

# Political Participation of Women with Disabilities in Nepal: Barriers and Opportunities

## Research Report



**Nepal Disabled Women Association (NDWA)**

Kathmandu, Nepal

May 2019



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**This report is made possible by the support of the American People through the United States Agency for International Development (USAID) and the International Foundation for Electoral Systems (IFES). The contents of this report do not necessarily reflect the views of IFES, USAID or the United States Government.**



# ACKNOWLEDGEMENTS

The Nepal Disabled Women Association (NDWA) was established in 1998, adopting the values of the fundamental rights and responsibilities provided by the Constitution of Nepal works to support women with disabilities to pursue their rights, and provide them protection and livelihood support.

NDWA completed this study report on *Political Participation of Women with Disabilities in Nepal: Barriers and Opportunities* for which it would like to thank several individuals and organizations for their immense cooperation and support.

I would like to express my heartfelt thanks to Mr. Achyut Acharya, lead researcher for this study report and to his study team who showed immense enthusiasm and dedication in collecting information through focus group discussions and key informant interviews. I also would like to thank all NDWA focal persons for their constant support and coordination with the study team and with various individuals during the study.

I am indebted towards all participants of the focus group discussions and interviewees for their cooperation and information, without which this report would not have been possible.

Additionally, my gratitude and appreciation are due towards the NDWA board and general members, staffs, disability rights activists and leaders of disabled people's organizations for their support and contributions.

NDWA firmly believes that the study report will serve as a good reference for key stakeholders in Nepal, including the government, Election Commission of Nepal, civil society organizations, disabled people's organizations, international non-governmental organizations, human rights activists, academics, researchers and other related stakeholders to learn about barriers to political participation of women with disabilities. NDWA hopes the resulting recommendations will support stakeholders to take a proactive approach to promote political participation of women with disabilities in Nepal.

Nirmala Dhital  
Chairperson  
NDWA

# ABBREVIATIONS

CA	:	Constituency Assembly
CEDAW	:	Convention on the Elimination of All Forms of Discrimination Against Women
CoC	:	Code of Conduct
CRPD	:	Convention on the Rights of Persons with Disabilities
CSO	:	Civil Society Organization
DAO	:	District Administration Office
DEO	:	District Election Office
DPO	:	Disabled People’s Organization
ECN	:	Election Commission of Nepal
EDR	:	Election Dispute Resolution
FGD	:	Focus Group Discussion
FPTP	:	First Past the Post
FSFN	:	Federal Socialist Forum Nepal
GI	:	Gender and Inclusion
HoR	:	House of Representatives
IFES	:	International Foundation for Electoral Systems
KII	:	Key Informant Interview
NC	:	Nepali Congress
NCP	:	Nepal Communist Party
NDWA	:	Nepal Disabled Women Association
NFD-N	:	National Federation of the Disabled-Nepal
NGO	:	Non-Governmental Organization
PA	:	Province Assembly
PR	:	Proportional Representation
RJP-N	:	Rastriya Janata Party-Nepal
USAID	:	United States Agency for International Development
UNDP	:	United Nations Development Program
WHO	:	World Health Organization

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# EXECUTIVE SUMMARY

Nepal's Constitution provides a powerful framework for a more inclusive society and increased participation of marginalized groups. However, despite constituting 52 percent of Nepal's population and being large contributors to its economy, women in Nepal remain under-represented. The local, provincial and federal elections in 2017-2018 marked an important milestone in the country's transition to a federal republic. Legal quotas leading to the election of 14,345 women to local governments was a step towards addressing gender inequality<sup>1</sup>, but only six of these were women with disabilities, and none of the 300 women elected to federal nor provincial parliaments were women with disabilities. This underscores the need to address barriers to political participation and representation of women with disabilities in Nepal.

Women with disabilities face unique barriers as members of two marginalized groups: women and persons with disabilities. Exclusionary practices of women as a result of patriarchal social structures are compounded for women with disabilities. Limited understanding among state authorities regarding international commitments such as the International Convention on the Rights of Persons with Disabilities (CRPD) and Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), coupled with lack of awareness of legal provisions protecting the rights of women with disabilities present substantial barriers to their participation in political, social and economic spheres.

Disability advocates agree that the lack of reliable data on persons with disabilities has affected their representation at all levels of government. The 2011 National Census reported that 1.94 percent of Nepal's population had a disability and that 45.44 percent of these were women.<sup>2</sup> By contrast, the World Health Organization (WHO) and World Bank in 2011 estimated that 15 percent of the world's population has a disability and 60 percent of persons with disabilities are women.

Nepal ratified the CRPD in 2010 and received concluding observations to their initial report from the CRPD Committee in 2018. The committee noted the exclusion of women with disabilities from decision-making processes, and a lack of information on social, economic, employment and political statuses of women with disabilities. The CRPD committee therefore recommended Nepal to adopt a human rights model of disability, to effectively implement the constitution and existing laws ensuring equality and non-discrimination, and to engage in legal and policy reforms in consultation with organizations representing women and girls with disabilities.

*The Act prepared for the Amendment and Consolidation of Laws relating to the Rights of Persons with Disabilities, 2017* is a positive development towards

1 Nepal is ranked 149<sup>th</sup> among 189 countries by the UNDP in its 2018 Global Gender Inequality Index (GII): <http://hdr.undp.org/en/content/gender-inequality-index-gii>

2 Population by disabilities, page 212, table 24; National Report, National Population and Housing Census-2011, Vol-1; Central Bureau of Statistics, Nepal

implementation of many of the CRPD's provisions. However, the law doesn't adequately address issues of inclusion and political participation of women with disabilities. Similarly, the lack of implementation of the provisions of the *Accessible Physical Infrastructure and Communications Directive, 2013*, which can be also attributed to the lack of adequate sensitization of concerned authorities including political parties, lawmakers and the government officials, also present significant barriers to the political participation of women with disabilities in Nepal. The research also found that civil society organizations (CSO) focusing on women's inclusion and empowerment do not specifically include women with disabilities. Additionally, Disabled People's Organizations (DPO) focus on persons with disabilities as a whole, not addressing unique barriers women with disabilities face. Therefore, women with disabilities are seen as a cross-cutting issue that gets insufficient attention.

Recognizing that women with disabilities are often excluded both from disability rights movements and women's rights movement, the Nepal Disabled Women's Association (NDWA) has therefore prepared a policy platform<sup>3</sup> to advocate for the rights of women with disabilities. The platform includes recommendations for policy change to guarantee that the rights of women with disabilities are not only recognized but also implemented. As part of the *Power to Persuade: Empowering Women with Disabilities to Influence Public Policy* program, NDWA has been implementing awareness and advocacy campaigns at national and sub-national levels, with support from the International Foundation for Electoral Systems (IFES) and the United States Agency for International Development (USAID).

This study on the *Political Participation of Women with Disabilities in Nepal: Barriers and Opportunities* has been implemented to aid NDWA's efforts to empower women with disabilities to lead advocacy efforts to advance their rights. Utilizing both primary and secondary measures to collect data, including desk research and field research techniques, the research aims to:

- a. Identify gaps in existing laws that promote or negate political participation and inclusion of women with disabilities, including in their implementation;
- b. Determine the understanding of these issues among key stakeholders including government authorities, lawmakers, and representatives of political parties, CSOs and DPOs, and of their role in promoting political participation of women with disabilities; and
- c. Provide specific recommendations for key stakeholders to advance the political participation and inclusion of women with disabilities in all levels of the government, and for DPOs to aid their advocacy with concerned authorities.

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3 <http://electionaccess.org/en/resources/publications/601/>

# SUMMARY OF FINDINGS

A review of the legal framework and the responses provided by Focus Group Discussions (FGD) and Key Informant Interviews (KII) respondents revealed very few success stories on the political participation of women with disabilities. Apart from a couple of women with disability claiming local government positions (through their own initiatives), it was noted that these women encountered legal, attitudinal, informational and access barriers during the 2017 federal and provincial assembly elections.

## Successful Participation in Politics

Ram Pyari Awale, a young girl from a low-income family in Kavre district with a physical disability, defied social stigmas about disabilities to join grade three at a local school and complete her education. After becoming the primary income-earner for the family, she also became an active social worker. Ms. Awale was then successfully elected as a ward member in the 2017 local elections due to her dedication and commitment to social causes.

**Furthermore, all key informants were in agreement on three issues:**

- a. Prevalent socio-cultural stigma around disability, coupled with patriarchal mindsets and poor economic disposition adversely affect the participation of women with disabilities;
- b. There is a lack of adequate sensitization among key stakeholders, and thus an indifference related to the multiple barriers faced by women with disabilities; and
- c. The lack of obligatory legal provisions resulted in a lack of opportunities for their participation, with very few disability quota seats filled by women with disabilities.

The following sections present a summary of findings, disaggregated by the nature of barriers to full participation of women with disabilities.

## Legal Barriers

- The Constitution and national laws do not sufficiently address issues related to women with disabilities. This impacts Nepal's adherence to its commitments under the CRPD, specifically in relation to ensuring the dissemination of information in accessible formats, the use of accessible voting aids, and political rights of women and men with intellectual disabilities.
- There is a lack of consistent data on the number of Nepali citizens (and voters) with disabilities, especially women with disabilities. There is also a

lack of specific obligatory provisions in government-initiated programs to address access of women with disabilities, which impacts Nepal's adherence to CEDAW, which requires periodic reporting on the number of women with disabilities and to ensure there are laws in place to ensure their equal access to education, employment, health services and social security, and their participation in all areas of social and cultural life.

- National electoral laws do not define "persons with disabilities" and refer to persons with intellectual and psychosocial disabilities as being "of unsound mind", restricting their right under the CRPD to enroll as voters and stand as candidates in elections.
- There is a lack of obligatory legal provisions to ensure representation of women with disabilities into elected office. This translated into merely six women with disabilities elected to local governments (out of 14,345 elected women), and no women with disabilities elected to federal and provincial assemblies.
- Despite the Nepal government issuing a directive on accessible infrastructure, the implementation of the directive has been slow, resulting in public buildings and infrastructure being difficult to access. In addition, electoral laws are silent on ensuring accessible voter education and voter registration, polling and counting centers.
- Electoral laws' restriction on choice of voting assistant for persons with disabilities and the authority provided to polling officers in voting assistance conflict with Nepal's international commitments and best practices that a person of the voter's choice may assist them.

### Attitudinal Barriers

- Social stigmas around disability affect the behavior of families, society, political parties and other stakeholders. Families were reported to hide members with disabilities, especially those with psychosocial disabilities and those who require significant assistance. Families were said to not be supportive of these persons' access to disability ID cards, citizenship and voter registration, particularly in relation to women and girls with disabilities and persons with psychosocial disabilities. Respondents at FGDs were unanimous that the weakened status of women with disabilities were the key barriers to their participation in social and political life.
- Local authorities and political leaders were also reported to be indifferent to the issues of women with disabilities, particularly their lack of attention and encouragement regarding the acquisition of vital documents such as citizenship certificates.
- Respondents also revealed that women with disabilities (and persons

with disabilities in general) are denied opportunities to participate in their communities as equal citizens. They are excluded from community activities, such as skills development trainings, local planning processes and local citizen groups. Women with disabilities reported that they are generally not invited to public events, as stakeholders consider it too difficult to ensure their access to such programs.

- All stakeholders, including political parties, the Election Commission, Nepal (ECN), government officials and CSO representatives lack sufficient awareness about disability issues, and more so on the multiple discriminations faced by women with disabilities. Furthermore, this lack of sensitivity could be attributed towards the lack of structural representation (as staff or office-bearers) in these organizations.
- “There is a general misconception amongst members of political parties that women with disabilities are unable to politically compete, and not in a position to generate funds required for political campaigns.”

