



Policy paper

Supporting Political participation, Citizenship and Access to justice in our projects

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Contents

Foreword	6
Introduction	7
Why this policy paper?.....	7
Who is this policy paper for?.....	7
How should this policy paper be used?	7
Part 1 – Principles & benchmark	9
A. Definitions & context	9
A.1 Definitions	9
A.1.1 Citizenship.....	9
A.1.2 Political participation.....	11
A.1.3 Access to justice	13
A.2 Context	15
A.2.1 In the world.....	15
A.2.2 At HI.....	21
B. Principles of intervention	24
B.1 Disability, gender and age.....	24
B.2 Access to services	24
B.3 Participation.....	25
B.4 Contextualization & Adaptation	26
B.5 Formal and informal dimensions	26
B.6 Multiple levels.....	27
B.7 Humanitarian and Development Nexus	28
B.8 Data	28
Part 2 – Intervention modalities	30
A. Supporting Citizenship	30
A.1 Improving legal capacity	30
A.1.1 Understanding the concept	30
A.1.2 Implementing Article 12 of the CRPD.....	31
A.1.3 Designing activities.....	33
A.2 Reinforcing activities about legal identification documents	34
A.3 Supporting civic life	35

B. Supporting Political participation	37
B.1 Analyzing the context	37
B.1.1 Domestic legal framework	38
B.1.2 Ratification of international legal instruments	40
B.1.3 Decentralization and structure of the political system	40
B.1.4 Stakeholders and key actors	42
B.1.5 Data	43
B.2 Making elections inclusive	44
B.2.1 Advocacy	44
B.2.2 Awareness	47
B.2.3 Electoral period	48
B.2.4 Voting stations and booths	49
B.3 Getting involved in policy-making	51
B.3.1 National policy	51
B.3.2 CRPD monitoring and review	53
B.4 Supporting civil society	54
B.4.1 Organizations of Persons with Disabilities	55
B.4.2 Local participation	57
B.4.3 Regional and international involvement	58
C. Supporting Access to justice	58
C.1 Reinforcing activities of Advocacy & Awareness	59
C.2 Improving Accessibility and accommodations	60
C.3 Training civil servants	61
C.4 Providing Legal aid	62
Appendices	65
A. Example of logical framework	65
B. Glossary	65
C. Acronyms	66
D. Actors	66
E. List of the useful resources mentioned along the policy paper	68
F. Additional resources	70
Citizenship	70
Political participation	72
Access to justice	75

“In the final analysis it doesn't really matter what the political system is. We don't need perfect political systems; we need perfect participation”

Cesar Chavez

US civil rights activist



Foreword

Together, political participation, citizenship, and access to justice constitute crucial components of the lives of HI's beneficiaries. These dimensions directly impact their socio-economic and civic status, welfare, self-esteem, capacities, and relationship with other actors and segments of society. The importance of these three concepts has been asserted through their inclusion in the list of sectors prioritized by HI in its guidance note on Access to services for persons with disabilities and vulnerable populations: The Humanity & Inclusion's theory of change. In addition to this strategic imperative, it is also important to consider the number of projects conducted by HI in this area.

The Inclusive Governance sector has recognized this opportunity for an initiative dedicated to synthesizing and disseminating the lessons learned and the institution's positioning on these topics. This policy paper has thus been written with a purpose to guide and structure upcoming projects containing political participation, citizenship, and access to justice components, as well as to improve HI's credibility and competitiveness in this realm.

Several months have passed between the start of this guide and its finalization. In the meantime, the Inclusive Governance sector has moved from the "Social and Inclusion Division" to the "Protection and Risk Reduction Division", hence the double signature of this foreword. The concern for the inclusion of people with disabilities and for the consideration of intersectional vulnerabilities (age, gender, ethnicity, poverty, ...) is now brought together in the Inclusive Governance and Humanitarian Action Unit bringing together contexts (emergency &/or development) to improve our consideration of shifting contexts, long-lasting crises, permanent refugee camps, ...

Political participation, Citizenship and Access to justice are themes related to more stabilized contexts with a necessary involvement of the authorities and a committed, mature civil society. As we will read below, these themes are essential to the recognition of the rights of persons with disabilities. As such, we need to build the preliminary conditions of success as soon as possible and be ready to support & to convince all the essential stake-holders as explained in the guide.

Enjoy reading it!

Hervé Bernard & Ludovic Bourbé

Introduction

Why this policy paper?

Throughout its existence, HI has been constantly broadening the scope of its activities so as to better respond to the needs of persons with disabilities and vulnerable persons. Within this process, the focus has been increasingly placed on the participation and autonomy of HI's partners and beneficiaries, including with regard to their inclusion and participation in social environments as well as their access to services. Among these services, political participation, citizenship, and access to justice have been deemed particularly significant. Their significance is derived from their importance as key dimensions for the full inclusion and realization of citizens, and also from their role as gateway services, which are necessary for the access to other sectors of services.

Building on the experience gathered through various projects in this area, for instance in Somaliland, Tunisia or Kenya, HI has prioritized the elaboration of a guide designed to assist its staff involved in the sector of political participation, citizenship, and access to justice. This policy paper provides a conceptualization of the key elements of these areas as well as a methodological overview of steps and activities conducive to the empowerment of persons with disabilities and vulnerable people. Overall, this policy paper's purpose is to define HI's approach regarding political participation, citizenship, and access to justice, as well as to structure projects focused on these concepts and to accompany the staff implementing them.

Who is this policy paper for?

This document is designed to accompany HI staff involved in the conception and implementation of projects related to political participation, citizenship, and access to justice for persons with disabilities and vulnerable persons. As such, it can be of use for teams in the field as well as technical specialists and other members of HI.

How should this policy paper be used?

This document comprises two main sections. The definitions and conceptual elements provided in the first section constitute the basis for HI's strategy which is then applied in the following section, where the focus is on practical activities and potential avenues for projects. These sections can be consulted independently from one another and can be of different use for various users.

It is important to keep in mind that this policy paper is not a strict guideline for all programs and projects. Collected here are ideas and recommendations for axes of intervention and activities related to political participation, citizenship, and access to justice. These guidelines can help the elaboration

and implementation of projects but do not constitute obligations for the programs and teams. This is particularly pertinent with regard to the variety of contexts and realities that HI's staffs operate in. As stated in our [principles of intervention](#), it is important to take in account the objectives and wishes of HI's partners and beneficiaries as well as the political, economic, and social situation of the country in which projects are designed and implemented. Thus, some projects, for instance those related to elections or democracy, can prove inappropriate or unsuitable for certain contexts in which they could face tremendous barriers and cause security problems or endanger the continuation of HI's other projects in the country. In such contexts, it may be preferable to focus on projects related to [citizenship](#) and [local participation](#) rather than political involvement.

Similarly, this document offers flexibility in that the activities described are presented in a structured manner (and can be implemented in order) but they can also be viewed as elective modules to be selected based on the objectives, depth, length, and budget of the project as well as on the context of the country in which it takes place. For instance, in difficult contexts it can be better to focus projects on entry points, local activities, and the development of partnerships. Furthermore, it is essential to ensure that HI and its partners (including OPDs) remain neutral and that the latter can elect to favor partnerships with other CSOs if they wish to increase their participation. In any case, when conducting sensitive projects in complicated contexts it is crucial to conduct risk analysis prior to their implementation and to always keep in mind the [principles of intervention](#) presented in this document.



Part 1 – Principles & benchmark

A. Definitions & context

A.1 Definitions

Together, political participation, citizenship, and access to justice constitute crucial components of the lives of individuals, families, and communities. These dimensions directly impact their socio-economic and civic status, welfare, self-esteem, capacities, and relationship with other actors and segments of society. These elements are structured around the crucial notion of accessibility, in particular in the sense of equal and effective participation and access to services. These notions of participation and accessibility constitute both essential preconditions and desirable outcomes for the enhancement of vulnerable populations' wellbeing and of their place within society.

A.1.1 Citizenship

Citizenship refers to the status and implications of being a national or legal resident in one's own country. As a matter of individual rights and duties, it relates to a common set of universally-applicable principles. But citizenship is also a concept inherently related to the values of a given society and to the qualitative markers which serve to measure and improve people's participation, happiness, and sense of fulfilment and of belonging to a community. Being acknowledged as a citizen on an equal ground with other members of society has implications on a person's prosperity and on their ability to live a fulfilling life in dignity. The very concept of citizenship is shaped by public consciousness in the sense that this status is given to people who are recognized as belonging to a certain community and thus who share its values. This element highlights the importance of inclusion as a key dynamic of citizenship: being a citizen means being included into a given society as an equal member rather than being excluded based on individual criteria such as disability, age, ethnicity, religion or other personal traits.

The processes of recognition are also crucial for administrative and legal reasons. In this perspective, an essential right attached to citizenship is equal recognition before the law. In itself, this right is the primary and ultimate precondition for fairness and inclusion. But it is also a precondition for the fulfilment of other rights, including political participation and access to justice.

In practical terms, recognition before the law can influence one's daily life in multiple ways. For instance, the status of citizen is often a requirement for obtaining administrative documents such as birth certificates and identity cards. In turn, these documents may be required in order to gain access to certain crucial services related to health, employment, travel, or education, for instance.

Additionally, equal recognition before the law is related to the concept of legal capacity. This concept refers to the ability to hold rights and duties and to exercise those rights and duties. An example of

restricted legal capacity is the notion of legal guardianship, where a person is placed under the responsibility of a guardian who has the legal duty and authority to take care of their interests. Depending on the national legislation, legal guardianship can be applicable to persons with various profiles, such as persons living with disability (including intellectual disabilities), minors, elderly people, or persons stripped of certain rights through judicial decisions. This kind of restriction can unfortunately be used to limit citizenship. This restriction sometimes takes the form of limitations on legal standing (holding rights and duties) and more often on legal agency (exercising rights and duties). For instance, it can be the basis for legal and administrative constraints on a person's right to vote, to be elected to an official position, or to participate in a judicial procedure. This emphasizes the impact that citizenship has on other rights and forms of participation.

