political Science into Practice

Comparative Analysis of Democratic Participation



India: The World's Largest Democracy

India, which has a population over one billion, has approximately 26.8 million citizens with disabilities. People with disabilities in India have encountered barriers, including attitudinal and economic barriers, that have restricted their full inclusion. After ratifying the UN Convention on the Rights of Persons with Disabilities (CRPD) in 2007, the country has made great strides to ensure that all people with disabilities have equal access to political and public life.

History of Democracy in India

In 1885, during the period of British colonialism, the Indian National Congress was formed to provide some form of representative government. Several decades later, Mohandas K. Gandhi became the leader of the Congress Party. He recognized that mobilizing the masses was the only way to win independence for his country. Gandhi, an expert in the law, used civil disobedience to demonstrate the injustice of the laws. In 1931, he led a march against the so-called "Salt Law", which prohibited Indians from producing or selling salt independently and forced them to purchase salt from a British monopoly.¹

The National Congress became a microcosm of India in the 1930s and 1940s, increasing in diversity as more members joined. Because it was diverse, members learned to debate and compromise.¹¹ After India declared independence in 1947, Congress were experts in these skills, which they used to design the Constitution of 1950. The Constitution calls for elections to be held every five years. The voting process has been a key driver of democracy as people of all socioeconomic classes participate on an equal basis.

"This in part explains India's political culture after independence. The agitational politics that one sees in India—the strikes, the demonstrations, the public unrest, that so characterizes Indian life, in many ways has a direct lineage back to Gandhi. This is the idea that you have a right to go out into the public sphere and protest..."

— Sumit Ganguly, Foreign Policy Research Institute

Movements for Disability Inclusion

People with disabilities had been considered outcasts and were marginalized from participating in public life. When people with disabilities were supported, it was from a perspective of charity rather than rights. Although disability rights groups began to demand access to their rights in the 1970s, it was not until the Equal Opportunities, Protection of Rights and Full Participation Act of 1995 that advocates with disabilities became visible in India. However, the

Act classifies people based on medical groups, rather than guaranteeing equal rights. Even the Constitution, which recognizes discrimination on the basis of sex, caste race, religion, and origin does not recognize non-discrimination of persons with disabilities.

During a census taken in 2001, only some types of disability were included; persons with intellectual and

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psychosocial disabilities were not counted. In 2014, a new Rights of Persons with Disabilities Bill harmonized rights with the CRPD.¹¹

Disability Rights Alliance-Tamil Nadu (DRA), a collective of disabled people's organizations (DPOs) in India, has spearheaded initiatives to ensure that women and men with disabilities have access to their right to participate on an equal basis as others. After years of advocating with the Election Commission of India (ECI), provisions are being implemented that support inclusion.



A woman signs for her ballot.

Inclusive Political Processes

In March and September 2016, ECI issued two notifications on facilities to be provided to persons with disabilities to all state-level commissions, demonstrating their commitment to inclusive elections. In some states, local election offices added features beyond the basic minimum standard facilities set by ECI. In other states, polling station audits were conducted with the support of ECI to determine which enhancements needed to be made to increase accessibility. Low voting booths, which are accessible to wheelchair users and persons of short stature, were made available. Some polling stations also provided wheelchairs for voters to use, and, across the country, the commission arranged for volunteers to provide assistance. Some states printed voter slips in braille for persons with visual disabilities. In two states, ECI piloted model polling booths with polling officers with disabilities. In some states, persons with disabilities took part in election officer training programs to build skills for conducting inclusive elections.

Advocates with visual disabilities verified braille numbering in electronic voting machines and the respective information in braille reference sheets in Tamil Nadu and gave their inputs, which was agreed in principle, by the Commission.

Persons with intellectual and psychosocial disabilities were barred from voting in Tamil Nadu until 2017, when they were able to enroll as voters for the first time, implementing a key provision of the CRPD that recognizes that persons with all types of disabilities have the right to vote. As one young voter with a disability noted, "It is us who will decide on casting our vote. You cannot decide."





Putting Inclusive Political Science into Practice

Comparative Analysis of Democratic Participation



Japan: Voting Rights for All

According to World Health Organization estimates that 15% of the world's population has a disability, there are over 19 million people with disabilities in Japan.