- A political party representative, in KII
- Persons with disabilities are typically perceived through a charity-based perspective, rather than being regarded as equal citizens. Many respondents reported that political parties do not identify persons with disabilities as individual voters, instead perceiving their political affiliations to be directly influenced by their family members.
  - Furthermore, respondents were of the firm opinion that political parties extend limited support towards persons with disabilities, with such support further reserved for those who share their political ideology, and with other persons with disabilities and their concerns being completely ignored.
  - Respondents also expressed disappointment at the lack of policies and structures within political parties to ensure the inclusion of persons with disabilities, indicating the complete lack of attention towards persons with disabilities in their structures, constitutions, procedures and manifestos.
  - Women with disabilities identified that political parties (at all levels) ignore principles of inclusion when discussing priorities and programs, and taking decisions on important matters. They also described the practice of nominating candidates based on economic status and personal gains or relations, instead of promoting the participation of women with disabilities.
  - Respondents also reported misconceptions among CSOs that the issues of women with disabilities should be the focus of DPOs only. CSO representatives also concurred that they were not addressing disability inclusion adequately, and not at all in relation to women with disabilities,

and that there could be more collaboration between CSOs, DPOs and government authorities in this regard.

### Communication Barriers

- Respondents reported a general lack of community awareness on disability issues, which was contributing to the societal misconceptions and treatment of disability as a disadvantage. They also shared that women with disabilities themselves were not aware about their rights under the Constitution and laws.
- Voter education programs conducted by the ECN were reported as not being targeted and accessible to persons with various types of disabilities. More than half the FGD respondents who took part in voter education programs complained of receiving insufficient information on voting and ballots. Furthermore, respondents also shared these programs did not specifically address the rights of persons with disabilities and were not available in accessible formats.
- Similarly, it was also reported that the electoral campaigns of political parties and candidates were also indifferent to the issues of persons with disabilities, and not available in accessible formats.
- In general, no media organization was reported to disseminate electoral or political information in accessible formats. Furthermore, apart from DPOs and CSOs directly working in the area of disability inclusion, respondents perceived other CSOs as not being inclusive of the issues of persons with disabilities and of not paying sufficient attention towards making civic and voter education available in accessible formats. Respondents further concluded that even DPOs and CSOs directly engaged with disability issues were not implementing enough programs specific to the political rights of women with disabilities.
- Many respondents stated that there was a lack of guidance in accessible formats available at the polling centers on Election Day (including in braille, sign language or audio formats) to guide their voting exercises.

### Physical Barriers

- All respondents discussed the abundance of inaccessible infrastructure, which was compounded by distance and geographical hurdles. Respondents noted the difficult geographic terrain in the hilly regions and specifically identified inaccessible voter registration and polling stations as barriers to participation of women with disabilities in elections. Geographical and infrastructure barriers also affect the availability of accessible transportation and the ability to use wheelchairs. The 2017 electoral access assessment by NFDN also noted that very few polling stations were equipped with ramps

where required. It is notable that most public infrastructure is not accessible despite the government's 2013 accessibility directive.

- Respondents were of the firm opinion that the electoral participation of voters with disabilities was also affected by lack of vehicular movement on Election Day, coupled with lack of awareness about the ECN's provision of vehicles (with prior permissions) to aid voters with disabilities.
- Women using wheelchairs reported obstacles within polling stations and lack of adequate spaces to maneuver their wheelchairs as barriers to their free participation in voting. The 2017 assessment by the National Federation of the Disabled, Nepal (NFD-N) had also identified that a third of the polling stations observed had obstacles, and that a fourth of the polling stations had insufficient spaces to maneuver wheelchairs.
- The ECN was unable to meet its target of ensuring accessible voting aids, to comply with Article 29 of the CRPD. The lack of voting aids, including accessible ballots and ballot guides, were additional barriers to voters with disabilities.
- Lack of awareness among electoral staff and political party agents on disability issues were also reported to have hampered participation of persons with disabilities. Respondents shared there was a lack disability-accessible assistance (including sign language interpreters) at polling stations, and only the needs of voters with physical and visual disabilities were considered, with voters having auditory disabilities unable to access the priority voting queue.
- Lastly, the respondents rued the lack of advocacy efforts specific to women with disabilities by DPOs, CSOs, the government and donors to help enhance awareness of the multiple barriers faced by women with disabilities. They argued that many discriminatory practices could be done away with through sensitization of communities and families of women with disabilities.

## Economic Barriers

- Social stigmas generally make women with disabilities much more reliant on their families. The resulting lack of access to education, employment and socio-cultural participation contributes to further marginalize these women, while also affecting their ability to travel and access social services and political rights.
- In relation to the rising cost of elections (evident from literature review and in discussions with political party representatives), women with disabilities find it difficult to plan and run for elected seats. In the patriarchal context of Nepal where men generally control family resources, it will become increasingly difficult for women with disabilities to secure adequate funding to compete with men in elections.

# RECOMMENDATIONS

Based on the issues identified in this study, NDWA outlines a set of recommendations for key stakeholders to enhance the political participation of women with disabilities. Some of these are also a result of direct suggestions by FGD and KII respondents.

## Election Commission, Nepal and Legislative Bodies

- *Ensure eligibility to vote and to be a candidate for all citizens:* Election laws should not have provisions that restrict the right to vote for persons under guardianship. The ECN and Federal Parliament should remove restrictions against persons with intellectual or psychosocial disabilities in enrolling to vote, voting and candidacy, thereby helping Nepal meet its obligations under the CRPD.
- *Include mandatory representation in all tiers of legislatures:* *The House of Representatives Election Act, 2017* and *the Provincial Assembly Election Act, 2017* do not require that persons with disabilities be represented in either body as the legislation does for other minority groups. *The Local Level Election Act, 2017* also does not provide for any kind of assurance or incentive for persons with disability to be elected. Disability quotas are a positive measure to make the Federal Parliament, Provincial Assemblies and Local Level Assemblies more inclusive. The ECN and the Parliament should therefore introduce quotas for persons with disabilities, including through reserving seats for women with disabilities in all elections, within the overall quota to elect women in each election.
- *Introduce positive incentives to encourage nomination:* The ECN could also adopt positive incentives to encourage political parties to nominate women with disabilities as candidates in the election, through for example, a discount on party registration fee.
- *Enforce regulations to curb electoral violence and defamation:* Women with disabilities are more likely to experience physical or sexual violence than women without disabilities, and the policy platform created by NDWA in August 2018 recognizes that access to justice is critical to ensure access to political rights.<sup>4</sup> The Electoral Code of Conduct adopted in 2015 provides that “No election campaign shall be carried out or caused to be carried out in a way that undermines the feelings of persons with disabilities.” This positive provision should be reproduced in the regulations and procedures as well, in a way as to match the language used in the CRPD, such as “No election campaign shall be carried out or caused to be carried out in a way that undermines the rights of persons with disabilities”. The provisions should be elaborated to specifically prevent candidates, political parties or

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4 <http://electionaccess.org/en/resources/publications/601/>

agents from making speeches and declarations or influencing persons to vote or not to vote on grounds of race, disability and religion or by abetment of such acts.

- *Enforce accessibility of polling stations and voter registration centers: The Accessible Physical Structures and Communication Service Directive for People with Disabilities, 2013* specifically provides that during election period, “physical structures shall be constructed and arranged in such a way that people with disabilities can easily reach up to the voting booth and use their voting right” (Art.34, f). For this, arrangement of ramp as per need and priority shall be given for those who cannot sit in queue for vote. However, the electoral laws and regulations are silent on the accessibility of voter registration centers, polling stations or counting centers for persons with disabilities. Registering to vote and voting are usually accompanied by long waiting times or significant travel distances that conflict with women's domestic responsibilities, work schedules, childcare or lack of funds and freedom of movement. For those women with disabilities living in rural areas, it is even more difficult to access polling stations. Therefore, the ECN should include in its regulations and procedure disabled friendly requirements when determining location and setting up polling stations.
- *Introduce accessible election materials: Article 29 of the CRPD* notes that State Parties, such as Nepal, have committed to taking steps to ensure that “voting procedures, facilities and materials are appropriate, accessible and easy to understand and use.” In the *2013 Accessible Physical Structure and Communication Service Directive for People with Disabilities*, the Government of Nepal provided for arrangements to be made “to increase access to voting process for people who are blind and to make them confident of their vote, the practice of using ballot with Braille or accessible electronic voting machine shall be gradually implemented.” The ECN should therefore conduct pilot projects to test accessible election materials, including accessible ballot guides and voting instructions, and seek collaborations with DPOs to develop and implement such pilots. Mandatory provisions to make available accessible election materials must be specifically included in election laws and/or regulations.
- *Enforce accessibility of voter education and election information: Article 21 of the CRPD* requires countries to promote access to information by providing information intended for the public in accessible formats and technologies, by facilitating the use of braille, sign language and other forms of communication. It also encourages the media and internet providers to make online information available in accessible formats. Similarly, the *Right to Information Act, 2007* requires all public entities to make available all relevant information to the citizens of Nepal. Therefore, the ECN and the Federal Parliament should lead reforms to ensure both electoral and other

public information are available in accessible formats. This should include materials in braille, large fonts, easy-read guides and sign language visuals and publications, as well as making available information such as electoral notices, candidate lists, voter education, election results and complaints on the website, in a format accessible screen readers.

- *Ensure free choice of voting assistant: The Local Level Election Act (Art.36, 1, f), Province Assembly Election Act (Art.41, 1, g) and House of Representatives Election Act (Art.41, 1, g) limit the assistance for voters with disabilities to immediate family members and polling officers, which is not in line with Nepal’s international commitment and best practice that provides that any person of the voter’s choice may assist a voter. The 2013 Constituency Assembly (CA) Election Directive, Section 88 read that a person trusted by the voter with disability could accompany her/him into the polling station. Therefore, existing laws should be amended to strengthen the accessibility for persons with disabilities, ensuring that they are able to vote independently in line with best practice. These acts should be amended to provide that “a person of the voter’s choosing” can assist them.*



*Picture 1: A screenshot from IFES’ voter education video which incorporates accessible features such as sign language interpretation and sub-titles.*

- *Reduce the discretion of polling officers in relation to voting assistance:* Section 39 of *Local Level Election Act, 2017* and section 42 of both *Province Assembly Election Act, 2017* and *House of Representatives Election Act, 2017* relating to assisted voting gives broad discretion to the Polling Officer to allow the voter to be assisted or not. These Acts read that “if the Polling Officer finds it required, he/she can give permission to such immediate family member to enter” [emphasis added]. The regulations and procedures should limit the discretion of the polling officer and include reservation through a provision such as the assistant may be denied access only if the polling officer has a strong suspicion/reason to believe, based on evidence, that the assisting person wishes to commit a violation. The provision should further require polling officers to issue and file copy of their decision to deny access together with the reason for such denial. The regulation could also require the assistant to sign a declaration to assist only as per the voter's choice and to ensure secrecy of the vote.
- *Improve accessibility to Electoral Dispute Resolution (EDR):* The EDR/Electoral Offence and Punishment procedure could institutionalize a requirement for future elections to use standardized forms, and can also state that forms will be available in accessible formats (such as an audio or braille version) for persons with disabilities upon request at the Returning Officer's and central offices. The procedure should also provide that an election official can assist the voter in filing a complaint upon request. It is also important to consider whether the location and method of filing complaints are accessible for persons with disabilities, who should be able to access justice, including participating in or observing hearings on complaints. Ideally, a sign language interpreter could be provided upon request for a witness or a party to a hearing.
- *Include women with disabilities as election officials:* Section 5 (3) of the *Disabled Protection and Welfare Act* guarantees the right to equality by providing that there shall be no discrimination “against any person with disability in the appointment to Government services or any other public service, and they shall not be deprived of being appointed for any post or promoted or upgraded or having equal treatment, merely on the ground of their disability.” *The Election Commission Act, 2017*, also provides that “when the Commission formulates rules as per this Act, conducts programs, deploys officials, monitors or observes or causes to monitor or observe, it shall follow the principle of gender-friendliness and inclusion” (Art.42). Thus, the regulations and procedures could expand on this provision to explicitly provide for the inclusion of women with disability throughout the election process. The ECN should encourage recruitment of women with disabilities and provide for adequate conditions to enable them to work at the ECN and at polling centers. Furthermore, pursuant to the ECN's GI

Strategy (s.4.1.2, f), the ECN must prioritize the inclusion of women with disabilities as resource persons for various electoral trainings, and for engagement as electoral educators and volunteers/temporary staff.