While recognition from the state is at the heart of citizenship, being a citizen is also related to the concept of participation and active involvement in the network and society a person is part of. In this context, citizenship requires and encompasses self-determination, social contribution and participation. If these elements are adequately structured in their legal and political framework, they become essential factors for the realization of equal and effective citizenship. In turn, this helps to empower vulnerable citizens to move from dependence to autonomy and to assert control over their lives and roles within society. This element is necessary to guarantee the dignity and welfare of vulnerable populations. Furthermore, the civil rights derived from citizenship enable enhanced civic participation, and thus greatly augment the societal contributions of disenfranchised persons.

For HI, the theme of citizenship comprises these various dimensions, some of them related to rights, others to participation and self-realization within one's social environment. Consequently, this policy paper addresses the following elements so as to guide projects focused on citizenship:

- Granting, preserving, monitoring, and employing **legal capacity**. Both in terms of legal standing and agency, legal capacity is a crucial component for the empowerment of vulnerable people and a precondition for the realization of other rights and for the access to many services present at the heart of many HI projects.
- Facilitating the access to **registration documents**. Being able to hold identification and registration documents is a primary right of citizens. It has both practical and symbolic value and is also fundamental to enjoy human rights and access to services. It is also pertinent to keep in mind that such documents are often lost or misplaced in times of emergency and disaster which can further impede recovery.
- Improving the modalities and extent of HI's beneficiaries' **civic participation**. The social dimension of citizenship can only be realized through proactive involvement. In addition to benefitting society at large by encouraging the expression of diverse ideas and the improved engagement of civil society, improving the contributions of vulnerable persons also serves to improve their feel of self-worth and the general perceptions over their roles and abilities within society.

A.1.2 Political participation

Political participation, as both a right and an activity, concerns the exercise of political powers, which can be of legislative, executive or administrative nature. In this context, participating means taking part, through various forms, in the public management and policy-making of a society. Participation goes beyond consultation and includes meaningful involvement in activities and decision making processes, the possibility to voice opinions, to influence and to complain when participation is denied. Inclusion requires an accessible, barrier-free physical and social environment. It is a process that promotes the acceptance of persons with disabilities and their participation, and encourages society to open up and be accessible to persons with disabilities. In general, the right to participate in public affairs requires the establishment of particular rights and procedures through fundamental laws or articles of the constitution. Consequently, political participation is directly linked to citizenship since being a citizen can be an explicit condition for the exercise of political privileges and for the access to decision-making spaces.

Similarly, political participation itself is a precondition for the realization and protection of many other rights. Principles such as state accountability or citizen autonomy and representation can be dependent on this condition. By influencing the processes through which laws and policies are designed, enacted, and implemented, the organizations representative of vulnerable people such as organizations of persons with disabilities (OPDs) can generate profound changes in society. Improving laws and policies, especially in terms of inclusiveness, leads to significant changes in many aspects of a person's life, such as employment and livelihood, education, healthcare, mental health, or more generally enjoyment of rights and access to goods and services.

>.< Organizations of Persons with Disabilities (OPDs)

OPDs are organizations made up of persons with disabilities and their allies that work to advance the rights of persons with disabilities through raising awareness in society and advocating for equal rights as citizens. In many low and middle-income countries, OPDs are community-based organizations that are a part of civil society in their respective community or country.

Consequently, political participation should not be conceived as a single event. While elections constitute a particularly important momentum in the expression of the citizens' right and ability to make their voices heard and to impact the political sphere, it is not the only relevant form of participation. Taking part in public policy is thus a process which comprises several dimensions within various time frames, degrees of formal or informal involvement, and decision-making levels. Indeed, effective political participation can take place at the local, national, regional, and international levels. For instance, community panels can put forward local initiatives and offer a platform for the citizens to share their opinions and ideas in a context of decentralization. On a different level, cooperation with

regional or international actors may lead to the exchange of good practices, to coordinated advocacy or awareness campaigns, and to increased legitimacy.

Elections are a symbolic form of participation. They formalize the citizens' opportunity to influence political, strategic and ideological choices and projects, and, indirectly, to shape public policies. They also involve a collective reflection on the constitutive elements and values of a society: by granting the right to vote or vie for elective position to certain segments of the population, society recognizes them as equal citizens capable and deserving of influencing that society's future. Conversely, elections also magnify processes of exclusion. In many countries, legal capacity is used as a basis for determining the right to vote and persons with disabilities or other vulnerable minorities often find themselves excluded from universal suffrage. Such exclusion is often linked with legal capacity. Lack of accessibility to elections can take many forms beside legal barriers and further impede the participation of persons with disabilities. These hindrances may be related to effective accessibility (for instance to physically access the voting stations and booths or to enable freedom and secrecy in voting for persons with disabilities who require accommodations) or to the lack of readily and easily-accessible information regarding voting procedures and electoral campaigns. Additionally, social stigmas further impede political participation, notably because inclusion and disability policy are rarely a priority for political parties. Finally, it is also crucial for persons with disabilities and vulnerable persons (including various dimensions of vulnerability such as the intersection between gender, age, and disability) to have the opportunity to stand for elections and to hold public office. Such opportunities also hold considerable value in terms of equality, visibility, and diversity, by displaying positive instances of persons with disabilities holding important positions. This inclusion enables increased influence on policy-making processes.

While elections are a highly formalized form of participation, taking part in the political aspects of a society can be accomplished through many other approaches. An essential component of participation is involvement in the various social networks and platforms accessible to a person. In this sense, being able to form associations (such as OPDs) or similar forms of organized groups is a fundamental right which greatly enhances a person's agency to steer change. Organizations are particularly well-suited to provide structure to a person's social role, to represent collective interests vis-à-vis other actors, to defend collective rights, and more generally to contribute to the realization of the various components of citizenship. Organizations also facilitate the access to regional and international platforms where political change can be achieved on a different scale and level. Civil society organizations which are not focused on disability may also play a crucial role, notably in terms of disability-mainstreaming by including disability perspectives and provisions in various types of policies and laws not directly connected to disability.

Whether through organizations or not, a key issue for individuals wishing to achieve effective political participation is the inclusion in decision-making processes. Being able to provide inputs to policies and laws as well as shaping discussions surrounding these instruments is an effective method to take part in public affairs and to enact change. For this participation to be truly effective, it is important for it to

take place at all the stages of the policy-making cycle, including agenda building, formulation, implementation, and evaluation. It is critical for persons with disabilities and their families to be involved in decisions that affect them directly. In addition to disability-specific policies, participation is also crucial in other fields, in the form of disability-mainstreaming approaches. Influencing policy-making can take many forms, such as debates and consultations, or at more advanced levels, partnerships, delegated power, and citizen control forms, where citizens themselves enact policies without intermediaries and with their own sources of finances.

Among the various aspects of political participation, monitoring is a central component. It is paramount for persons with disabilities to be able to survey the various policies enacted to ensure that they fairly and efficiently implement legal standards and policies. Furthermore, these policies should be designed and implemented in accordance with the international human rights instruments and standards. One important aspect of the CRPD is the numerous provisions which contribute to the protection of the rights and wellbeing of persons with disabilities. Monitoring the transcription of the CRPD into national laws and the respect for its provisions when implementing national policies is thus a determinant challenge for OPDs and CSOs. This transcription can be guided by the considerations included in the Sustainable Development Goals, in particular Goal 16 which concerns peace, justice, and strong institutions. This goal also mentions the sectors and notions of access to justice, the rule of law, and inclusive, participatory, and representative decision-making.

For HI, these elements are all essential components of political participation. In order to improve this participation, many activities, trainings, and tools can be employed in the context of HI's projects. These instruments fall within the following scope:

- Improving participation in all aspects of life, including social dimensions, is an important first step for participation projects. **Support to civil society** and to OPDs in particular is a central objective for HI.
- **Accessibility of the electoral process** is a decisive issue, both for people wishing to vote or to stand for elections. The many legal, physical, and social aspects involved can be supplemented by work on attitudinal and communication barriers as well as adaptation to specific contexts.
- Involvement in **policy-making or reform and monitoring** enables significant change and is a key component of inclusive governance projects. This includes advocacy and awareness campaigns, notably with regard to the implementation of the CRPD. Such approach should encapsulate the “Nothing about us without us” slogan.

A.1.3 Access to justice

Access to justice, in essence, refers to the equality and effectiveness of access to mediation processes. The purpose of these processes being itself to ensure a fair and reasonable application of the existing laws and regulations for everyone, it is essential for the access to these processes to exhibit the same traits. In turn, these serve to protect citizens from harm and to ensure their liberty and security as well as the accountability of the various elements of a society. Since justice can be understood as a process

for the enforcement and protection of fundamental rights, it is evident that access to justice itself constitutes a crucial right. Here, the notion of accessibility is again related to that of citizenship since it is often a criterion and pre-condition for the legal rights and duties granted to a person.

The first element to examine, when exploring the dynamics and context of access to justice, is therefore the question of rights. This implies accessible and effective knowledge of the relevant regulations and measures related to the functioning of the judicial system, as stipulated in fundamental laws and constitutions. At the heart of this thematic is the fundamental right to have the opportunity to participate, either directly or indirectly, in all legal proceedings relevant to a person's situation. This participation, in order to be effective, should be unconditional and protected from disruptive interferences. Furthermore, it should cover all the possible roles that a person could play in a judicial process: claimant, victim, defendant, witness, judge, juror, lawyer, and civil servant. Finally, it should apply to both formal and informal forms of justice.