History of Democracy in Japan

Japan followed a gradual movement to constitutionalism. In the 1870s and 1880s, local uprisings demanding a voice for the people resulted in the country's first constitution in 1889. Political parties, which had formed in the 1800s as protest groups advocating for parliamentary democracy, following the model of the United Kingdom, and the House of Representatives had little power until this constitution, though held regular national level elections. After the death of Emperor Meiji in 1912, political parties gained power. Universal suffrage was enacted in 1925, when the tax qualification for voting was lowered substantially, which meant that more Japanese people were able to participate in formal political life. Although parties were disbanded in 1940, they were reinstated under Japan's Constitution in 1946. This Constitution guaranteed the rights of Japanese citizens to vote and run for office.^{iv}

Movements for Disability Inclusion

People with disabilities have faced intense discrimination and violence in Japan. Disability rights movements have worked to combat stigma, which perpetuated fears that led family members to institutionalize persons with disabilities.

In the 1970s and 1980s, Aoi Shiba, the national association of people with Cerebral Palsy played a leading role in the disability rights movement. As a result of this advocacy, in 1995 antidiscrimination legislation was enacted, though it continues to use a medical model of disability.

"Although the CRPD requires states parties to forbid discrimination and make reasonable accommodations for persons with disabilities, Japanese law and policy does not yet fully realize these concepts, nor are they seen as part of Japan's broader civil and human rights initiative."
– Jun Nakagawa and Peter Blanck

Inclusive Political Processes

On 27 May 2013 the parliament in Japan unanimously revised the Election Law, deleting the article that deprived people under adult guardianship of their right to vote and right to stand for elections.

This was a speedy response to the Tokyo District Court Ruling on 14 March 2013, which judged this relevant article unconstitutional. Ms. Nagoya Takumi, a woman with an intellectual disability sued the government in February 2011. Inclusion Japan collected more than 400,000 signatures to support the cause.

The public came out very supportive of this ruling. This pressured members of parliament, both ruling and opposition, to work hard to make the timely legal change only 74 days after the ruling. At the press conference immediately after the parliamentary action, Ms. Nagoya said that "I will go to the next election. I look forward to the next election". The next election will be held for the House of Councillors, upper house, in July this year. With this legislative development, the voting rights of





Putting Inclusive Political Science into Practice

Comparative Analysis of Democratic Participation



136,000 people under the most restrictive “koken” category of the adult guardianship have been restored.

The Tokyo District court ruled on 14 March 2013 that it was unconstitutional for the Election Law to deprive persons under guardianship of their right to vote. This is the first time a court has made such a decision in Japan.

Ms Nagoya Takumi, the plaintiff, sued the government in February 2011. Ms Nagoya, a 50-year-old woman with Down syndrome, voted in almost every election since she turned 20, until her father, Mr Nagoya Seikichi, was appointed by a local family court as her legal guardian. The Japanese Election Law deprives people under the specific category of guardianship (the “koken” category which provides the widest and most restrictive coverage; annually about 30,000 people are placed under adult guardianship and 24,000 are placed under “koken” category) from their right to vote. Encouraged and represented by her father, Ms Nagoya asked the court to restore her voting right for the coming elections for the House of Representatives, the lower house, and the House of Councillors, the upper house.



Nagoya Takumi speaks to the press after her court case.

The summary of the ruling is as follows: the right to vote and to run for elections is a fundamental right that is the basis of parliamentary democracy and is guaranteed in different articles of the Constitution.

Inclusion Japan as well as Inclusion International supported Ms Nagoya who is a member of Inclusion Ibaragi. Inclusion Japan collected more than 410,000 signatures in support of her case, and during the proceedings the courtroom was almost always packed by supporters and sometimes there was a lottery to get into the courtroom.

Upon delivering the ruling, the presiding judge, Judge Jozuka Makoto, directed the following words to Ms Nagoya personally: “Please use your political rights and take part in society. Be proud and lead a good life”. The courtroom was filled with cheers and applause. In the press conference which followed the conclusion of the District court case, Ms Nagoya exclaimed “I am happy to vote again”.¹

¹ “Salt March” by Kenneth Pletcher, *Encyclopedia Britannica*

² “The Story of Indian Democracy” by Sumit Ganguly, *Foreign Policy Research Institute*

³ “The History of India’s Disability Rights Movement” by Martand Jha, *The Diplomat*

⁴ “The Birth of Parliamentary Democracy in Japan: An Historical Approach” by Csaba Gergely Tamas

⁵ “Voting Rights Restored by the Revision of Election Law in Japan” June 1, 2013 Asia Pacific, Legal Capacity, The Right to Decide: Examples and Practices: Initiatives. From the Building Resources in Democracy, Governance and Elections (BRIDGE) module on Disability Rights and Elections.





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- Handout: Drafting the Plan
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**Putting Inclusive Political Science
into Practice**
Personal Action Plan



What is your goal? (Make sure it is SMART!)

By when do you want to complete your goal?

List the skills that you will need to complete your goal:

In the list above, highlight the skills that you do not yet have.