- *Revise terminology used in laws and regulations to refer to persons with disabilities:* Both the ECN and the Federal Parliament should undertake a legal review to revise and unify/harmonize the language used in election laws, regulations, procedures, and Code of Conduct. A consistent definition of “persons with disabilities” should be added, and references throughout the regulations and procedures should be pursued. The definition of the CRPD Convention could be used.
- *Collaboration with DPOs:* DPOs, especially those that are run for and by women with disabilities are vital partners in political process-focused programs. They provide a pre-existing platform for mobilizing and representing the interests of persons with disabilities. Salient areas for collaboration include the review of legal language to ensure respectful terminologies, piloting of mobile and/or advance voting and of accessible election materials, development of polling location accessibility checklists and trainings for electoral staff, and similar other programs related to enhancing the access and inclusion of women with disabilities. DPO representatives should ideally be included throughout the program cycle, including in the design, implementation and monitoring and evaluation stages.
- *Trainings and guidelines on disability inclusion:* The ECN should include disability rights as part of its electoral trainings and ensure its staff are equipped with enough guidelines to ensure adequate sensitivity towards voters with disabilities and mainstream disability into its gender inclusion trainings and gender into its disability inclusion trainings. The federal, provincial and local assemblies should also organize awareness programs for lawmakers to ensure their sensitiveness towards persons with disabilities. It is only through wider awareness that the prevalent social stigma around disability can be abolished.
- *More publicity of transportation options on Election Day:* Whereas the ECN has provided for the use of vehicles on Election Day to ferry voters with disabilities to polling stations, it was found that this provision was not widely known by the concerned stakeholders, including voters with disabilities. It is therefore recommended that the ECN implement wider awareness of this provision in future elections, including in accessible formats. Such awareness campaigns must have a specific focus on reaching women with disabilities and their families considering the comparatively greater impact of social stigma on women with disabilities their lower access to information.

## Political Parties

- *Ensure statutory, policy-level and structural inclusion:* Political parties should review the language written in their respective statutes. For example, the Constitution of Nepal Communist Party (NCP) restricts persons with psychosocial and intellectual disabilities from being a party member which is not in line with the CRPD (Art.12) or the Nepal Constitution (Art.18). While it is noteworthy that the Constitution of NCP provides measures for persons with disabilities to be elected in the party committees at various levels, all parties such as Nepali Congress (NC), Federal Socialist Forum Nepal (FSFN), Rastriya Janata Party Nepal (RJPN) should provide for women with disabilities to be included in local to federal level bodies as dignified party members. It is also recommended that inclusion of women with disabilities be ensured across the sister organizations and wings of political parties, and separate wings be formed specifically for women with disabilities. If possible, an inter-party alliance of women with disabilities should also be formed.
- *Ensure accessible information during campaigns:* To address the concerns raised by majority of respondents, as well as noted through observer reports, political parties must ensure that their electoral manifestos and essential information are available in accessible formats. Parties must ensure their manifestos include issues related to women and men with disabilities, and that they are invited to public meetings, awareness programs and rallies.
- *Compliance to mandatory nomination requirements:* Apart from ensuring compliance to mandatory inclusion provisions, political parties could ideally allocate a certain percent of their membership, official positions and nominations for women with disabilities. This latter quota could be easily built into the 33 percent mandatory women's quota in provincial and federal legislative elections.
- *Support legal reforms to enhance inclusive participation:* Political parties should promote advocacy to enhance the participation and representation of women with disabilities in every affairs of the state. The parties should ideally issue whips to their respective lawmakers when drafting and discussing legislation and policies to ensure the issues of women with disabilities are addressed in such documents.
- *Train cadres on disability and gender inclusion:* Political parties should train their cadres on sensitivity to gender and disability inclusion, the unique and multiple barriers faced by women with disabilities, and on the special needs of people with disabilities related to social and political participation.
- *Ensure accessibility of party offices:* Lastly, political parties must also ensure their offices are physically accessible to persons with disabilities.

## Federal, Provincial and Local Governments

- *Mandatorily maintain data on disabilities:* It has been widely noted that there is a lack of consistent data on the prevalence of disabilities in Nepal. As reliable data is a general precursor to development initiatives, all three tiers of governments must work together to ensure the collection and maintenance of consistent data on the population and requests for accommodations or assistive measures for persons with disabilities.
- *Ensure mandatory accessibility of physical infrastructure:* As per the "Accessible Physical Structures" directive, all tiers of governments are equally liable to ensure both new and existing offices of the government are physically accessible, and as soon as possible, given that five years have passed since the passage of the said directive.
- *Ensure inclusion across all government plans and programs:* All tiers of governments must include, in line with the equality of all citizens envisioned in Nepal's Constitution, the right to education, employment, health, social security, and social/cultural life for women with disabilities. In the context of devolution of power to local governments, it is ideal for the local governments to set aside budgets for, and to implement programs to develop the skills of women and men with disabilities, with a view towards achieving their social, cultural and economic empowerment.
- *Ensure accessible information:* All tiers of the government are also liable to ensure the availability of information in accessible formats, such as audio, easy-to-read, and wordless formats, pursuant to the CRPD, the Constitution, the Right to Information Act, and the Accessible Physical Infrastructure and Communications directive. Women with disabilities are more likely to have low literacy<sup>5</sup> and thus benefit from access to these formats.
- *Initiate programs to curb social stigma:* All tiers of the government, and more specifically the local governments, must pay attention towards implementing programs to abolish social and cultural stigma around disability and the intersectional barriers encountered by women with disabilities. Such initiatives would ideally include public awareness on disability sensitivity and gender inclusion, encouragement to families to apply for vital registrations for women with disabilities, and the inclusion of women with disabilities in local level meetings and groups.

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5 Living conditions among people with disability in Nepal; The SINTEF Technology and Society; 2016; p104-104; Tables 21-22: literacy rate lower among women with disabilities (30.9%) than men with disabilities (52.6%), and overall literacy lower in rural areas (39%) compared to urban areas (57.7%); <http://atlas-alliansen.no/wp-content/uploads/2016/12/SINTEF-A27656-Nepal-PrintVersion.pdf>

## Disabled People's Organizations and Civil Society Organizations

- *Cooperate, collaborate and advocate with all stakeholders:* DPOs must cooperate and collaborate with the larger civil society movement, including women's rights movements, as well as advocate with the government, political parties and the ECN, based on the recommendations presented in this report. Collaborating with stakeholders would ensure wider sensitization on the issues of disability and help ascertain remedial measures to abolish social stigma and pilot accessibility measures across government's plans and programs.
- *DPOs must ensure women with disabilities are specifically targeted:* As evident in the FGDs and KIIs, very few DPOs have mainstreamed the issues of women with disabilities in their plans and programs and tend to focus on general issues faced by persons with disabilities. Therefore, it is imperative that DPOs themselves are more sensitive towards the multiple barriers faced by women with disabilities and specifically target this community as part of their plans and programs. Furthermore, DPOs must also undertake additional measures to ensure gender parity in their membership and leadership.
- *CSOs must mainstream disability issues in their structures and strategies:* CSOs must ensure the inclusion of disability issues in their statutory and strategy documents and ensure women with disabilities are able to be their members and officials. Similarly, in collaboration with DPOs, CSOs must implement specific programs aimed at enhancing the participation and inclusion of women with disabilities, while also mainstreaming this in their regular programs.
- *Stakeholder awareness must include media activity:* Wider awareness and affirmative action on disability rights and inclusion, specifically the participation of women with disabilities are imperative to abolish deeply rooted cultural and social stigmas surrounding disability and participation of women in public life. Together with other awareness strategies, CSOs and DPOs must also include sensitization and involvement of media organizations, as the media can play a vital role in this process.
- *Consider accessibility issues during electoral observation:* CSOs and DPOs must also advocate with observer organizations and the ECN to ensure accessibility checklists are included in electoral monitoring and observation programs, both long- and short-term. IFES' *Election Access Observation Toolkit* can be a resource for this activity. This will generate a wealth of data that can be used to both identify the required affirmative action, and to develop and implement such initiatives to ensure access to elections for women and men with disabilities.

# CHAPTER ONE: INTRODUCTION

## 1.1. Background

Following the promulgation of Nepal's Constitution in 2015, Nepali citizens took part in historic elections for three tiers of government in 2017-2018. The elections of local, provincial and federal representatives marked an important milestone in the country's transition to a federal republic. The elections sought to institutionalize the 2015 Constitution and its provisions, widely believed to be accepted by all sectors of Nepalese society. However, many marginalized groups have come forward with demands for effective implementation of constitutional provisions to ensure their access to equal rights. Women constitute 52 percent of Nepal's population, and are large contributors to its economy, especially in agriculture; however, they remain politically, socially and economically under-represented. The 2018 Global Gender Inequality Index (GII) produced by the United Nations Development Program (UNDP) ranks Nepal 149<sup>th</sup> among 189 countries.<sup>6</sup> A total of 14,345 women were elected in the recent local elections owing to legal quotas. Of these, six were women with a disability.<sup>7</sup> There were no women with disability among the 300 women elected to federal and provincial parliaments.

There are conflicting reports related to data on persons with disabilities in Nepal. The 2011 National Census reported that 1.94 percent of Nepal's population had a disability and that 45.44 percent of these are women.<sup>8</sup> The 2011 National Living Standard Survey claimed that persons with disability comprised 3.6 percent of Nepal's population.<sup>9</sup> Both these studies have reported lower figures than the World Health Organization (WHO) and World Bank in 2011, which found that 15 percent of the world's population has a disability and 60% of persons with disabilities are women.<sup>10</sup> The fact that there is a lack of sufficiently satisfactory documentation of the prevalence of disability in Nepal has also been brought to the forefront by a 2016 national representative survey on 'Living Conditions in Nepal', which claims the population of persons with disability in Nepal to be even higher than estimates by WHO and the World Bank.<sup>11</sup> Various studies carried out by government agencies, non-governmental organizations (NGOs) and self-help organizations (group of individuals working to further their own welfare and interests, often on a volunteer

6 <http://hdr.undp.org/en/content/gender-inequality-index-gii>

7 Election Commission, Nepal; <http://result.election.gov.np/>

8 Population by disabilities, page 212, table 24; National Report, National Population and Housing Census-2011, Vol-1; Central Bureau of Statistics, Nepal

9 Prevalence of Disability in Nepal, page 104; National Living Standards Survey 2010-2011; Central Bureau of Statistics, Nepal

10 The world report on disability, 2011; World Health Organization (WHO) and World Bank

11 Prevalence of Disability in Nepal, page 35; Living conditions among people with disability in Nepal, 2016; Arne H. Eide, Shailes Neupane, Karl-Gerhard Hem

basis) have found disability prevalence rates from 0.45 to 8.99 percent.<sup>12</sup> Disability advocates generally agree that the lack of consistent data on people with disabilities has largely affected their representation at all levels of government. There is even less evidence available documenting the experiences and participation of women with disabilities.

Nepal has yet to harmonize many provisions enshrined in the International Convention on the Rights of Persons with Disabilities (CRPD) into the national legal framework. Nepal ratified the CRPD in 2010 and, as a state party to the treaty, must report periodically on progress towards its implementation. Nepal received concluding observations on its first report to the CRPD Committee in 2018, which expressed concern over the absence of reliable, disaggregated data on disability and the use of such data to provide tailored services for persons with disabilities. Ensuring the adoption and implementation of provisions related to political participation and access to electoral process will be key to the meaningful participation and representation of people with disabilities. Nepal's 2017 Act prepared for the Amendment and Consolidation of Laws relating to the Rights of Person with Disability is a positive development towards ensuring the implementation of many of the CRPD's provisions. Despite this, the law doesn't adequately address the issues of inclusion and political participation of women with disabilities, ignoring the gender perspective of disability. In their concluding observations on the initial report of Nepal<sup>13</sup>, the CRPD Committee noted the positive steps taken by Nepal towards ensuring equality and non-discrimination, also noting that Nepal has yet to adopt a human rights model of disability, and calling for effective implementation of the constitution and existing laws in relation to equality and non-discrimination. The committee specifically noted the exclusion of women with disabilities from decision-making processes and called for legal and policy reforms in consultation with representative organizations of women and girls with disabilities.