While individual rights form a crucial component of this topic, the notion of accessibility extends beyond legal considerations. In terms of services, it is essential to ensure access to counsel, representation, and access to dispute-resolution platforms and mechanisms. In order to guarantee this access, several forms of support should be considered. The availability of information is a primary determinant for participation in judicial processes to be effective and fair. This information should cover all the material pertinent to specific cases or to the functioning of the legal apparatus as a whole. Similarly, it is essential to ensure effective and inclusive communication. Communication materials should be accessible to all persons including accommodations such as sign language interpreters, braille, assistive technology, and easy-to-read formats. It is also important for communication to be clearly presented regarding the existence and availability of inclusive mechanisms which might enable or facilitate judicial procedures for persons requiring particular accommodations. Additionally, it is important to ensure an optimal level of communication and physical accessibility to the various buildings and facilities which may host judicial processes. Finances might also constitute a particularly challenging impediment for many vulnerable people. In order to improve the accessibility of justice services, projects may promote legal aid services designed for vulnerable people, in order to ensure that they can effectively access these services on an equal basis.

In addition to these accommodations, accessibility and participation to judicial processes can also be improved by ensuring that the relevant staffs are adequately trained and informed. These staffs include judges, lawyers, court officials and other civil servants as well as law enforcement officers. In terms of communication, it is important for these personnel to be able to receive and understand testimonies, complaints, and statements from persons with disabilities and vulnerable persons, taking into account the various barriers and accommodations required to ensure unhindered communication. Similarly, it is essential to provide information on the diversity of persons with disabilities and of OPDs, and of the requirements and accommodations they may entail. This information should originate from persons with disabilities themselves. This information should also enable more effective and inclusive service delivery and shape the attitudes and perceptions of the trained staff. For this training to optimally

impact these attitudes and perceptions, it should include notions such as intersectionality (for instance with regard to gender or age) or the importance not to identify persons with disabilities purely on the basis of impairment as HI adheres to the rights-based model of disability. Finally, training on the rights of persons with disabilities including the CRPD, its optional protocol, specific national legislations, and fundamental rights framework, is beneficial for most actors involved in judicial procedures and thus for the legal system as a whole.

For HI, the scope of access to justice projects should be primarily focused on methods to improve accessibility and participation:

- Improving **accessibility** in its many forms (legal, physical, financial, communication, etc.) is a key component of this topic. Protecting fundamental rights and ensuring that reasonable accommodations have been provided.
- Providing **capacity-building** to the various actors involved in the justice system can increase the inclusiveness and efficiency of this system while benefiting the population as a whole by ensuring that the law is properly applied and that accommodations are guaranteed to ensure access to justice for all. Such capacity-development activities must also aim at empowering persons with disabilities and vulnerable persons themselves.
- Providing **legal aid**, ideally at reduced cost and with a specific attention given to disability-specific issues, helps persons with disabilities to access judicial services and to protect their rights and interests in manners which might not have been possible otherwise.

A.2 Context

A.2.1 In the world

Legal framework

The importance of the issues of political participation, citizenship, and access to justice has been recognized through their inclusion in several key international legal documents:

- For instance, the [Universal Declaration of Human Rights](#) contains several articles which concern the topics at hand. Article 20 protects the freedom of peaceful association while Article 21 touches upon another crucial aspect of political participation and citizenship by stating the right to take part in government and to access public service. Article 7 guarantees equality before the law and protection without discrimination. Further on the key issue of access to justice, Article 8 reaffirms the right to effective remedies by the courts and tribunals, while Article 10 promotes the equality, fairness, and impartiality of public hearings to which everybody is entitled and of the tribunals in which they take place.
- Access to Justice is also at the heart of Article 15 of the [Convention on the Elimination of all Forms of Discrimination Against Women](#).

- Another key document containing provisions for political participation, citizenship, and access to justice in general (i.e. not in the specific context of disability) is the [International Covenant on Civil and Political Rights](#). Article 16 is related to the concept of citizenship by granting the right to recognition everywhere as a person before the law. Articles 14 and 15's provisions for access to justice concern equality and accessibility in the courts and tribunals, including language considerations which can be interpreted as entailing reasonable accommodations for the people who require them. Political participation is addressed in Article 25 which protects the right to take part in the conduct of public affairs, to vote and be elected, and to have access to public service. An issue has been raised in the General Comment issued by the Office of the High Commissioner for Human Rights on this article, in which it is stated that "established mental incapacity may be a ground for denying a person the right to vote or to hold office."
- This controversial position has been addressed in the case of [Kiss v. Hungary](#) of the European Court of Human Rights, in which the Court declared that such practices constituted automatic, blanketed restrictions in violation of Article 3 of Protocol 1 to the European Convention on Human Rights.

The need to address the topics of citizenship, political participation, and access to justice in the specific context of disability was a major impetus for the creation of the [CRPD](#). Improving familiarity with the document in general and with the specific articles related to these topics is an important aspect of projects related to the protection of the rights of persons with disabilities or to the monitoring of the implementation of the CRPD. These specific articles include:

- Article 12 which concerns citizenship by defining and extending legal capacity to all on an equal basis and with the appropriate support, including in the sense of recognition before the law. This Article is complemented and refined in the [General Comment No. 1](#) issued by the Committee on the Rights of Persons with Disabilities.
- Article 13 details the provisions related to access to justice, such as the inclusion of staff training or of procedural accommodations to facilitate the effective role of persons with disabilities as direct or indirect participants in legal proceedings. Precisions on this Article are provided in the [sixth general Comment](#) (§51 and §73).
- Finally, Article 29 sets forth the obligation for State Parties to guarantee rights to effective participation to political life for persons with disabilities. These rights encompass the right to take part in political life on an equal basis with others, notably through elections for which procedures, facilities, and materials should be made accessible and designed to ensure the secrecy and freedom for interference of the people's vote. Article 29 also protects the right to participate in public life, including by forming or joining OPDs or other civil society organizations. The elements exposed in Article 29 are further discussed in [General Comment 7](#).

Furthermore, the topics of the articles of the CRPD discussed in this paragraph have been the object of several reports and studies from the Human Rights Council of UN general Assembly, such as the Thematic study by the Office of the United Nations High Commissioner for Human Rights on participation in political and public life by persons with disabilities ([A/HRC/19/36](#)) or the Report of the Special Rapporteur on the rights of persons with disabilities ([A/HRC/31/62](#), [A/HRC/34/58](#)).

There also exists an [Optional Protocol](#) to the Convention on the Rights of Persons with Disabilities. This optional addition to the Convention provides the grounds for the establishment of a complaints mechanism for individuals or groups of individuals subject to its jurisdiction who claim to be victims of a violation by that State Party of the provisions of the Convention. This mechanism is thus pertinent in the context of this policy paper as it provides an opportunity for persons with disabilities to defend their rights and to actively contribute to the implementation of the CRPD.

Additionally, it is relevant to mention certain regional instruments such as the [Bali Declaration](#) on the Enhancement of the Role and Participation of Persons with Disabilities in the ASEAN Community or the Venice Commission's [Revised Interpretative Declaration](#) to the Code of Good Practice in Electoral Matters on the Participation of People with Disabilities. Ultimately, and beyond the internal and regional documents, all pieces of national legislation should be examined and monitored. Constitutions may contain stipulations on citizenship and legal capacity and is a key document for inclusion. Disability-specific laws and policies are evidently of interest to persons with disabilities and monitoring the transcription of the CRPD into national legislation is an essential activity for OPDs. Finally, even laws and legal documents which do not directly address disability may prove determinant and provide opportunities for disability mainstreaming. Overall, a wide range of legal texts can prove significant for the rights and effective participation of persons with disabilities.

Actors & stakeholders

Due to the broad scope of the themes of political participation, citizenship, and access to justice, a large cast of actors and stakeholders may potentially be involved as beneficiaries, target audience, or partners in projects focusing on these topics. Such projects should systematically involve stakeholder analysis in order to map out the relevant actors and to provide a better understanding of the context and key elements which might influence a project's design and implementation. This overview does not constitute such an analysis, as these should be context-specific, but rather a presentation of the type of actors which might be examined when elaborating projects.

At the heart of all of HI's projects are the **persons with disabilities and vulnerable people**. All projects must be structured around their beneficiaries and it is particularly important to prioritize dialogue with and by them. A critical component of project design is the attention devoted to understanding the perceptions, attitudes, needs, and demands of the partners and beneficiaries. Projects should systematically aim to fulfil these needs and to build their conceptual framework on the basis of the ideas and ambitions expressed in these dialogues. In order to achieve these objectives, it is crucial to

gather evidence from the field, especially case studies of discrimination or denial of access. Compiling both quantitative and qualitative data can lead to an improved understanding of the realities of vulnerable persons' daily lives and of their needs, objectives, and preferred methods of action. Keeping beneficiaries at the heart of projects is among HI's strength and particularity and this trait is particularly relevant in projects focused on rights or participation. In terms of objectives and activities, persons with disabilities and vulnerable persons might be included in many forms, for instance as the primary target for training and capacity-building activities with the aim to develop advocacy, good practices, or monitoring capacities.

For actors beyond persons with disabilities and other partners or beneficiaries, involvement in projects may also vary in manner and intensity. Such actors may, for instance, be the target of advocacy or awareness campaigns, or receive training on key issues and procedures. When envisioning such projects, it is crucial to take into account the many aspects of the local or national context which might impact mind-sets and attitudes. It is pertinent to examine the values prevalent in a given society and to understand the state of political, social, and economic statuses and dynamics of the actors and institutions involved. Taking into account the importance of this context and of the inclusion of persons with disabilities at the heart of HI's projects, the following paragraphs explore the external actors to be considered for the three main themes of this publication.

Projects related to matters of citizenship may involve **legislative bodies** as their primary targets. Legislative bodies (i.e. parliaments) may draft laws and changes to the national constitution which govern over the inclusion and restriction criteria for granting citizenship status. These also affect legal capacity and the link between legal capacity and other dimensions such as voting or being recognized before the law. In terms of implementation of citizenship legislation, **local administrations** play an important role. Projects focused on the civic participation component of citizenship shall also include local populations, particularly to promote participation and inclusion at a grassroots level and to raise awareness and, in turn, influence representatives and legislative bodies.

Political participation projects have a strong potential to be linked with **civil society organizations**. The connections between OPDs and other organizations is a decisive factor for improving participations of persons with disabilities. Civil society organizations may share their expertise and networks while involving OPDs in non-governmental coalitions to increase their impact and to display inclusion towards persons with disabilities, who, in turn, may use such partnerships to share concepts and good practices of disability inclusion and mainstreaming. Additionally, political participation projects should target political parties, particularly so when elections are a key component. Parties may be willing to include disability-specific points in their electoral programs and to encourage accessible facilities and communication materials. Election management bodies also provide considerable opportunities for persons with disabilities to become involved in political processes and to ensure that elections are inclusive. They also provide a great momentum to promote the inclusion of disability within the decision-makers' agenda. Beyond elections, OPDs may seek a greater influence by joining regional and international alliances, such as the International Disability Alliance (whose member are regional OPD

networks), and by contacting the UN Human Rights or CRPD Committees. Regarding the CRPD itself, its interpretation and the ruling over the application of its principles and provisions are the responsibility of courts and tribunals, and are thus relevant for political participation programs.

When the objectives are to improve access to justice, the inclusion of these **courts and tribunals** is, again, of high significance. Judges have a decisive impact through the rulings they render and through the administration of the courts over which they preside. Judges and other civil servants may thus contribute to the accessibility of justice, notably if they have received training and are familiar with particular disability rights or accommodations. Regarding legal aid, the establishment of accessible platforms requires the involvement of experienced actors deeply versed into the relevant legal system and instruments. Certain civil society organizations (which are not necessarily related to disability) are specialized in legal aid and constitute potential partners, in the perspective of disability mainstreaming. Finally, the ministry of justice may also impact the accessibility of justice by setting standards and providing such training.

There is a myriad of other actors and stakeholders which might be involved in the projects related to the topics of this publication. These include healthcare providers, prison staff, police and other law enforcement officers, or general service providers, to name a few. These actors might not always be relevant, present, or willing to collaborate with HI and its partners, which reinforces the importance of conducting thorough stakeholder analysis for each project and based on the specificities of each context.

Barriers & rationale

The legal documents presented in the previous section guarantee a number of rights for persons with disabilities and vulnerable people. The international instruments mentioned are either directly applicable or entail the obligation for State Parties (i.e. States that have ratified the treaties) to transcribe them into national legislation. In spite of this, there persist many elements which prevent persons with disabilities from enjoying equal and effective access to justice, citizenship, and public life. These barriers may take several forms, a few of which are described below:

- 1. Legal barriers:** In spite of the international legal instruments guaranteeing the fundamental rights of persons with disabilities and vulnerable people, legal barriers remain numerous and far reaching in their impact. This can arise due to different circumstances: a state not having ratified the relevant international conventions, the transcription of the conventions' provisions into national legislation being flawed or incomplete, or a state ignoring these provisions when drafting new laws and policies. A primary example of failure to adequately implement the CRPD is the presence of restrictive stipulations for citizenship and legal capacity in the constitution. These restrictions may be used as a basis for limiting the enjoyment of other rights and the access to public services. Adults with intellectual disabilities or under guardianship are routinely denied the right to vote and to stand for elections, as well as the right to hold office. Few constitutions entail specific provisions for the protection of citizenship and political rights

for these vulnerable segments of the population. Similarly, national legislations often include restrictions on the rights of persons with disabilities to appear in court, to testify as witnesses, or to serve in any official capacities. These legal and institutional barriers greatly impede the realization of the rights of persons with disabilities and constitute infringement on the CRPD and several other key legal instruments.

- 2. Economic barriers:** In addition to legal barriers, financial impediments also have a significant impact on the full participation and prosperity of persons with disabilities and on their ability to participate in political life, civic activities, or judicial proceedings. The higher rates of unemployment and economic inactivity among persons with disabilities contribute to their marginalization and place a significant financial burden on these persons and on the OPDs which attempt to protect their rights and interests. Advocacy efforts, for instance, may be impeded by these financial hurdles. Similarly, the costs involved in the context of judicial processes (primarily the costs related to legal defense) may be difficult to incur and thus deter victims from accessing the services of justice through which they should ensure the protection of their rights.
- 3. Barriers related to physical access and communication:** These are further hindrances for persons with disabilities. As is the case for several sectors, ensuring optimal physical access to buildings, rooms, and facilities is essential to make them inclusive. In the context of this paper, such places may include courts, parliaments and other political spaces, or polling stations and booths. In addition to accessing the places themselves, accommodations must be implemented to facilitate their use for persons with disabilities. For instance, specific voting procedures must be put in place for persons who are blind or who request to be accompanied in the voting booth by a sighted guide. Unfortunately, such physical barriers often significantly reduce the accessibility of these places and of their intended use. In addition to these physical barriers, communication can also impede access if not designed through inclusion methods. Non-inclusive electoral campaigns documents hinder political participation while insufficient information on disability rights and on existing accommodations prevents persons with disabilities from engaging in political or judicial processes.
- 4. Attitudinal barriers:** Reduced participation is also connected to attitudinal barriers which further reinforce the impact of the other barriers listed in this section. Social prejudice may contribute to the lower access of persons with disabilities to education, as well as to certain professions. In addition to reducing their liberty and capacities, this also skews the perceptions of the rest of society regarding the ambitions and abilities of vulnerable people. Consequently, common social assumptions that persons with disabilities cannot contribute to society are detrimental to them and to society as a whole. In practical terms, these biased assumptions may lead to misconceptions regarding the abilities and credibility of persons with disabilities in court.

Projects designed around the objective of increasing access to justice, citizenship, and political participation should therefore provide methods to overcome or circumvent these barriers, to prevent them from having a significant impact, or, ideally, to remove them altogether. There are numerous benefits to investing efforts in these areas and these benefits should, in turn, have a positive impact on other sectors and aspects of vulnerable people' life.

With regard to citizenship, ensuring that persons with disabilities are recognized before the law as equal citizens serves to change public perceptions and reshapes the status of persons with disabilities in shared consciousness. On the other hand, restrictions to legal capacity and to the dimensions attached to it perpetuate discrimination and exclusion, notably by increasing the social stigmas surrounding disability. In turn, these processes of exclusion impede the fulfilment of other fundamental rights and the establishment of an enabling environment. The enjoyment of citizenship and of active civic participation is an essential element for the autonomy and self-determination of persons with disabilities and vulnerable people in general. Inclusion and recognition consequently serve to improve the societal contributions of persons with disabilities.

Encouraging the political participation of persons with disabilities leads to increased societal contributions on their part, which benefits society as a whole and persons with disabilities themselves, notably by improving their self-esteem. Furthermore, participation in political and public life prevents disability from being left behind on political and development agendas by raising awareness, demonstrating will and capacity, and by shaping the collective consciousness. Additionally, involvement in public affairs is an essential condition for the implementation of the CRPD as well as other international standards and national disability policy programs. Finally, improving comprehensive inclusion benefits the population as a whole, including other vulnerable segments of society, and improves dialogue in difficult political contexts.

Projects focused on improving access to justice for vulnerable people similarly benefit society as a whole by leading to more efficient and inclusive judicial apparatuses and procedures. By offering opportunities for legal remedies, this also improves the participation and abilities of persons with disabilities in a variety of contexts and sectors. Overall, the equality of access to justice illustrates the indivisibility and interconnectedness of Human Rights as it contributes to the protection and enjoyment of these rights. Finally, there are significant benefits derived from the symbolic values attached to fair and accessible justice, as well as to the ability for persons with disabilities to defend their rights and interests.

A.2.2 At HI

HI's rationale for intervention in the sector of political participation, citizenship, and access to justice is clearly derived from the aspirations set forth by the Institution. The primary source for such ambitions is the document [HI: Values and principles charter & Scope of activity](#), in which the core components of HI's mission and purpose are stated as follows: "Humanity & Inclusion is an independent and impartial

aid organization working in situations of poverty and exclusion, conflict and disaster. The organization works alongside people with disabilities and vulnerable populations, taking action and bearing witness in order to respond to their essential needs, improve their living conditions and promote respect for their dignity and fundamental rights”. Citizenship, access to justice, and participation in political matters constitute such fundamental rights and contribute to the alleviation of situations of poverty and exclusions, for the benefit of persons with disabilities and vulnerable populations.

Additionally, HI’s current strategic framework lays out the priorities established by the federation for the accomplishment of its mandate. This document, the [2016-2025 Strategy](#), lists as its very first priority action the inclusion of people with disabilities and vulnerable populations. Within this field, the first approach listed is “ensuring people with disabilities have access to all services”. Within Humanity & Inclusion’s theory of change, 13 key sectors are identified, so as to define HI’s conception of services. HI’s projects are focused on improving access to these sectors, among which figures the sector of justice, citizenship, and political participation services. Developing HI’s positioning vis-à-vis this sector is thus a priority and is the purpose of this document, alongside guiding projects aiming at implementing these principles.

In terms of strategic positioning, conceptual framework, and principles of intervention, this document falls under the guidance of HI’s policy paper on [Support to Organisations Representative of Persons with Disabilities](#). OPDs play a critical role in promoting the rights of persons with disabilities. Furthermore these organizations offer significant opportunities for persons with disabilities to be represented, to expand their network, and to make their voice heard. The legitimacy and greater capacities of OPDs enable their representatives to implement advocacy strategy devised to ascertain their rights as citizens and to participation in decision-making processes. In terms of decision-making, the national level and international levels are particularly relevant in the perspective of enacting broad structural and political changes. However, it is essential to also devote attention to the local level which is particularly relevant for HI’s beneficiaries’ daily lives and provides many opportunities for political and civic participation in a more easily accessible space. Consequently, the document [Inclusive Local Development - How to implement a disability approach at local level](#) is also a source of guidance for the present publication.