Recognizing that women with disabilities are often excluded both from disability rights movements and women's rights movement, the Nepal Disabled Women's Association (NDWA) has therefore prepared a policy platform<sup>14</sup> to advocate for the rights of women with disabilities. The platform includes recommendations for policy change to guarantee that the rights of women with disabilities are not only recognized by implemented. As part of the *Power to Persuade: Empowering Women with Disabilities to Influence Public Policy* program, NDWA has been

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12 Holistic report: Monitoring human rights of persons with disabilities in Nepal, 2013; NFDN/DRPI-Aware project

13 UN Committee on the Rights of Persons with Disabilities; Concluding observations on the initial report of Nepal; 16 April 2018

14 <http://electionaccess.org/en/resources/publications/601/>

implementing awareness and advocacy campaigns at national and sub-national levels, with support from the International Foundation for Electoral Systems (IFES) and the United States Agency for International Development (USAID).

## 1.2. Objectives of the Research

This study on the *Political Participation of Women with Disability in Nepal: Barriers and Opportunities* has been implemented to aid NDWA's efforts to empower women with disability to lead advocacy efforts to advance their rights. The research aims to identify gaps in existing laws that promote or negate political participation and inclusion of women with disabilities, including in their implementation, primarily in relation to voting, running for office, and acting as election officials and observers.

The research also aims to determine the understanding of these issues among key stakeholders including government authorities, lawmakers, and representatives of political parties, civil society organizations (CSOs) and disabled people's organizations (DPOs), and of their role in promoting political participation of women with disabilities.

Finally, the research aims to identify recommendations for key stakeholders and for DPOs to aid their advocacy with concerned authorities to advance the political participation and inclusion of women with disabilities in all levels of the government.

## 1.3. Research Methodology

The research was carried out across five districts where NDWA has been implementing the *Power to Persuade* program: Morang, Kavrepalanchowk, Dhading, Gorkha and Kanchanpur. NDWA engaged a team of external researchers to carry out the field research, utilizing both primary and secondary measures to collect data, as briefly discussed below:

**Desk-research:** The desk-research included a review of Nepal's Constitution, national and international legal framework on disability rights, available studies and research reports on disability issues, the constitutions and manifestos of political parties, related statistics and journals. Relevant inputs from IFES' recommendations on electoral laws have also been incorporated during the desk-research.

**Focus Group Discussions (FGD):** A total of 10 FGDs were conducted; with groups of women with disabilities in all five districts, two groups of men with disabilities in Dhading and Gorkha, two groups of women without disabilities in Kavre and Morang, and one group of men without disabilities in Kanchanpur. The FGDs were implemented with these different groups of respondents to enable comparisons in their views and opinions, as much as possible. These FGDs provided the research team with an opportunity to interact directly with 63 respondents (45 women, including 32 with disabilities; and 18 men, including 12 with disabilities).

Thus, a total of 44 people with different kinds of disabilities took part in the FGDs. Two parents (both women) of persons with psychosocial disabilities were also part

of the discussions, with persons with Hemophilia, Autism, Deaf-Blind, and Speech and voice-related disabilities were not present at the FGDs.

Disability Type	Women	Men
Physical	22	4
Vision	8	5
Intellectual	-	1
Hearing	1	2
Multiple	1	-
<b>Total</b>	<b>32</b>	<b>12</b>

A structured checklist covering voter registration, voter education, participation in voting, and political participation, inclusion and affiliation (see Annex 01) was utilized to implement the FGDs, which dwelled on issues related to the political participation of women with disabilities in the 2017 elections, access to the electoral process and challenges faced, and their experiences, views and opinions.

**Key Informant Interviews (KIIs):** A total of 15 KIIs were conducted with key stakeholders on the participation of women with disabilities in the 2017 federal and provincial assembly elections, as summarized in the following table:

Stakeholder Category	Number of Stakeholders Interviewed
Members of political parties, including elected local representatives and community leaders	5
Representatives of Disabled People's Organizations	3
Representatives of the Election Commission	3
Representatives of the Federal Parliament	2
Representatives of Civil Society Organizations	2
<b>Total</b>	<b>15</b>

As presented in the table above, interviews were held with one political party representative in each of the five sampled districts (two women); one CSO or DPO representative in each sampled district (one woman); two federal lawmakers (affiliated to different political parties, including one woman); and three representatives from the ECN (one woman). Informants at the ECN included one Election Commissioner, a Deputy Attorney from the Legal and Political Parties' Division, and a Section Officer from the Planning, Monitoring and Inclusion section. The interviews were based on a structured checklist (see Annex 02).

#### 1.4. Limitations of the Research

The research was envisioned as a model study, implemented with limited resources and within a limited timeframe across selected rural municipalities and municipalities of NDWA's five project districts. In terms of geographical coverage, Morang and Kanchanpur represent the Eastern and Far-western regions of Nepal (Province One and Seven respectively), as well as the *Terai* region. The remaining districts represent hilly regions of Province Three and of Gandaki Province (province four).

# CHAPTER TWO: ANALYSIS AND FINDINGS

## 2.1. International Context on the Rights of Women with Disabilities

The barriers faced by persons with disabilities and the valuable contributions made to society through their inclusion and empowerment are recognized by the international community through the CRPD. Article 29 of the CRPD provides for the participation and representation of persons with disabilities in political and public life. It also notes that State Parties, such as Nepal, have committed to taking steps to ensure that “voting procedures, facilities and materials are appropriate, accessible and easy to understand and use.”

Article 6 addresses the rights of women with disabilities. The CRPD sets out a twin-track approach to promote gender equality and the empowerment and participation of women with disabilities in both political and public life. The CRPD also calls for equality between men and women and stipulates the responsibilities of states parties to ensure full and equal access for women with disabilities to all human rights and fundamental freedoms.

Other notable provisions of the CRPD in relation to the political participation of persons with disabilities in general, which are of interest in this research, include:

- Article 12, which focuses on legal capacity, an issue that often affects the right to vote of persons with intellectual or psychosocial disabilities. This article requires governments to ensure "persons with disabilities have the right to recognition everywhere as persons before the law", they "enjoy legal capacity on an equal basis with others" and they are allowed support in exercising these rights. In the context of elections and political processes, pursuant to Article 29, this means election laws should not have provisions that restrict the right to vote for persons under guardianship, and if a voter requires support, he or she should be allowed assistance.
- Article 21, which requires countries to promote access to information by providing information intended for the public in accessible formats and technologies, by facilitating the use of braille, sign language and other forms of communication. It also encourages the media and internet providers to make online information available in accessible formats.

The UN Committee on the Rights of Persons with Disabilities, in their concluding observations on the initial report of Nepal,<sup>15</sup> specifically noted the lack of information

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<sup>15</sup> UN Committee on the Rights of Persons with Disabilities; Concluding observations on the initial report of Nepal; 16 April 2018

on the social, economic, employment and political situation of women with disabilities and expressed concern about the exclusion of women with disabilities from decision-making processes.

Other international standards to which Nepal is a signatory, such as the Committee on the Elimination of All Forms of Discrimination against Women (CEDAW), have addressed the concerns of women with disabilities. Article 7 specifically provides that the State Parties shall ensure that women have equal rights to vote, hold public office, and participate in formulation of policies and in civil society. In its recommendations – including General Recommendations 24 (Women and Health [1999]),<sup>16</sup> 27 (Older Women and the Protection of their Human Rights [2010]),<sup>17</sup> and 28 (Core Obligations of States Parties under Article 2 [2010])<sup>18</sup> – CEDAW affirms the need for special attention to the health rights of women and girls with disabilities. CEDAW’s General Recommendation 18 focuses on women with disabilities, recommending that states provide information on women with disabilities in their periodic reports, and on measures taken to deal with their particular situation, including special measures to ensure that they have equal access to education and employment, health services and social security, and to ensure that they can participate in all areas of social and cultural life.”<sup>19</sup>

## 2.2. Rights of Women with Disabilities in Nepal's Constitution and Laws

Nepal's Constitution provides a powerful framework for addressing gender equality and the rights of minority groups. Key provisions related to women with disabilities are summarized in the charts below.

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16 Comm. on the Elimination of Discrimination against Women, *General Recommendation 24*, available at <http://www.un.org/womenwatch/daw/cedaw/recommendations/recomm.htm#recom24>.

17 Comm. on the Elimination of Discrimination against Women, *General Recommendation 27*, U.N. Doc. CEDAW/C/GC/27 (Dec. 16, 2010), available at <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G10/472/53/PDF/G1047253.pdf?OpenElement>.

18 Comm. on the Elimination of Discrimination against Women, *General Recommendation 28*, U.N. Doc. CEDAW/C/GC/28 (Dec. 16, 2010), available at <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G10/472/60/PDF/G1047260.pdf?OpenElement>.

19 Committee on the Elimination of Discrimination against Women, *General Recommendation 18*, available at <http://www.un.org/womenwatch/daw/cedaw/recommendations/recomm.htm#recom18>.

# Rights of Women with Disabilities in Nepal's Constitution



## **Article 18: Right to Equality**

No discrimination in applying general laws on grounds of origin, religion, race, caste, tribe, sex, physical/health condition, marital status, pregnancy, economic condition, language or region, ideology or similar other grounds.

Nothing shall be deemed to prevent the making of special provisions by law for the protection, empowerment or development of the citizens including socially or culturally backward women, persons with disabilities...



## **Article 38: Rights of Women**

Women shall have right to participate in all bodies of the State on the basis of principle of proportional inclusion.



## **Article 42: Right to Social Justice**

The socially marginalized women, Dalit, indigenous people, indigenous nationalities, Madhesi, Tharu, minorities, persons with disabilities, marginalized communities, Muslims, socially marginalized classes, gender and sexual minorities, youths, farmers, laborers, oppressed or citizens of backward regions and indigent Khas Arya shall have the right to participate in the State bodies on the basis of principle of inclusiveness.



## **Article 43: Right to Social Security**

The indigent citizens, incapacitated and helpless citizens, helpless single women, citizens with disabilities, children, citizens who cannot take care of themselves and citizens belonging to the tribes on the verge of extinction shall have the right to social security, in accordance with law.



## **Article 51: Policies of the State**

Enhance investment in the transportation sector, while ensuring simple, easy and equal access of the citizens to transportation facilities, and to make the transportation sector safe, systematic and friendly for persons with disabilities by encouraging public transportation and regulating private transportation, while according priority to environment-friendly technologies.

**Article 84: Composition of the House of Representatives**

In fielding candidates by political parties for the election to the House of Representatives under the proportional election system, representation shall be ensured on the basis of a closed list also from women, Dalit, indigenous people, Khas Arya, Madhesi, Tharu, Muslims and rural regions, on the basis of population. In so fielding candidacy, regard shall also be had to geography and territorial balance.

Political parties shall also provide for the representation of persons with disabilities.

**Article 86: Composition of the National Assembly...**

National Assembly shall consist of fifty-nine members: Fifty six members consisting of at least three women, one Dalit and one from persons with disabilities or minorities elected from each State by an electoral college...

Three members including at least one woman nominated by the President upon recommendation by the Government of Nepal.

**Article 176: Composition of Provincial Assemblies**

In fielding candidates by political parties under the proportional representation election system, representation shall be ensured on the basis of a closed list also from women, Dalit, indigenous nationalities, Khas Arya, Madhesi, Tharu, Muslims, backward regions and minority communities, on the basis of population.

Political parties shall also provide for the representation of persons with disabilities.

**Article 222: Composition of Village Assembly**

Village Assembly shall have representation of at least two women from each ward.

**Article 223: Composition of Municipal Assembly**

Municipal Assembly shall have representation of at least two women from each ward.

**Article 215: Village Executive**

Village Executive shall also include four women elected by members of the Village Assembly from amongst themselves.

**Article 216: Municipal Executive**

Municipal Executive shall also include five women elected by members of the Municipal Assembly from amongst themselves.

# Rights of Women with Disabilities in Nepal's Laws

## Rights of Persons with Disabilities Act, 2017



### Section 11: Right to Political Participation

Persons with disability, on an equal basis as of other person, shall have the right to be a candidate in elections in a fearless environment, and have right to cast vote voluntarily with or without someone's support.

The Government of Nepal shall make appropriate provisions for persons with disability to access, understand and use the polling process, facilities and materials.



### Section 19: Right of a woman with disability

The Government of Nepal shall make required provisions in order to protect rights of women with disability and to create appropriate environment for the maximum utilization of knowledge, skills and capacity of women with disability.

The Government of Nepal shall make required provisions to protect health and reproductive health rights of women with disabilities giving due consideration to their special situation.