Within HI, the dynamics of political participation, access to justice, and citizenship are a primary concern of the Inclusive Governance unit of the Social & Inclusion division. Alongside its work on inclusive development and support to civil society, the Inclusive Governance unit has provided assistance to several projects related to the topics explored in this policy paper and constitutes the first focal point within the Technical Direction. Nevertheless, the sector of political participation, access to justice, and citizenship is intrinsically connected to several other sectors, several other units within HI provide pertinent contributions on these topics. For instance, an essential component of the civic participation and aspects of citizenship discussed in this document is its social dimension, a component which can be assisted by the Social specialist. Additionally, effective citizenship often requires education, thus highlighting the connection with this sector. The education sector is also particularly relevant for

elections projects since voting stations are often installed in schools, especially in rural environment. Consequently, working on the accessibility of the voting station can also contribute to the accessibility of the school in general. More broadly, the activities described in the intervention modalities of this policy paper can all reinforce the capacities of persons and organizations and thereby improve the impact of other projects ranging from livelihood to rehabilitation.

In terms of experience, HI has designed and implemented many projects pertaining to political participation, access to justice, and citizenship. It is partly in response to these projects that the present document has been drafted, as an opportunity to compile and structure the lessons learned in the process. Consequently, these lessons form a primary source of information and practical knowledge for the practical issues detailed in the next section of this document. Throughout this policy paper, cases studies and points of focus derived from these experiences are inserted as illustrations for the key elements discussed. Among other projects, the following are of particularly relevant nature:

- 2007: Projet Handicap et Citoyenneté. Rapport du Diagnostic Territorial sur l'Organisation des Personnes Handicapées et leur Participation Citoyenne au Burkina Faso.
- 2010: Le développement local inclusif à Madagascar : de la reconnaissance de la citoyenneté des personnes handicapées au renforcement des politiques locales de développement.
- 2010: Political Participation of Women with Disabilities in Cambodia.
- 2012: Participation Politique des Personnes en Situation de Handicap au Maroc.
- 2013 : Projet DECISIPH, Bénin, Burkina Faso, Libéria, Mali, Niger, Sénégal, Sierra Léone, Togo.
- 2014: "Get Out the Vote!" (GO!) Engaging persons with disabilities in political and legislative processes in Morocco and Libya.
- 2015: Making it work: Access to justice for persons with disabilities in Bangladesh.
- 2015: Barriers Assessment on the Electoral Participation for Persons with Disabilities. An Assessment on the participation of Persons with Disability in the electoral process in Hargeisa, Somaliland.
- 2015: Improving women's enjoyment of rights & equality in Pakistan via empowerment for better access to education & justice
- 2016: Les femmes, actrices de la gouvernance locale dans les gouvernorats du Grand Tunis, de Gafsa et de Jendouba, Maghreb.
- 2017: Inclusive Elections Project: Support Kenya to become a more inclusive democracy.
- 2018: Promotion de l'Inclusion dans la Participation Citoyenne et Politique pour les Personnes Handicapées, les Personnes Analphabètes et les Personnes Agées au Rwanda.
- 2019: Right of participation, duty to choose: empowerment of youth in risk of exclusion in the construction of democracy and peace in Guinée Bissau.

B. Principles of intervention

B.1 Disability, gender and age

The focus on disability, gender and age is a core component of HI's policy. This [policy orientation](#) emerged as a result of HI's analysis of the impact of these key dimensions and of their relationship among each other: disability prevalence is often higher among women and greatly affects children. Consequently, the intersectionality of these three dimensions is significant: their cumulative impact increases poverty, marginalization, and vulnerability. It is thus essential to account for these dynamics and to ensure that HI's projects employ transformative programming. Transformative programming actually addresses the root causes of inequalities and the systematic barriers brought forth by the intersection of disability, gender, and age. Overcoming the resulting discrimination is a key objective of all of HI's projects.

In order to do so, HI has developed a Disability, Gender, and Age (DGA) Marker which is designed to provide a score reflecting the inclusion of these considerations into HI projects. This marker can be used at various stages of projects, from its design to its implementation and evaluation. The HI DGA Marker¹ can be particularly useful in this regard. The use of this marker is particularly recommended for the projects related to political participation, citizenship, and access to justice. These fields hold a considerable symbolic value and are particularly determinant for the participation, inclusion, and self-realization of persons with disabilities and vulnerable persons. It is thus crucial to ensure that HI projects related to these topics do not reinforce existing inequalities or forms of discrimination and that they instead take account of the intersectionality of disability, gender, and age and address its effects.

B.2 Access to services

Throughout the world, many groups of people experience inequality on the basis of various demographic, economic, social, or cultural aspects. Among these, disability is a key factor of discrimination. Being excluded and discriminated significantly reduces a person's opportunities and ability to find fulfilment in their social environment. This environment is a determinant for a person's wellbeing due to the importance of being able to access various services which, in turn, are necessary for a person to fulfil their basic needs and to enjoy their rights and privileges as citizen. Among these services, HI has identified justice, citizenship, and political participation as a key sector in its Theory of Change. Ensuring that persons with disabilities have access to these services is thus a key mission for HI and an important mandate for its projects. It is also essential to ensure that these services are connected and that access is consistent, as part of a broader continuum of services.

¹ [DGA Marker](#)

Unfortunately, many barriers must be overcome in order to guarantee unhindered access to services. These barriers include inadequate or discriminatory policies and practices, inaccessible services and information, insufficient participatory approaches, negative attitudes or biases, and insufficient or inadequate funding. When designing projects, it is therefore essential to address these issues, and if possible to find adequate methods to overcome or circumvent them. Understanding the dynamics which influence these barriers can be facilitated by focusing on the notion of [access](#), which refers to the capacity to reach, enter and circulate within a specific location, and benefit from a service, system or entity. In the field of political participation, citizenship, and access to justice, accessibility is particularly relevant with regard to infrastructure (and transport), technology, and information and communication media. In order to improve such accessibility, HI works through a twin-track approach, which includes both providing support and training to OPDs and persons with disabilities on specific topics, and to other actors and institutions on the dynamics of disability and inclusion.

B.3 Participation

While certain aspects of accessibility can be defined in individual terms, participation is often conceived as a collective dynamic, requiring interactions and being more effective when it is coordinated. Access to services constitutes an essential component of the condition of persons with disabilities, but it should be completed with a more empowering dimension. In this sense, participation is not a passive process but rather an empowering act for persons with disabilities to express their preferences, defend their rights and interests, be included in their social surroundings, and shape the future of their society. Specifically, participation can be understood as the significant involvement of the people concerned in the design, implementation, monitoring and evaluation of services or policies affecting them. Of particular relevance to this policy paper is the notion of social participation, related to social roles and involvement in one's community. Additionally, Article 1 of the CRPD promotes the "full and effective participation in society" of persons with disabilities thus highlighting the importance of this dimension.

For HI projects, participation is both an end goal and a method. As an objective, participation entails the improvement of the involvement and contributions of persons with disabilities and vulnerable persons in the processes and institutions relevant to them and their environment. It is crucial to support such participation in order to improve the participation and inclusion of vulnerable people, and it is important to keep in mind that this participation should be meaningful and not simply an expression of tokenism. As a method, participation refers to participatory approaches, which imply the involvement of beneficiaries and partners through all the stages of the programming, implementation, and evaluation of HI projects. In order to foster and encourage meaningful participation, the documents [Support to Organisations Representative of Persons with Disabilities](#) and [How to implement an operational partnership](#) devised by HI provide pertinent information and guidance.

B.4 Contextualization & Adaptation

Participatory approaches draw attention to the importance of including HI's partners in all the stages of their shared projects. Such meaningful and effective participation is of particular relevance when considering the objectives of HI's projects. Partners and beneficiaries have their own objectives and may be interested in pursuing certain goals and not others, even though they may appear to be connected. For instance, persons with disabilities might be determined to have the right to vote while not having the intention of voting.

Similarly, it is essential to adapt all projects to the political, social, and economic context within which they take place, particularly so with regard to political participation, access to justice and citizenship. These notions are inherently linked with the history of a nation and with the development of a country; performing an in-depth analysis is thus crucial to select the relevant goals and activities and to adapt them to the factors which might influence the conduct of the project. It is also important to keep in mind that not all activities developed in this policy paper are suitable or pertinent for all contexts and that such sensitive topics as political participation may generate unrest and affect the success of other projects as well as the relationship of HI with various local actors. In this context, performing risk analysis is an essential component of HI projects. Risk analysis should examine – and offer perspectives to minimize – external developments which might impede the successful implementation of the project, as well as the potential unforeseen consequences and side effects of these activities. This also ensures that HI maintains its neutrality and independence when it interacts with political actors and that this does not jeopardize its other projects.

More generally, it is essential to examine the context and to gather data before conducting any project. This implies mapping stakeholders, studying the relevant legal framework, examining the government's openness and willingness to engage, the degree of decentralization, tracking the development of civil rights movements, the past and present conflict dynamics, or determining the existence of informal structures related to policy and justice.

B.5 Formal and informal dimensions

The existence of both formal and informal structures is an important reality of most countries in which HI operates. While citizens often interact with established and legally-recognized structures or actors throughout their social life, they also often encounter informal institutions. The prevalence and influence of these can be affected by the degree of decentralization in the country. These informal structures are often found at the local level where there exist, for instance, concertation committees to address issues affecting the village or non-formalized methods through which justice is administered. Ignoring these elements would imply ignoring significant dimensions of the local political and civil life and thus impede the realization of HI's projects. This highlights the importance of combining top-down and bottom up approaches.