## Accessibility Directive for People with Disabilities, 2013



Outlines requirements for making many types of infrastructure such as roads, parking lots, and schools accessible. Given that polling stations are all located in schools and other public buildings, this legislation should have the force to ensure any new polling stations are constructed in line with the CRPD.

## Local Government Operation Act, 2017



- Rural/municipal government to promote disability- and gender-friendly transportation system
- Ward Committees to maintain records of women, children, Dalits, persons with disabilities, elderly, minorities and other marginalized persons, and implement programs to uplift their social and economic status
- The Act also foresees the participation of all citizens in the participatory local planning process and user committees.

## Federal, Provincial and Local Election Laws

### Provisions Ensuring Representation

#### Federal and Provincial Legislatures

At least one third of the total number of members elected from each political party representing in the Federal Parliament and in each Provincial Assembly must be women.

#### Local Government Structures

Rural/Municipal Assemblies to have representation of at least two women from each ward.

Rural Municipal Executives to include four, and Municipal Executives to include five women elected by members of the respective Assembly from amongst themselves.

District Coordination Committees to comprise of a chair, a vice chair, at least three women, and at least one dalit or minority member, elected from amongst members of the Rural/Municipal Assemblies of the concerned district.

#### National Assembly

Eight members to be nominated from each Province, including three women, one dalit member, one member with disability or from minority community and three others, based on highest number of votes for each position.



### Provisions Promoting Candidacy

#### Federal and Provincial Closed Lists of Candidates

Political parties must provide for representation of person with disabilities in the closed list of candidates (in both Federal and Provincial Assembly elections).

#### Rebate in Candidacy fees

Across all elections, women candidates and candidates from Dalit and Minority communities, and candidates who are financially weak eligible for a 50% rebate in candidacy fees.



### Provisions Facilitating the Vote

#### Assistance to Vote

Voters with disabilities may be accompanied by the polling officer, or an immediate family member permitted by the polling officer, to mark their ballots.

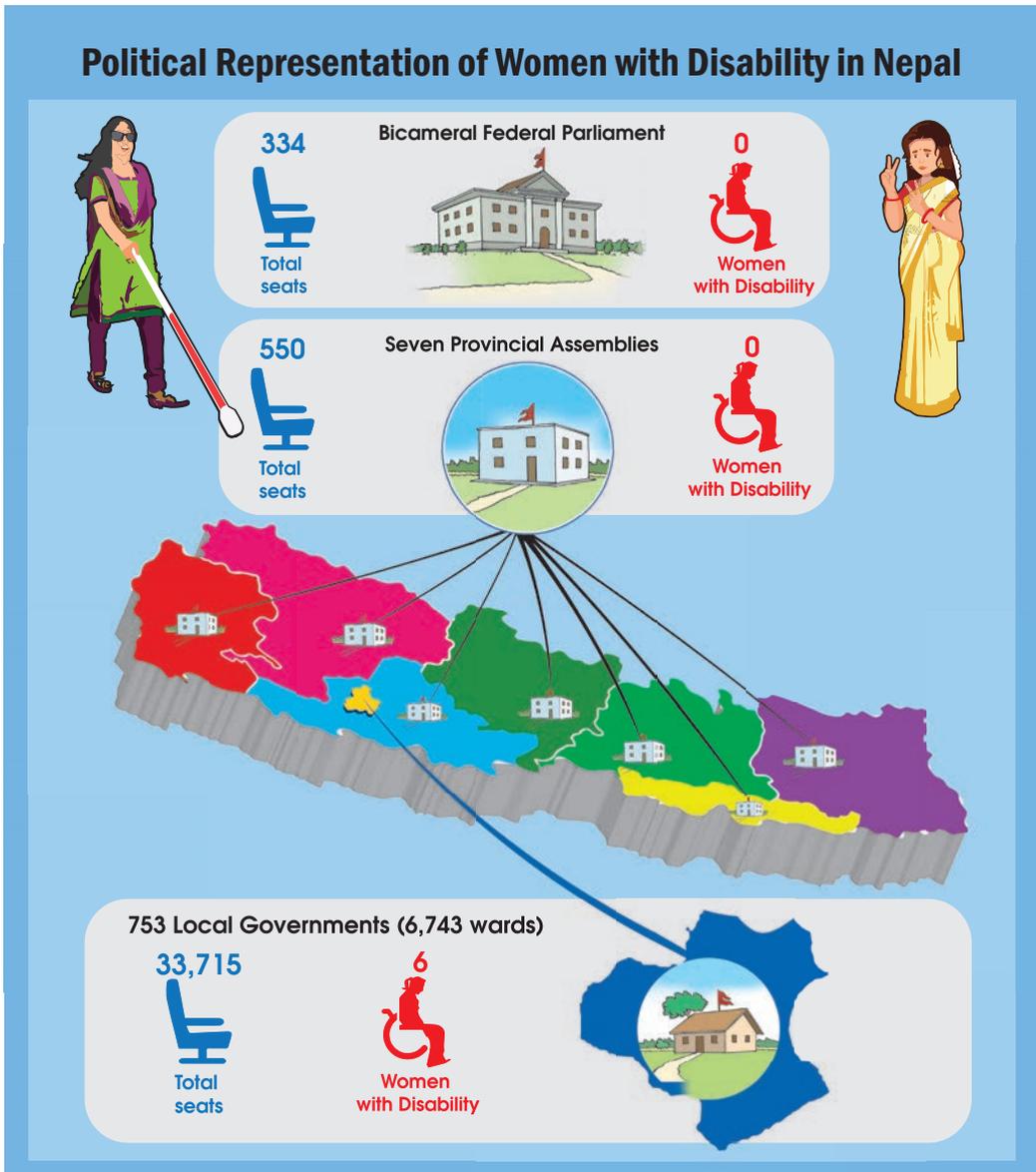
#### Priority in Voting

Separate queue available for voters with disability or illness, the elderly, pregnant women and new mothers.



However, despite broad legal protections, women with disabilities continue to be marginalized from full participation in society. The electoral framework is silent on guaranteeing accessibility for women with disability during the entire election process: from access to the voter registration centers up to the filing of nominations and complaints, or the examination of campaign finance reports at ECN headquarters.

Women constitute 52 percent of Nepal’s population, and are large contributors to its economy, especially in agriculture; however, they remain politically, socially and economically under-represented. In the recent local elections, six women with a disability were elected out of 14,345 elected women.<sup>20</sup> There were no women with disability among the 300 women elected to federal and provincial parliaments.



20 Election Commission, Nepal; <http://result.election.gov.np/>

During the KII, both federal lawmakers concurred that women with disabilities were not represented in either houses of the federal parliament and lagged far behind their peers in terms of political and electoral participation. These representatives saw the need for collaborative efforts by political parties, ECN and civil society (including DPOs) to reform the laws and electoral processes and widen awareness and sensitivity, which in their opinion could potentially lead to a leap forward towards ensuring the equal access for women with disabilities in elections and politics.

### 2.3. Eligibility to Vote and to be a Candidate

Article 18 of the Constitution of Nepal prohibits discrimination based on "*origin, religion, race, caste, tribe, sex, physical conditions, health condition, marital status, pregnancy, economic condition, language or region*".<sup>21</sup> These imply that there shall be no discrimination based on gender or disability. The Constitution also includes provisions that intend to ensure the representation and participation of persons with disabilities in different state mechanisms. For the House of Representatives and Provincial Assemblies, the The Constitution states that political parties should include persons with disabilities in their proportional representation candidate lists (Art. 84 and 176) while the language pertaining to the National Assembly specifically reserves seven seats (one from each state) for persons with disabilities or minorities (Art. 86). Similarly, *the Act Related to the Rights of Persons of Disabilities, 2017*, protects the political rights of persons with disabilities to be a candidate in an election and to vote (Art. 11). The Act requires the government to protect the rights of women with disabilities and to create appropriate environment for maximum utilization of knowledge, skills and capacity and protect health and reproductive health (Art.19), but it should be noted that there are no specific provisions, such as quotas, to guarantee seats for women with disabilities in parliament.

However, despite these provisions, there are restrictions on persons with disabilities to be a candidate and vote. The *Local Election Act, 2017* (Art. 13, I), *House of Representatives Election Act, 2017* (Art.13, j) and the *Province Assembly Election Act, 2017* (Art.13, j) restrict the right to stand for elections for persons "with unsound mind"<sup>22</sup>, without further defining this term. This vague justification for an objection, and such a lack of precision, could lead to discrimination; there are no details in these Acts on how to establish that someone should lose their voting rights. Similarly, *the Electoral Rolls Act* also restricts the right to register to vote for persons, using the same language (Art.23, 2a).<sup>23</sup> These electoral provisions

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21 Article 18 of the Constitution of Nepal: "There shall be no discrimination in the application of general laws on the grounds of origin, religion, race, caste, tribe, sex, physical conditions, disability, health condition, matrimonial status, pregnancy, economic condition, language or geographical region, or ideology or any other such grounds."

22 Section 13 (j) in both Acts.

23 Described in the Electoral Rolls Act, 2017 as "a person of unsound mind" (Section 23.2(a))

contradict the equal legal capacity of persons with intellectual or psychosocial disabilities as may be inferred from Article 12 of the CRPD.

The Constitution requires the inclusion and participation of persons with disabilities in the Federal Parliament, Provincial Assemblies and National Assemblies. However, the *House of Representatives Election Act, 2017* and the *Province Assembly Election Act, 2017* do not go so far as to require that persons with disabilities be included in either body as the legislation does for other minority groups and women. The Government of Nepal defined 98 minority groups through a notice published by the Ministry of Home Affairs in the Nepal Gazette on 24 April 2017, affording mandatory representation to minorities in the local level election. However, the *Local Level Election Act, 2017* does not provide for any kind of assurance or incentive for persons with disability to be elected.



*Picture 2 : A woman with disability takes part in IFES' mock poll prior to the 2017 parliamentary elections in Bhaktapur district.*

## 2.4. Voter Registration

Regardless of disability, most women participating in the FGDs noted that they faced various difficulties during the voter registration process. Women pointed to several key challenges: lack of support from family members, lack of financial resources (which also restricted their access to transportation to travel long distances to voter registration locations), lack of awareness and low self-confidence. Several women (both with and without disability) also reported having faced the same issues when applying for their citizenship certificates and knew of many women in their locality who lacked citizenship certificates and voter ID cards due to these issues.

These issues were more pronounced in case of women with disabilities, who reported more severe instances of lack of support from family members, including reluctance to support their travel to registration centers, and the impact of social stigma on their family members. Family members even hid their members with psychosocial disabilities. They also identified obstacles posed by diverse geographical conditions (coupled with lack of accessible transportation) and general inaccessibility of registration centers and information materials, which added to their difficulties.

Unlike women with disabilities who participated in the FGDs, all men with disabilities reported they had registered to vote, and the barriers they faced were less likely to be the result of stigma or stereotyping. Barriers to voter registration highlighted by men with disabilities included physical obstacles and the lack of accessible information, transportation and registration centers. Despite explicit provisions in the Constitution<sup>24</sup> and the 2013 Accessibility Directive,<sup>25</sup> there still exist gaps in concerned authorities' full compliance and implementation of relevant laws related to making government offices and public buildings accessible. Men without disabilities did not report of any difficulties during the voter registration process. These findings demonstrate that women with disabilities experience unique barriers to register and to vote.

DPO representatives in KIIs concurred that lack of support from family members hindered women with disabilities access to citizenship certificates and voter registration, and towards supporting or promoting their participation in group awareness programs. Along with lack of financial resources, socio-cultural prejudice, geographical barriers and low self-confidence, DPOs said that women with disabilities "had a mountain to climb" to have their say in the political process. CSO representatives taking part in KIIs also concurred about families' lack of support to acquire vital registrations that are key to the acquisition of citizenship certificate, which is the requisite document to register in the voter list.

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24 Article 42 (3) of the Constitution: people with physical impairment shall have the right to a dignified way of life and equal access to social services and facilities, along with their diversity identity

25 Accessible Physical Structure and Communication Service Directive for People with Disabilities, 2013, Article 35 outlines requirements for making many types of infrastructure such as roads, parking lots, and schools accessible

Most FGD participants required assistance during the voter registration process. Fifty-three percent of women with disabilities and fifty-eight percent of men with disabilities shared that they sought assistance, whereas 39 others (including 15 women and 5 men with disabilities) said they did not require any assistance from others.

Key reasons for seeking assistance from others, which were similar across both women and men with disabilities, were reported as:

- Lack of awareness and information;
- Lack of accessible options during the voter registration process (physical inaccessibility including lack of ramps and space to maneuver wheelchairs, forms inaccessible to persons with visual disabilities, etc.); and
- Geographical and infrastructural obstacles.

Family and friends were more likely to provide the required assistance, as was shared by 83 percent of respondents who said they received assistance to enroll. The rest of respondents shared that the required assistance was provided by political party cadres (two women with disabilities) and social activists or CSO volunteers (two men with disabilities). A handful of participants praised the supportive role played by voter registration officials during the process.

Three men with disabilities and two women with disabilities shared that they had been able to assist their peers during voter registration. It was evident during the course of discussions that these respondents were more aware about political participation and other contextual issues and regarded it their responsibility as knowledgeable citizens to support others during the process.

## 2.5. Access to Voter Education

50 of the 63 respondents claimed that they had accessed voter education programs organized by the ECN, political parties, CSOs and DPOs. Their exposure to voter education included self-explanatory posters and pamphlets, trainings and workshops, mock polls and radio and TV programs. Most of the respondents with disabilities who were able to participate in voter education programs reported that they benefited from household visits and mock polls in their own locality.

Women with disabilities were much less likely to take part in voter education programs; only 65 percent of women with disabilities took part in voter education, compared to 83 percent of the men with disabilities surveyed. One hundred percent of respondents without disabilities took part in voter education, which suggests that there are significant barriers encountered by women with disabilities. Whereas men with disabilities who did not receive voter education reported that they had been busy due to their employment, all women with disabilities reported the lack of information about such programs as the key reason for not participating. One woman with disability added that she could not attend due to physical barriers and lack of transportation.

More than 50 percent of respondents who reported having taken part in voter education programs (19 women with disabilities and 8 men with disabilities) stated that the voter education programs were not adequate for them to understand about the elections and voting process. However, women and men with disabilities shared similar insufficiencies in voter education programs:

- Insufficient information about the complex ballot papers;
- Insufficient information on the proper way of folding large-sized ballots;
- Lack of targeted information for persons with disabilities;
- No use of disability-friendly or accessible materials; and
- Short duration of training or voter education programs.

Article 21 of the CRPD requires countries to promote access to information by providing information intended for the public in accessible formats and technologies, by facilitating the use of braille, sign language and other forms of communication. It also encourages the media and internet providers to make online information available in accessible formats. Similarly, the Right to Information Act, 2007 requires all public entities to make available all relevant information to the citizens of Nepal. However, there are no provisions on making electoral information available in formats accessible to persons with disabilities, which should be suitably reformed.

Following its assessment of the accessibility of the 2017 federal and provincial assembly elections, which included observation of voting at 154 polling stations across seven districts (one per province), and interviews with 308 voters with disabilities to assess their experiences, the report of the National Federation of the Disabled, Nepal (NFD-N)<sup>26</sup> highlighted many shortcomings in ensuring accessible

26 Access of Persons with Disabilities in Nepal's Electoral Process, 2018; NFD-N

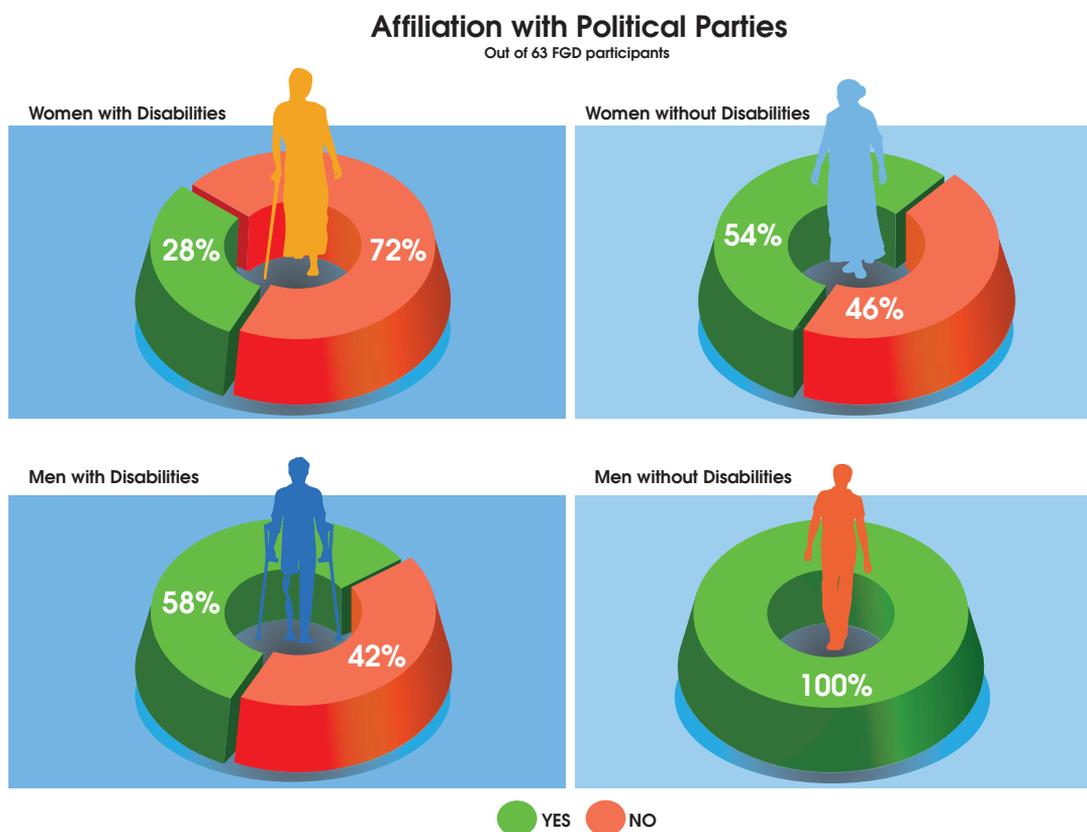
electoral process in Nepal. The report noted the lack of accessible information on the elections and voting processes from the ECN, political parties and the media. During the KIIs, representatives from the ECN shared that the ECN had been disseminating electoral information equally for all citizens, and it could be inferred from their responses that the ECN had not tailored their voter education efforts to address accessibility issues.

DPO representatives taking part in KIIs also noted that no political parties' manifestos for the 2017 elections contained provisions related to women with disabilities. They further opined that although there was no discrimination between women and men with disabilities with regard to accessing voter education and electoral information, they did note that the ECN and political parties had not utilized any accessible forms of information, such as braille, audio, easy-to-read, or wordless formats. These representatives also highlighted that DPOs could play a constructive role in improving dissemination of information in accessible formats, provided the political and electoral bodies were open to collaborate with DPOs.

Similarly, CSO representatives taking part in KIIs also noted that their organizations, as well as civil society in general, had not implemented special programs to ensure the access to information and knowledge for women with disabilities. They argued that although CSOs would not discriminate between women and men with disabilities, there would not be any women-specific approaches in place to advance the participation of women with disabilities. They further expressed that they were unable to include women with disabilities in their awareness and advocacy programs as these women do not generally arrive on their own, and due to the attitudinal barriers and the humiliation by families, which even go as far as to hide members with disability from the general public.

## 2.6. Political Affiliation and Nomination as Candidates

Altogether 26 FGD respondents admitted to having an affiliation with one or the other political parties. Among them were five men with disabilities, six women without disabilities, and nine women with disabilities. All six men without disabilities were affiliated to various political parties.



Representatives from political parties shared that there were few people with disabilities in their ranks, primarily due to a lack of specific legal or statutory provisions related to their participation and representation, or reservations, which further impacts women with disabilities. They also discussed the absence of any binding provisions in the parties' statutes, directives and procedures in this regard, and pointed out that political parties were contributing to the social and cultural stigma through their ignorance and indifference towards issues of women with disabilities.

As discussed earlier, a review of various laws and regulations of Nepal reveal that they lack a precise definition of "persons with disabilities", without due concern to use of respectful, inclusive and rights-based language. This is also the case with the Constitutions and manifestos of political parties. For example, the Constitution of Nepal Communist Party (NCP), disqualifies "person with unsound mind" from being

a party member, which is not in line with the CRPD (Art.12) or the Nepal Constitution (Art.18). While it is noteworthy that the Constitution of Nepal provides measures for persons with disabilities to be elected in the party committees at various levels, there is room for all parties including the Nepali Congress (NC), Federal Socialist Forum Nepal (FSFN), Rastriya Janata Party Nepal (RJPN) to name a few, to provide as much as they can for women with disabilities to politically represent herself as a dignified party member.

Political parties' representatives also informed during the KIIs that they were not aware of women with disability members in their respective political parties, or of any sister organizations of their parties focused on or cooperating with women with disabilities. One of these representatives however informed about women with disabilities engaged with women's unions affiliated to one of the parties (in Gorkha district), with another citing some knowledge about ex-combatants who had acquired disability during the decade-long civil war<sup>27</sup> organizing themselves (in Dhading district). The latter representative was however unsure of the progress of their advocacy or results thereof.

One of the CSO representatives (interviewed in Kavre) noted that across the entire district, only two women with disabilities had stood as candidates in the recent local level elections. He was quick to point out that their candidacy was more a result of their own political promptness rather than others' efforts. The candidate with disability referenced by this CSO representative was also a part of one of the FGDs, with another woman with disability FGD participant in Morang also sharing about her candidacy for provincial lawmaker (proportional representation) position. Both women clarified that they were able to file candidacy because of their active engagement, rather than due to a disability quota or other reasons.

Political party representatives also shared about the general bias in nominating candidates (beyond the issues of gender or disability). These representatives informed that their respective political parties had prioritized certain criteria to nominate candidates, such as the candidate's popularity, dynamism and contribution to the party, economic status, and recommendations from lower level committees. However, these prerequisites were challenged by the practice of nominating candidates on the basis of personal access to or relationship with political leaders. Political party representatives shared further that the social and cultural stigma around disability also had adverse impact on the nomination of women with disabilities.

As noted in earlier sections, none of the political parties' campaign materials were made available in accessible formats. DPO representatives interviewed also noted that no political parties' manifestos for the 2017 elections contained provisions related to women with disabilities.

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<sup>27</sup> Scandinavian Journal of Disability Research; <https://www.sjdr.se/articles/10.1080/15017419.2013.861866/>

Furthermore, safety concerns about gender-based electoral violence is a hindrance to women’s political participation, especially during electoral campaigns. Women with disabilities are more likely to experience physical or sexual violence than women without disabilities. Article 18 of the Constitution of Nepal prohibits discrimination based on race, religion, tribe, physical conditions, health condition, or disability.<sup>28</sup> However, it is still possible that a candidate or political party could attack or criticize another candidate’s disability. The Code of Conduct adopted in 2015 provides that no election campaign shall be carried out or caused to be carried out in a way that undermines the feelings of women and persons with disabilities.<sup>29</sup> These positive provisions should be reproduced in the regulations and procedures, not merely in the Code of Conduct.



*Picture 3: A participant puts forth her view during NDWA policy dialogue in Kathmandu.*

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28 Article 18 of the Constitution of Nepal: “There shall be no discrimination in the application of general laws on the grounds of origin, religion, race, caste, tribe, sex, physical conditions, disability, health condition, matrimonial status, pregnancy, economic condition, language or geographical region, or ideology or any other such grounds.”

29 2015 Electoral Code of Conduct, section 4 (k) and 4 (l)

## 2.7. Accessibility of Polling Stations

Following Nepal's ratification of the CRPD, the Government of Nepal passed the "Accessible Physical Structures and Communication Service Directive for People with Disabilities, 2013" to guide the country's full and effective participation in the international agreement. The guideline specifically provides that during election period, "physical structures shall be constructed and arranged in such a way that people with disabilities can easily reach up to the voting booth and use their voting right" (Art.34, f). For this, arrangement of ramp as per need and priority shall be given for those who cannot sit in queue for vote.