Alongside these informal institutions, HI must also approach various formal actors, in particular in the institutional and political field. These include actors involved in policy-making, in the monitoring of international legal instruments, or in communicating on the legal framework with regard to disability rights. Among these actors, it is pertinent to distinguish between those who are approached in their role as decision-makers (e.g. members of the governments) and those whose relevance pertains to their political involvement, for instance political parties even when they are not in power. Approaching such parties can indeed yield significant results due to their willingness to engage with potential voters. It is, however, important for HI to maintain its neutrality and thus to target all parties and to ensure that HI itself does not approach the parties directly but provides support to OPDs which may identify the targets and engage with them.



Case study: DEC-N in Nepal

One of HI's trusted partners in Nepal, the Disable Empowerment and Communication Centre–Nepal (DEC–N) is an Ngo dedicated to increase the participation and representation of persons with disabilities in policy-making. To do so, they regularly engage with actors at all levels, including political parties or local planners.

B.6 Multiple levels

In the perspective of improving persons with disabilities and vulnerable persons' political participation, citizenship, and access to justice, HI projects should consider multiple levels of intervention and, if possible and pertinent, devise activities and objectives for each of them. The local level is the first to which citizens are confronted and the one through which their personal influence can most easily have impact. Among other aspects, this level is relevant for information campaigns, civic involvement, informal participation, legal outreach and referrals, etc. The relevance of this level is determined by processes of decentralization which can be mapped and analyzed in the early phases of project development. In particular it is pertinent to determine the local competences and responsibilities as well as the hierarchy of norms. Activities designed for this purpose are included in the intervention modalities of this document. Overall, it remains pertinent to analyze and work at the local levels even when processes of decentralization are not advanced, as this level corresponds to a crucial aspect of HI's partners and beneficiaries' daily life and certain activities (e.g. awareness, referrals) can be particularly effective at the local level.

In addition to the local level, the national level is determinant for the political participation, citizenship, and access to justice of persons with disabilities and vulnerable people as this is the level at which national legislation and policies are devised and implemented, as well as the implementation of the CRPD and other international legal instruments. This level is thus particularly suited for advocacy and awareness campaigns. Finally, the regional and international levels offer other platforms for advocacy and awareness and may also offer opportunities for meetings and the exchanges of good practices

among OPDs or for fundraising activities. Overall, activities at this level can reinforce the effectiveness of a OPDs at the national level.

B.7 Humanitarian and Development Nexus

For HI, humanitarian and development projects should not be thought of as disconnected or consecutive timeframes, but rather as forming a continuum. In emergency periods, it is essential to prepare future resilience and to maintain long-term, sustainable goals in spite of the urgency of the situation. Conversely, development projects should aim to reduce risk and vulnerability, and to increase resilience, so as to reduce the likelihood, frequency, and impact of crises and shocks. In the context of political participation, citizenship, and access to justice, this nexus is of considerable importance. Reinforcing these dimensions directly strengthens the social fabric and increases the resilience of the persons and organizations supported by HI. Nevertheless, it is important to acknowledge that emergency and humanitarian contexts may not prove suitable for certain activities, for instance due to the possible absence of elections or of formal leaders. This reality does not preclude projects from taking place, as these contexts still provide opportunities to work with informal leaders or informal decision-making processes. One avenue to achieve this if for HI to work alongside with and provide support to OPDs which may identify the targets and engage with them.



Case study: Growing Together project in Bangladesh, Pakistan, and Thailand

HI's Growing Together project is dedicated to enabling children with disabilities or chronic illness to develop their full potential through education, games, sports, and cultural arts. Among other contexts, this project takes place in Rohingya camps where it addresses both emergency and development dynamics.

B.8 Data

This section has stated the importance of acquiring a thorough and actionable understanding of the context within which each of HI's projects takes place. To do so, it is essential to gather data of various natures. For instance, it is pertinent to map the stakeholders who might affect or influence the project. In the context of political participation, citizenship, and access to justice, it is also useful to conduct an examination of the relevant laws, of the national and local political dynamics, or of the services and accommodations currently available for persons with disabilities. Additionally, collecting quantitative data on the situation of the target population is particularly valuable for the design of projects. Ideally, this kind of data should be disaggregated on disability, in addition to other socio-economic factors (such as age and gender), so as to have a better understanding of HI's beneficiaries' needs and of the challenges they encounter. Similarly, collecting qualitative data related to the people's perceptions vis-à-vis their careers, challenges, ambitions, or social inclusion also provides significant information

to better understand the context and the realities of HI's partners and beneficiaries. This enables the development of better-suited interventions and activities.

In addition to the design of projects, such data is also useful on a broader scale, for instance at the regional or international levels, to conduct comparisons between countries, to track progress over time, or to link up with various research initiatives. In order to facilitate these endeavors, national censuses can be useful tools, although including disability-related dimensions in these surveys often requires extensive advocacy campaigns. If the data is collected by HI staff, particular guidelines must be followed².

Finally, collecting and analyzing pertinent data is an essential component of project management. Beyond the information pertaining to the initial situation and the design of projects, it is important to collect data throughout the implementation of the project and until its completion. Such data is integral to the conduct of monitoring and evaluation activities which ensure the quality and validity of projects. Assessing the quality, usefulness, and sustainability of HI's projects can be done through impact evaluation activities, several of which are included in this policy paper.



Case study: Inclusive Elections Project: Support Kenya to become a more inclusive democracy

HI has devoted considerable efforts in Kenya in order to improve the accessibility of the national elections. To do so, it has been deemed particularly pertinent to conduct a baseline survey so that further efforts can be compared to this initial level of inclusion and accessibility. In the context of elections, this is particularly suitable as comparisons can be made between one election and the following or previous one.



² [Studies and research at Handicap International: Promoting ethical data management](#), HI, 2015

Part 2 – Intervention modalities

A. Supporting Citizenship

In essence, citizenship refers to a person's ability to influence the issues affecting them. It is thus the capacity to shape their relationship with the State and with their environment. For this capacity to be effective, it is essential to be recognized as a citizen, not only in the eyes of the law, but also socially, which is why visibility is a crucial component of citizenship. It also requires a degree of agency (i.e. being able to exert power and influence, on one's own accord, and to make decisions regarding one's own interest). In turn, such agency can be better exerted in an enabling environment. For persons with disabilities, an enabling environment can be characterized by respect and recognition as citizens, but also by opportunities to become involved in public affairs and community life, notably via organizations and associations, and to defend one's own rights and interests. It is in this sense that citizenship can be conceived as a primary element for the accomplishment of other rights and for the access to other services and activities, such as political participation and access to justice.

There are various entry points to approach the question of citizenship via a project. Most formal entry points are related to [political participation](#) and the management of public affairs. These can include elections (e.g. with regard to the requirements to be a voter or to stand for elections), transition periods when countries change regimes, CRPD reviews, or budget processes. Additionally, informal entry points usually result from an analysis of the population at large and of disability community in particular. Analyzing its power relations, its status, its political and economic dynamics, or its decision-making processes can provide pertinent opportunities to understand the dimensions of citizenship and the projects which could be implemented in this perspective. Overall, citizenship must include participation, self-determination, and contribution from persons with disabilities. All these dimensions are approached in the three following subsections on [legal capacity](#), [identification documents](#), and [civic life](#).

A.1 Improving legal capacity

A.1.1 Understanding the concept

In addition to being recognized as a citizen, the concept of citizenship is intrinsically connected to the notion of legal capacity. As it is a component of citizenship and fundamental rights which is often prejudicial for persons with disabilities and vulnerable persons, it is essential to understand why it can be the focus of projects related to citizenship and how these projects can approach the issue. In essence, legal capacity ensures the legal liberty and agency for an individual to have and to exercise their own rights. There are two components to this. The first is recognition before the law, that is the capacity to have rights, for instance marry or to own property. The second element is the capacity to

exercise these rights, for instance, to freely dispose of one's property or to defend one's rights before the courts and tribunals.

With regard to citizenship and the wellbeing of persons with disabilities, the importance of legal capacity is thus threefold:

- It provides recognition before the law and guarantees the freedom to make one's own choices, which is an essential component of what it means to be a person and a citizen.
- It leads to other rights (and to the exercise of these rights). Without legal capacity, these rights (e.g. working, managing one's financial affairs, owning property, making decisions over one's own health, participating in political affairs, or having access to justice) would lose their meaning or become significantly hindered.
- It guarantees that persons with disabilities can make their own decisions, which in turn influences the perceptions and attitudes of other segments of the population. It can thus help to overcome stereotypes in the eyes of authorities, service providers, or the population.

A.1.2 Implementing Article 12 of the CRPD

[Article 12](#) of the CRPD is crucial for this issue. It covers the following elements:

- Recognition as persons before the law
- Legal capacity on an equal basis with others
- Appropriate measures to support the exercise of legal capacity
- Appropriate and effective safeguards to prevent abuse
- Equal right to own or inherit property and to control personal financial affairs.

Unfortunately, this article figures among the most disputed and misunderstood contents of the Convention. Traditionally, many national constitutions or fundamental laws contain restrictions on legal capacity for persons with disabilities, in particular for intellectual disabilities. This results from the existence of stereotypes and misconceptions, such as the belief that disability is inherently linked with a lack of capacity. Consequently, Article 12 is often inadequately implemented in national legislations. Furthermore, due to the complexity of this issue, it can be more arduous as a focus for advocacy campaigns.

In order to help better implement this article, the CRPD committee has discussed in various [comments](#) its contents and the resulting obligations for States parties to the Convention. Among the key obligations, the following can be incorporated in HI projects focused on legal capacity, for instance by providing training or by advocating for specific changes:

- Domestic legal frameworks must be amended to prevent denials of legal capacity for persons with disabilities.
- There should be a limit on the courts' power to restrict the legal capacity of persons with disabilities, especially in the case of blanket bans (i.e. excluding a group of persons based on one criterion).

- All relevant public officials should receive training in the recognition of the legal capacity of persons with disabilities. This training should be available at all levels and be designed and implemented with the participation of persons with disabilities.
- States should, in their laws and policies, replace substitute decision-making by supported decision-making, as implied in §3 of Article 12 of the CRPD.

Substitute decision-making has been a frequent practice associated with restricted legal capacity for persons with disabilities. In effect, it allows other people to make decisions for them. This practice strips persons with disabilities from their agency and fundamental freedom. Depending on the legal framework, it can be enforced as a result of various procedures. In some cases, the mere existence of an disability is deemed sufficient to deny legal capacity, this is called **status attribution**. Another method is the **outcome test**, whereby if the decisions made by a person with disabilities are judged to not fit with a society's values or with the person's interests, legal capacity can be removed. Finally, **substitute decision-making** can also result from functionality test, where disability is tested in terms of cognitive capacities and legal capacity can be denied if these are deemed insufficient. In all these cases, the person with disabilities will be placed under guardianship (depending on the legal nomenclature) and legal decision will be taken on this person's behalf by a guardian. Such practices are to be banned, in the favor of supported decision-making.

Supported decision-making is the preferred solution when a person with disabilities requires support in performing certain actions or choices. It relies on the existence of a person or network trusted to provide assistance to take key decisions. This approach is condoned by the CRPD and relies on the assumption that persons with disabilities can make decisions and that attention should be given to how they can be supported in this perspective. It is important for such support to have a legal basis and status in the domestic legal framework. This support can take several forms:

- A supporting decision-maker is a person or network who provides support to persons with disabilities wishing to make decisions. They can provide information and documentation, assist in the deliberation of choices, and help communicate those decisions.
- Communication and interpretative support is also important. This can imply helping other people communicate with a person with disabilities, or vice-versa, and it can prove essential, for instance in situations where decision-making is performed through debate or concertation.
- Independent advocacy can help persons with disabilities to defend their rights, especially in situations where no network exists to support such endeavors. It is crucial for these advocates to be accountable and independent.
- Advance directives relate to legal decisions taken by a person with regard to their future. They may decide in advance under which circumstances they wish to exercise or relinquish certain rights. This is particularly relevant for medical concerns, for instance with regards to intellectual disabilities or parenting rights.

A.1.3 Designing activities

In order to implement projects focused on legal capacity for persons with disabilities, several key activities can be performed:

1. Raising awareness can constitute an essential first step to change perceptions and attitudes. As legal capacity is linked to collective notions of citizenship, it is essential for the concept of citizenship to incorporate a diverse conception of humanity. In particular, it is important to overcome the stereotypes which equal disability to a lack of capacity.
2. Secondly, it is important to be able to identify the laws which should be changed or created and to understand the legal proceedings involved. To do this, getting the help of legal experts, as explained [here](#) can be a significant advantage. In order to identify the pertinent laws, several texts must be examined:
 - Constitutions and fundamental laws often contain the definition of the rights and duties of citizens as well as a definition of disability, and sometimes mention legal capacity directly.
 - Disability-specific laws and acts, including texts related to mental health, can contain pertinent provisions, such as those pertaining to guardianship.
 - Often, these issues have been the object of interpretation by courts and tribunals. Such case law can form a jurisprudence for future decisions and should also be examined
 - Finally, restrictions connected to legal capacity can be found in various other laws and codes, such as the penal code and criminal procedures, the laws of succession, matrimonial laws, the acts related to financial operations, property laws, and of course, election code, as detailed in the dedicated [section](#).
3. Once this identification has been performed, it is essential to launch advocacy campaigns, targeting the appropriate actors, so as to suggest new laws or the rewording of existing laws. This can relate to the removal of denials of legal capacity from legal texts, or to the establishment of official statuses and procedures for support decision-making.
4. Finally, it is important and often fruitful to connect legal capacity and citizenship projects to other activities and projects. For instance, they can be conducted in conjunction with projects related to helping person with disabilities obtain legal identification document or register for elections, as well as other sectors where HI is involved, such as education, livelihood, or social protection, which can all be impacted by a person's legal capacity and agency.

Useful resource

- [Guide of promising practices on legal capacity and access to justice: Reflections for the implementation of the articles 12 and 13 of the UN Convention on the Rights of Persons with Disabilities](#), by The European Commission's Access to Justice for Persons with intellectual disabilities (AJuPID) project

A.2 Reinforcing activities about legal identification documents

In its [comments](#) to State Parties to the Convention, the CRPD Committee has discussed the issue of citizenship and the obligation for State Parties to design and implement programs to provide legal identification documents to persons with disabilities. These documents are crucial for the citizenship of persons with disabilities but are unfortunately often difficult to obtain. In particular, persons in rural areas, in humanitarian contexts, or in long-term institution can encounter many challenges in this pursuit.

The importance of owning identification papers has multiple dimensions. Such documents are first and foremost a sign of identification and of citizenship. They thus carry a certain value in being recognized as a person before the law. They can also influence contacts with law enforcement authorities. Moreover, they can be a requirement in order to access services and enjoy fundamental rights. For instance, identification documents can be required to own property, to interact with financial institutions, to vote and have access to justice, or to enroll in school or perform certain professional occupations. Such restrictions can thus prevent a person with disabilities without identification document from exercising their fundamental rights. They can also prevent them from exiting situations of vulnerability or poverty.

In most areas, persons with disabilities can experience greater difficulties in obtaining personal registration documents.

This can be caused by a number of barriers:

- Due to legal provisions on citizenship and legal capacity, certain countries do not allow persons with disabilities to own legal documents or to perform the procedures required to obtain them.
- Often, persons with disabilities are unaware of the role and importance of identification documents. Similarly, their families (who can play an essential supporting role) can believe that such documents are not needed for persons with disabilities. Additionally, persons with disabilities may not be aware of the procedures required to get them or of the place to go to obtain civil status documents.
- There can be a lack of inclusion training and awareness on the part of the local authorities responsible for accompanying persons throughout the administrative procedures and then delivering the documents. This highlights the importance of using accessible formats and communication throughout such processes.
- It is also important to consider that women can be less likely to own identification documents, as additional attitudinal and economic barriers can have a negative impact. Similarly, age should be taken into account.
- Finally, other barriers may include the cost of the procedures, the insufficient practical accessibility of the administrative buildings, or the attitudes of the general population.

HI projects focused on citizenship and personal identification documents can consider a number of activities to remove these barriers. These should be designed and implemented in collaboration with persons with disabilities as well as the local authorities and civil servants in charge of administrating the delivery of these documents:

- Identifying the required procedures to obtain identification documents is a primary concern. These procedures may not be known or understood by HI's partners and beneficiaries and it is thus important to be able to identify and comprehend them. This also implies identifying the other documents (e.g. birth certificate, proof of residence) which might be required for these procedures.
- Identifying the key actors involved in these procedures is also important. These are primarily the administrative agents in charge of issuing registration documents. The specific role and position of such agents can be affected by the state of decentralization in the country, as it is often a local competence. This thus leads to the essential task of identifying the locations of the relevant services and evaluating their accessibility for persons with disabilities.
- It is then important to accompany the persons with disabilities throughout the process of requesting and obtaining the documents, as well as explaining them the use they will be able to make of it. As much as possible, this should be done in concertation with the person's support network.
- The local civil servants and administrative agents may also require support if they are not familiar with inclusion and the rights of persons with disabilities. It is essential to ensure that they are aware of the right of persons with disabilities to own identification documents and that they can implement the accommodations which may be required throughout the procedure.
- Finally, such processes provide opportunities to advocate with the relevant administration and authorities for more accessible identification papers. This can imply making these procedures free, as well as simplifying them, improving the number and accessibility of the locations where they are available, or attaching benefits to identification documents.

A.3 Supporting civic life

While legal capacity and registration documents constitute an essential part of citizenship, this concept also has a proactive dimension which encapsulates a person's relationship with their social environment. For persons with disabilities, this is particularly relevant as stated in the [Disability Creation Process](#): citizenship and social participation are influenced by the interactions between various factors such as physical and functional characteristics, identity, and the social environment. Civic engagement in one's community is thus both a condition and an expression of fully realized citizenship.

Beyond recognition before the law as citizen, it is also crucial to recognize the rights of persons with disabilities to have access to quality services, to benefit from economic inclusion, and to evolve in an

enabling and accessible environment. This environment has multiple facets, from its physical to its cultural ones, and can greatly affect a person's situation. On the other hand, it is also important for a person to be able to contribute to this environment. Being able to take part in community activities and improving one's living environment is an essential part of citizenship and it can greatly affect the perception of both the general population, and the persons with disabilities themselves.

Focus on citizenship in transition contexts

Citizenship is an evolving concept and one that is highly dependent on the context. While persons with disabilities often experience significant marginalization, exclusion, and other forms of denials of citizenship, it is important to keep in mind that under certain regimes, citizenship is a vague and restricted concept for all segments of society. In transition contexts, when these regimes are replaced by other forms of governments, the concept of citizenship is thus new for the whole population, which provides for opportunities and challenges for the disability community.

Unfortunately, there exist a number of barriers which can hinder the civic participation of persons with disabilities. Some of those are related to external factors, not even including accessibility:

- Attitudes and perceptions of the population and stereotypes on disability
- Attitudes and perceptions of the decision-makers and community leaders
- Lack of institutional and financial support for initiatives
- Marginalization within one's family

Some of these barriers are also related to the persons with disabilities themselves:

- Lack of awareness of existing initiatives, opportunities, and functioning of the citizenship processes
- Lack of identification papers and registering in municipality records
- Disempowerment or insufficient self-esteem and misconceptions about the roles of persons with disabilities within society

There are a number of approaches which can help overcome these barriers. Three perspectives can particularly favor the realization of social and civic citizenship for persons with disabilities:

1. It is important for the local community to recognize the rights of persons with disabilities and their standing as equal citizens.
2. The civic life of persons with disabilities can be significantly improved by ensuring that their needs are systematically taken into account and that persons with disabilities are actively involved when drafting local development policies and community initiatives.
3. Reinforcing the participation of persons with disabilities in local public life is a key aspect which requires efforts from persons with disabilities and the population. Such participation can notably be reinforced through the methods reviewed in the following [Section B](#) of this document, and in particular in [sub-section B.4.2](#) on local participation.