As provided for in Article 42 (3) of the Constitution, "people with physical impairment shall have the right to a dignified way of life and equal access to social services and facilities, along with their diversity identity." Polling stations are mostly set up in schools and other public infrastructure. However, the requirements outlined in Accessible Physical Structures and Communication Service Directive for People with Disabilities, 2013, to ensure many types of infrastructure such as roads, parking lots, and schools accessible (Art.35) have not been fully complied with by the concerned authorities. Even government-funded buildings, schools and other public infrastructure constructed or being constructed are not accessible.

The electoral laws are similarly silent on the accessibility of voter registration centers, polling stations or counting centers for persons with disabilities. Registering to vote and voting are usually accompanied by long waiting times or significant travel distances that conflict with women's domestic responsibilities, work schedules, childcare or lack of funds and freedom of movement. ECN respondents shared that the election management body had issued directives prescribing that polling centers be set up on the ground floor, and as far as possible, in areas without physical barriers. However, NFD-N's 2017 electoral access assessment report highlighted that very few polling stations were equipped with ramps, and that some of the polling stations were observed not situated on the ground floor despite specific instructions from the ECN.<sup>30</sup> For women with disabilities living in rural areas, it is quite difficult to access polling stations, as was concurred by the two federal lawmakers interviewed. These lawmakers shared that prevalent lack of accessible transportation and barriers to the use of wheelchairs was more pronounced in rural and hilly areas. This particular issue was also noted by the CRPD Committee in 2018, sharing concerns over the inaccessibility of public infrastructure including government offices, hospitals, educational institutions, banks, roads and public transportation, and its further impact in mountainous and hilly regions.

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30 Access of Persons with Disabilities in Nepal's Electoral Process, 2018; NFD-N

The ECN also informed that the election management body had provided for the use of vehicles on Election Day (otherwise not permitted for the general public) to further ease the access of persons with disabilities and their attendants to polling centers. This facility would be made available if voters with disabilities contacted the local administration in advance. However, the ECN was not aware about the extent of impact of these provisions and did not have any records related to voting or candidacy by women with disabilities in the 2017 elections.

Of the 63 FGD participants, who had all exercised their vote in the 2017 elections, altogether 19 (17 women with disabilities and 2 men with disabilities) shared having faced one or more of the following difficulties taking part in the 2017 elections:

- Polling stations not being friendly to wheelchair users, in addition to geographical and infrastructural hindrances; and
- Lack of free vehicular movement on Election Day, and lack of awareness of the provision for transportation services for voters with disabilities, which made travel tedious.

DPO representatives and federal lawmakers also identified these barriers. DPO representatives further opined that there was a need for wider awareness of this provision. Further during the FGDs, few women (both with and without disabilities) reported that political parties had offered transportation support to travel to polling locations. These women further informed that the offer was made either due the party cadres considering them as their voters, or with the intention of soliciting votes on the way.

Informants at the ECN also shared that they had issued directives to polling staff, security personnel and local administration to provide priority in voting to the elderly, pregnant women and new mothers and persons with disabilities. FGD proceedings however led to the identification of unique difficulties faced by Deaf communities. It was reported that they were unable to access the priority queue either due to lack of awareness of this accommodation, or because their disability was not visible to electoral officials.

## 2.8. Accessible Election Materials

Article 29 of the CRPD notes that State Parties, such as Nepal, have committed to taking steps to ensure that “voting procedures, facilities and materials are appropriate, accessible and easy to understand and use.” In *the 2013 Accessible Physical Structures and Communication Service Directive for People with Disabilities*, the Government of Nepal provided for arrangements to be made to facilitate the use of voting rights by persons with disabilities. It states that “to increase access of people who are blind to voting process and to make them confident of their vote, the practice of using ballot with Braille [*sic*] or accessible electronic voting machine shall be gradually implemented.”<sup>31</sup> Furthermore, the ECN's GI strategy (s.4.2.1, g) provides that based on the statistics of the elections that are complete, a work-plan shall be developed by the ECN in which activities such as mobile voting, advance voting etc. targeting persons with disabilities amongst other backward regions shall be implemented.

However, NDWA has not yet observed the introduction of accessible electoral materials in Nepal. NFD-N's 2017 electoral access assessment report also highlighted that no use of accessible voting materials (tactile, braille or other forms of ballot guides) was observed across the 154 polling stations visited by their observers with disability.<sup>32</sup> Women and men with disabilities taking part in FGDs also raised this issue, stating that the ballots were not accessible and that they had required assistance to understand and use them. They referred to the small size of political party symbols on the ballot, coupled with there being too many symbols that caused problems specifically for persons with visual disabilities. DPO representatives, during the KIIs, noted that it was high time for the introduction of accessible election technologies and materials to aid the vote of persons with disabilities.

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31 2013 Accessible Physical Structure and Communication Service Directive for People with Disabilities, 2069 BS (2013 AD), section 34 (f). This directive includes mandatory provisions for making public places accessible for people with disabilities both physically and for the means of communication.

32 Access of Persons with Disabilities in Nepal's Electoral Process, 2018; NFD-N

## 2.9. Assistance during Voting

*The Local Level Election Act (Art.36, 1, f), Province Assembly Election Act (Art.41, 1, g) and House of Representatives Election Act (Art.41, 1, g)* limits the assistance for voters with disabilities to immediate family members and polling officers, which is not in line with Nepal's international commitment and best practice that provides that any person of the voter's choice may assist a voter. "Immediate family member" as provided for in current election laws is regressive than the former law which was more inclusive (the 2013 Constituency Assembly Election Directive, Section 88 read that a person they trust could accompany persons with disabilities into the polling station).

In addition, the wording of Section 39 of *Local Level Election Act, 2017* and section 42 of both *Province Assembly Election Act, 2017* and *House of Representatives Election Act, 2017* relating to assisted voting gives broad discretion to the Polling Officer to allow the person to be assisted or not. These Acts read that "if the Polling Officer finds it required, he/she can give permission to such immediate family member to enter" [emphasis added].

NFD-N's 2017 electoral access assessment report also noted this restriction in the choice of voting assistant and the polling officers' discretion in the matter.<sup>33</sup> The report also noted that trained disability assistants or sign language interpreters were not available to support voters with disabilities. The Committee on the Rights of Persons with Disabilities has noted, based on Nepal's initial report on CRPD, the absence of sign language research and training of sign language interpreters in Nepal. The 19 FGD respondents who shared facing some difficulties taking part in the 2017 elections also reported the lack of sufficient assistance at the polling stations, including from political party representatives. These respondents were however appreciative of the supportive behavior displayed by polling officers.

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33 Access of Persons with Disabilities in Nepal's Electoral Process, 2018; NFD-N

## 2.10. Electoral Dispute Resolution

A cursory review of electoral dispute resolution (EDR) procedures reveals that there is a lack of standardized forms for filing complaints, and the procedures are silent on accessibility of the forms and on assistance during the process from filing of complaints to appearance before adjudicating bodies, and notification of final verdict.

Informants at the ECN shared that they had no data related to electoral complaints concerning women with disabilities. It could be inferred from their responses that the complaints process was the same for all citizens (without any special accommodations for persons with disabilities).

## 2.11. Serving as an Election Official

*The Civil Service Act, 1993* (Chapter 3, Section 7, subsection 7, "e") provides for the reservation of five percent of civil service seats for persons with disability, with such vacancy to be fulfilled through a separate competition between candidates with disabilities. The Committee on Rights of Persons with Disability has however expressed concern over the lack of information on the effectiveness of this quota, and on the absence of criteria to implement this quota. *The Act Prepared for the Amendment and Consolidation of the Laws relating to the Rights of Person with Disability, 2017* (Section 25.1) vaguely provides for the possibility of employment by the Nepal Government based on availability of jobs that are "fitting to the physical capacity, training, qualification and experience of person with disability".

*The Election Commission Act, 2017* provides for the adoption of gender equality in elections (section 42), including in matters such as the formulation of policies, conduct of electoral programs, and in monitoring and observation of elections. The Act also provides for the inclusion of women with disabilities by stating that "when the Commission formulates rules as per this Act, conduct programs, deploy officials, monitor or observe or cause to monitor or observe, it should follow the principle of gender-friendliness and inclusion (Art.42).<sup>34</sup>

Representatives from the ECN reiterated their commitment to GI issues (and thereby, to the issues faced by women with disabilities) based on their Gender and Inclusion (GI) Policy, 2014, and the GI Strategy, 2016. The ECN's GI Strategy (s.4.1.2, f) commits to prepare an inclusive set of resource persons for various trainings related to the electoral cycle, which could ideally also make space for women with disability. However, although the ECN generally sources its regular and polling staff from the civil service, the representatives admitted to not having any data regarding the employment of people with disabilities.

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34 Election Commission Act, 2017, Section 42

## 2.12. Status of Stakeholder Initiatives to include Women with Disabilities

All 15 key informants admitted to not having undertaken any special initiatives for the participation and inclusion of women with disabilities.

The political party representatives (one in each district) shared that they had participated, and in some cases caused other representatives to participate, in

trainings or seminars revolving around the political and electoral access of persons with disabilities and inclusivity. However, they also informed that they did not undertake any substantive activities to enhance the participation in or access of women with disabilities to the 2017 elections. Together with lack of obligatory provisions in the law and in their statutes, existing social stigma and gender-based discrimination, lack of support from family members and economic dependence on the family, and the lack of readily available data on voters with disability were contributing towards their inability to initiate affirmative actions. The two federal lawmakers however shared that their respective parties had mechanisms to handle complaints related to gender-based discrimination, and opined that these could also be utilized by women with disability.

The two federal lawmakers also revealed that they had participated in and put forth their opinions about inclusivity in several thematic seminars and discussions organized by different organizations, government bodies and political parties, but that they had not participated in any trainings directly related to the issues of women with disabilities. As with other respondents, these representatives also pointed to the lack of specific legal provisions to obligate the inclusion of women and men with disabilities in a way similar to how the representation of Dalit women was ensured in local governments. They added that there were no laws to discriminate among women and men with disabilities, but that prevalent patriarchal mindsets may have contributed to men with disability considered for whatever little political and electoral opportunities were available for persons with disabilities. They also regarded the party-centric mindset, as opposed to a general disability-inclusive approach from political parties, as an added barrier to the inclusion of women with disabilities.

Referring to constitutional provisions on making laws, rules and policies with an objective of improving women's access to elections, and in a way as to ensure the rights of all communities and classes of citizens on the basis of the principle of inclusivity, these representatives pointed towards the challenges to the effective implementation of these provisions.

I urge all persons with disabilities to never feel humiliated because you have a disability. Instead, we must dedicate ourselves to education, which will allow you to change your life and live with dignity.

**Ms. Ram Pyari Awale, Elected Ward Member  
Banepa Municipality Ward number 8,  
Kavre district, Province three.**

Interviews with the three ECN representatives revealed that the ECN had earned international and regional acclaim for being one of the most GI-responsive electoral management bodies, with institutional mechanisms (a high-level GI Coordination Committee also engaging stakeholders as members, a dedicated inter-departmental GI Unit, and a woman officer as a contact person for GI-related complaints) and regulatory frameworks (GI Policy, GI Strategy and Action Plans) in place to implement GI-related programs. All three representatives echoed their past engagement with trainings and interactions on gender and inclusion issues (also encompassing disability issues), and participation in GI-related programs organized by stakeholders. They however admitted that they did not take part in any training specific to the issues of women with disabilities. They further admitted having lower level of awareness on the specific needs of women with disabilities, and their number, which may have resulted in their general focus only on general issues of disability when devising GI-related trainings and interactions.

The ECN representatives shared that there were many challenges to the meaningful political participation of women with disabilities. They concurred with responses from political party and DPO representatives that obligatory legal provisions could be helpful in this regard, and that the prevalent socio-cultural issues and lack of support from family members were contributing towards the indifference from political and regulatory actors. Noting that the diversity of disabilities was also a barrier to their equal participation as citizens and voters, the representatives further noted the possibility of women requiring permissions from the family to go out of their home, which may be more pronounced in case of women with disabilities.

Both CSO representatives (a male representative from Kavre district and a female representative from Morang district) reported on their respective engagement during the 2017 elections in activities such as advocacy for inclusion and election observation. However, both representatives informed that their respective organizations had not conducted any programs specifically relating to political access or participation of women with disabilities. Further discussions revealed that their respective organizations' strategic documents did not contain any provisions to include women with disabilities as part of their structures or activities. These representatives agreed that their organizations, as well as civil society in general, had not implemented special programs to ensure the access to information and knowledge for women with disabilities. They further argued that although CSOs would not discriminate between women and men with disabilities, there would not be any women-specific approaches in place to advance the participation of women with disabilities.

The three DPO representatives (from Dhading, Kanchanpur and Gorkha districts) were generally more knowledgeable about the multiple barriers faced by women with disabilities, and shared that they had all taken part in trainings related to such issues. However, they too admitted to not having implemented any programs to

enhance the participation of women with disabilities in the 2017 elections. They reiterated that most stakeholders do have some focus on persons with disabilities in general, but no specific focus or sensitivity on the issues of women with disabilities. They admitted also that most DPOs also focused mostly on the general issues and needs of persons with disabilities (with women with disabilities identified as a cross-cutting issue that generally gets insufficient attention), barring DPOs working specifically for or with women.

I have been actively leading the disability movement in my district, and involved with local level political affairs. I have noted first hand, that people with disability are discriminated against while handing over the charge of local level political leadership by leaders of all political parties. It is this discrimination that drove me to shun politics and devote myself to improve the socio-economic betterment of people living with disabilities. In my opinion, it is very important to widen their knowledge on political participation along with vocational training to help them lead a life with dignity and independent choice.

**Mr. Gunaraj Khatiwada, Chairperson  
Disabled Welfare Association, Dhading District**

The DPO representatives were of the opinion that much could be achieved through collaboration between various stakeholders. They specifically pointed towards the need for collaborative efforts between DPOs and the ECN, and DPOs and political parties, both in terms of drafting regulations or developing plans and programs, and in enforcing or implementing such regulations and programs. They specifically underscored the need to involve women with disabilities themselves in such collaborative efforts, as they would be able to contribute towards the identification of assistive policies and materials. Sharing that they could play a constructive role in making polling centers more accessible, improving dissemination of information in accessible formats, and in promoting voter registration and candidacy of women with disabilities, they however underscored that this would be possible only if there were specific legal provisions in place, or the political and electoral bodies were open to collaborate with DPOs. They further recommended that they could support collaborative piloting of accessible election and voter education materials.

The CSO representatives also shared that CSOs were cooperating with other CSOs and DPOs on a variety of issues, including on promoting voter registration among persons with disabilities (in cases of local level citizenship and voter registration programs, and voter registration at the District Administration Offices). They also shared information about collaborative efforts to celebrate International Women's Day, International Day for Disabled Persons and 16 Days' Campaign on Violence against Women. They agreed that civil society could mainstream the issues of women with disabilities in their awareness and advocacy work, thereby advancing their civic, electoral and political participation. They noted that a lack of awareness and advocacy at the local (rural) level, difficulties acquiring disability identity cards

and vital registrations, general dependence on the family for economic affairs and vital registrations, and lack of accessible infrastructure (including polling centers) were key factors contributing to the marginalization of women with disabilities. They therefore called for more organizations to work in this area, reasoning that more awareness and advocacy would lead to more sensitivity among families and the society, which would then result in reduced discrimination and trauma, thereby allowing women with disabilities to begin their foray out of their homes and into politics and elections. The CRPD Committee also noted the inadequacy of awareness on the rights of persons with disabilities even among persons with disabilities and their families, and called for targeted awareness aimed at the media, public officials, the judiciary, security forces, social workers and the general public.

Representatives from political parties also agreed on the need for collaboration and affirmative action, noting that the country had not set good standards in terms of access for women with disabilities to voter registration, voter education and information, candidacy and leadership of political parties or wings, and to the polling centers and their management. The federal lawmakers similarly concurred, stating that collaborative efforts by political parties, civil society (including DPOs) and the ECN could potentially lead to a leap forward towards ensuring the equal access for women with disabilities in elections and politics.

The ECN representatives also shared that they were regularly pursuing stakeholder collaboration for electoral reforms and that accessible polling infrastructure, election materials and voter education materials were being included in their strategy. They also committed to continue seeking collaboration with the government (District Administration Offices) and CSOs and DPOs to implement local level voter registration programs (from time to time) to ease voter registration for persons with disabilities.

## Annex 1: Sample Checklist for Focus Group Discussions

### **FGD Checklist: Women and Men with Disabilities**

#### **Experiences of women with disabilities in the recently held House of Representatives and Provincial Assembly Elections 2017**

##### **INTRODUCTION**

We are here to explore experiences you had in the recently held House of Representatives and Provincial Assembly Elections 2017. We will be asking you a series of relevant questions. All information gathered from this discussion will be kept strictly confidential.

Day/Date : \_\_\_\_\_

Time : \_\_\_\_\_

Venue : \_\_\_\_\_

**Note to facilitator:** For question **No. 1 and 3**, have the group brainstorm on what helped them register to vote and voting. Write the answers on flipcharts. Then follow the following method:

- i. After all points are discussed and written in the flipchart, ask participants to vote for top priorities to select what helped them the most and what hindered them the most.
- ii. Provide four (4) different colored stickers to each participant.
- iii. Ask participants to put stickers on any priorities. Support participants in marking stickers on the different priorities.
- iv. Tell participants that they can put more than one sticker on a priority if they think it is very important.
- v. Tell participants that this exercise is being done to create an order of priorities based on the number of stickers on each point.

##### **BACKGROUND CHARACTERISTICS OF PARTICIPANTS**

SN	Name	Type of Disability	Age	Caste/ethnicity	Marital Status	Education

##### **1. Have you registered your name in the voters' list?**

- For the participants not registered: what is the major reason for not registering?  
*Probing points: family did not allow, security reasons/unsafe to travel, economic condition, physical/health condition, lack of support/assistance, lack of knowledge/information, social stigma/isolation, lack of confidence, registration was denied.*

- For the participants who registered: did you face any difficulties while registering your name? Please explain.
- Did you register on your own, or did someone help you? If so, who helped you to register?

*Probing points: Family member, friend, someone else?*

- Why did you ask for/receive assistance?

*Example: print disability such as blindness/low vision or dyslexia, do not know how to read, did not feel comfortable registering independently.*

- Did you assist anyone else to register?

*Probing points: Family member, friend, someone else?*

- If registration was denied by ECN, why do you think you were not allowed to register? *Probing point: disability.*

## **2. Did you participate in any of the voter education programs organized for the HoR/PA elections, 2017?**

***Probing points: Election Commission, political parties, CSOs/DPOs.***

- If participated, how did you receive the information?

*Probing points: in person, written materials, video, mock-poll etc.*

- If yes, was it helpful in providing you adequate information to cast your vote correctly?

*Probing points: understood ballot structure for FPTP/PR/both, voting method, where and when to vote, why to vote.*

- If you did not participate, what was the reason?

*Probing points: family did not allow, busy with house hold work, security reasons/unsafe to travel, physical/health condition, lack of knowledge/information, social stigma/isolation, lack of confidence, lack of accessible formats.*

## **3. Did you participate in the HoR/PA elections 2017 in Nepal?**

- If yes, was it easy or difficult for you to cast your vote? Please explain for both easy/difficult.

*Probing points: accessibility of polling station, ballot papers for FPTP and PR, transportation, knowledge about voting processes, instruction for voting at polling center, voting assistance.*

- If no, why did you not cast your vote?

*Probing points: polling station not accessible such as the layout of the polling station, the location, inaccessible entry/exit, poll workers not trained to support voters with disabilities, poll workers made feel uncomfortable, forced not to participate and by whom, not having enough information on voting processes, complex ballot structure, lack of transportation, frustration towards political situation, security reasons, physical/health condition, lack of support/assistance, social stigma, lack of confidence*

**4. How did you find the behavior of the polling officers on Election Day?**

- If positive or negative, please provide examples.

*Probing point: treating with dignity and respect, allowed to be assisted by person of choice.*

**5. Have you participated as a member of or worked with a political party?**

*Probing points: consulted on election access, run as candidate, etc.*

- If yes, how did you participate? Did they implement the issues as suggested by you?
- 6. Do you think women with disabilities should participate in elections? Do you think that they did participate in the 2017 elections?**
- 7. What should government (ECN) and political parties do to increase the participation of women with disabilities in elections?**
- 8. Is there anything else that you want to add?**

### KII Checklist, Representatives of Legislative Bodies

The following is a semi-structured interview questionnaire intended for representatives of political parties. It is designed to help Nepal Disabled Women's Association (NDWA) learn more about the legislative bodies' work to promote political and electoral access for women with disabilities.

#### INTERVIEWEE DETAILS (the person conducting the interview for NDWA should fill this section in)

Name : ..... Male/Female: .....

Name of organization/party: .....

Designation: ..... Date: .....

Legislative Experience: .....

#### FRAMING THE ISSUE FOR INTERVIEWEES

**(Begin the interview by stating the following to the interviewee before you ask questions)**

Thank you for participating in this interview session. My name is (.....) and I represent Nepal Disabled Women Association (NDWA). NDWA was established in 1998 adopting the values of the fundamental rights and responsibilities provided by the Constitution of Nepal in order to support Women with Disabilities to pursue their rights, and provide them protection and livelihood support.

I am here today to ask you questions about your experience for a research study that reviews experiences of women with disabilities in the recently held House of Representatives and Provincial Assembly Elections 2017.

There are **no right or wrong** answers to the following questions, we are just interested in finding out more about the Election Commission Nepal's work with women with disabilities. Your participation is greatly appreciated.

If you would like to learn more about NDWA's work, please contact **Ms. Nirmala Dhital, Chairperson, NDWA** at [dhital.nirmala@gmail.com](mailto:dhital.nirmala@gmail.com) or Cell: 9851132391

#### GENERAL INFORMATION

**1. Please describe your experiences working on election access issues for women with disabilities in elections:**

***Note for Interviewer:*** *If the person does not have any response you may want to ask them the following questions to help them think about their relevant experience:*

- Have you ever participated in trainings on election access for women with

disabilities? Please describe. Trainings on disability inclusion or gender inclusion?

- Please describe what your institution did to improve the election access for women with disabilities? Please describe.
- Do you know how many women with disabilities are part of the legislative body?

## **CHALLENGES AND BARRIERS TO POLITICAL LEADERSHIP OPPORTUNITIES FOR WOMEN WITH DISABILITIES**

### **2. What are the challenges for the Legislative Body to ensure women with disabilities can access elections?**

***Note for Interviewer:*** Interviewer should follow up with these specific examples:

- Do laws and/or regulations prohibit the participation of women with disabilities in elections?
- Please describe any physical barriers that women with disabilities encounter during the electoral cycle (for example voter registration and voting takes place in a space that is not accessible to someone who uses a wheelchair).
- Please describe any social or attitudinal barriers that exist in society and make it difficult for women with disabilities to participate in elections.
- Please describe any institutional barriers that exist in society and prevent election access for women with disabilities.
- What are the challenges to ensuring that information related to elections is accessible for women with disabilities? (for example voter education)

### **3. What are the laws and regulations that discuss women with disabilities in elections? Please describe how they impact your work.**

- Please describe how the legislative body supports the implementation of laws and regulations that provide for the right of women with disabilities to vote or be a candidate.
- How are those laws and regulations enforced?
- Can a person with disability file a complaint? To whom complaints can be submitted?

## **GOOD PRACTICES TO PROMOTE ELECTION ACCESS**

### **4. Please describe any good examples of election access for women with disabilities:**

***Note for Interviewer:*** Interviewer should follow up with these specific questions to help the person think about good examples they may recall from their experience:

- Do you have any examples of accessible polling stations for women with disabilities?
- Did you see any examples of improving accessibility to voters' information/education?

- Do you have any good examples on improving accessibility to voters' registration? Please describe.
- Please describe any good examples of women with disabilities running as a candidate or political office.

#### **DPO EXPERIENCE PROMOTING ELECTION ACCESS**

#### **5. Do you engage with any disabled people's organizations on the following details:**

***Note for Interviewer:*** Interviewer should follow up with these questions:

1. To learn more about election access of women with disabilities. Please describe.
2. To affiliate on promoting the election access. Please describe.
3. If the Legislative Body has not yet engaged with any disabled people's organizations, please describe the reasons behind.

#### **6. Do you want to add anything on election access for women with disabilities?**