Overall, these perspectives all involve considerable work on the awareness of the target population. This includes persons with disabilities themselves, but also decision-makers and the rest of the population. Considering the focus on the local level (i.e. the one at which it is easiest for persons to become involved), it is pertinent to conduct awareness and inclusion activities by targeting local spaces; such as neighborhoods, public squares, schools and work places, and local services. Additionally, it is also important to mobilize the network constructed around persons with disabilities. This includes their families and communities. In particular, children and youth can be efficient agents to disseminate information and change attitudes and perceptions.

Useful resources

→ [Local participatory diagnostics](#) can be useful to assess these situations and identify avenues for future projects

B. Supporting Political participation

For all of HI's projects, the first step is to conduct an assessment of the given situation and to examine the various relevant aspects of the places, actors, and dynamics involved. For projects related to political participation, there are many such aspects and the first sub-section below explores different pertinent dimensions as well as related tools and activities. Following this examination of context analysis techniques, [Section B.2](#) approaches the issue of elections, with the perspective of making them more inclusive. From advocacy work to efforts designed to improve the accessibility of voting stations, this section provides guidance on various practical matters related to elections. Beyond elections, this document also approaches participation in policy-making, for instance through national consultations or to the CRPD monitoring and review processes described in [Section B.3](#). Finally, we consider broader forms of political participation beyond elections and policy-making. For HI's partners and beneficiaries, political participation also comprises involvement at the local level, developing the capacities of OPDs, and collaborating with other civil society organizations locally or internationally. Tools related to these objectives are provided in [Section B.4](#).

B.1 Analyzing the context

In the field of political participation, the context is broad and involves many different actors or instruments. Examining those is an essential step to understand the situation of the project's partners and beneficiaries. For instance, the opportunities for participation can be influenced by national laws and policies, by a multitude of supporting or opposing actors, or by the profile and characteristics of the target population itself. Acknowledging the existence and influence of these contextual factors is essential in order to ensure that projects are suited to this environment, that they are feasible and

sustainable, that they actually address the beneficiaries' concerns and objectives, and that they fit within HI's broader strategy and commitments.

B.1.1 Domestic legal framework

A country's legal framework is a significant factor for a person's participation in the political sphere. As stated in the previous [section on citizenship](#), the national constitution or a set of fundamental laws often define the criteria to be recognized as a citizen and what such citizenship entails. Analyzing these laws, as well as other pertinent national legal documents can thus provide essential information and guide the projects that can be impacted by these laws. Furthermore, HI's projects related to advocacy and policy change also include the identification of new policies needed as well as of those which are not adequately implemented. In general, there are several aspects of the national laws which can be pertinent for HI's projects and which should thus be examined:

- The [previous section](#) on legal capacity explored the dynamics of legal capacity and its relationship to the concept of citizenship. There are many realities attached to this dimension, for instance being able to vote or to hold office. Aiming at conforming the national legal conception of legal capacity with the CRPD is a pertinent activity for HI and its partners.
- In addition to legal capacity, electoral laws usually exist to regulate and structure the country's elections. These provisions may include restrictions on voters and candidates, requirements for accessibility, and provisions for the Electoral Management Bodies (EMBs). For instance, restrictions on the right to vote for persons with disabilities are often included in the electoral code and not in the law concerning legal capacity.
- National laws and regulations also determine the extent and manner through which citizens may organize themselves, form associations, hold public debates, or be consulted or involved in the drafting or implementation of laws. These forms of political participation may vary significantly from one country to the next and HI must acknowledge these variations and that its work takes place within a specific legal and administrative context.
- There may also exist specific laws about disability, for instance to include or exclude persons with disabilities from certain statuses or to guarantee a certain degree of inclusion and accessibility for public and private services. Any such mention of disability in legal documents is of relevance for persons with disabilities, this includes both specific laws on disability and other laws in which disability should be mainstreamed.
- Finally, the national legal framework of a country also contains provisions on how the laws it contains can be amended and how new laws can be drafted and adopted. When implementing advocacy projects or when becoming involved in policy-making, OPDs can make valuable use of this knowledge.

All these elements are valuable for OPDs and persons with disabilities and can influence their ability to participate in political matters. Examining a legal system is, however, a complex task. In order to properly do so, the following general approach can be useful:

- It is firstly important to acquire (or refresh) a general understanding of legal thinking and systems, detached from any specific context. For instance, knowing who the main legislative actors are and how laws can be hierarchized, as well as understanding the meaning of basic legal jargon can be particularly helpful. Once OPDs have improved their capacity in this field, they can then train their members.
- Secondly, it is always pertinent to establish a connection and partnership with experts of the relevant national legal framework. HI staff and our OPD partners may acquire the specific legal knowledge over time, but collaborating with experts can speed up or bypass this process. These experts do not have to hold considerable knowledge in disability laws or issues, as that can be transmitted through exchanges and partners can offer to train each other in their respective expertise. These experts may be lawyers, researchers, universities, other NGOs, etc.
- Thirdly, it is important to be able to formulate objectives in legal terms. Legal technical language is highly specific and being able to express one's own goals and concerns properly should improve the validity, precision, and legitimacy of our partners' communication.
- Finally, once these objectives have been clearly formulated, experts and partners should be able to identify the legal documents and articles that are relevant to the project's goals. In order to reach these goals, these articles may need to be edited or better implemented, or even created entirely. It is also important to identify the actors who may conduct or assist in such modifications. [Section B.3](#) contains more information on how to get involved in policy-making so as to actually realize these changes.



Case study: LEAD project in Tunisia

One of the objectives of this project was to create a new article in the national constitution to protect the rights of persons with disabilities. Due to the complexity and urgency of the issue, hosting a training session was not suitable and the program instead organized a workshop with various constitutional law experts (e.g. Tunisian academics or lawyers) to help formulate the request. Fortunately, several of these experts offered to participate free of charge!



Useful resources

- ➔ Conducting an analysis of the legal framework can be facilitated by using the [Election Access](#) website which references all the relevant domestic laws for each countries
- ➔ [The EquiFrame manual: A Tool for Evaluating and Promoting the Inclusion of Vulnerable Groups and Core Concepts of Human Rights in Health Policy Documents](#) can be used to analyze the domestic policies to understand how disability-related considerations are integrated within them.

B.1.2 Ratification of international legal instruments

A country's domestic framework is of high importance for a person's political participation as its provisions may determine the nature and extent of their political rights. However, international legal documents are also pertinent for the protection and realization of these rights. Among other pertinent instruments, the rights of persons with disabilities can be impacted by the Universal Declaration of Human Rights, by the Convention on the Elimination of all Forms of Discrimination Against Women, by the Convention on the Rights of the child, or by the International Covenant on Civil and Political Rights. The rights enumerated in these documents are universal and inalienable, indivisible, interdependent, and interrelated. The primary document for the protection of the rights of persons with disabilities is the CRPD. Alongside its Optional Protocol, it does not grant new rights but instead guarantees that the basic human rights found in the other treaties are also concretely applicable for persons with disabilities. An overview of these documents and their role is provided in [Section A.2.1](#).

Whether or not a country has ratified these international conventions is a key factor for understanding the situation of persons with disabilities in this country and for the conduct of projects related to political participation. The [OHCHR database](#) provides information for each country on the ratification of international Human Rights treaties and on the reporting cycles. When analyzing the national legal framework, it is thus crucial to also examine whether or not these documents have been ratified as well as how they are being implemented. When States wish to become parties to an international treaty, the first step can be the signature, which implies the States' support for the objectives and provisions of the treaty but which does not mean that the State is bound by the treaty. For a treaty to become legally binding for a State, it must ratify the treaty (or accede to it, if it is no longer open for signature and already in force). Usually, ratifying such documents requires the adoption of a national law to confirm and transpose its provision. Identifying those laws is an essential component of the context analysis that must precede political participation projects. [Section B.3.2](#) further examines activities and approaches for the ratification and implementation of these treaties.

Useful resources

- [OHCHR indicators](#) to determine which international legal instruments have been ratified by a country
- [UN Treaty collection](#)

B.1.3 Decentralization and structure of the political system

Decentralization is increasingly present in most regions of the world. It refers to a process through which some competences, resources, and expertise are transferred from the central, national State to local authorities. This process usually aims at providing a service that is as close to the people as possible, and that is accountable to them. Decentralization can involve a number of competences, among which local taxes, infrastructure, housing, transportation, education, culture, and primary health care often figure. It should not be confused with deconcentration, as the main distinction is that

deconcentration does not imply the formal transfer of competence from the central authority to the local authorities; it instead provides means at grassroots level. The decentralization process usually involves a number of aspects:

- The formalization of the existence and authority of the local government. This formalization implies the existence of a written document (e.g. a law, decree, status, etc.) officially confirming this transfer and stating the nature and extent of the competences and prerogatives of the local actor. If the country in question is a democracy, this local actor can be an elected representative.
- A certain degree of autonomy for the local actor with regard to decision-making. In essence, certain competences now fall under its purview. This is often accompanied by granting juridical personality for the local government.
- A certain degree of financial independence for the local government. This may refer to local taxes to be collected by this government, and to discretionary power in the use of the local budget, including the allocation of these taxes.

In general, processes of decentralization are more prevalent in urban areas, where resources are more plentiful and communication is easier. In rural areas, decentralization development is usually less advanced and HI projects thus tend to rather approach local development actors, within the framework of [Community Based Rehabilitation](#), which is better suited to these contexts.

When designing and implementing projects, it is relevant to examine and map the advancement of decentralization. Indeed, it is crucial to be aware of how competences and responsibilities are divided and effectively shared among national and local actors. This helps to know at which level to act and which actors may have the projects' areas under their authority. Additionally, advanced levels of decentralization tend to encourage increased participation from the population, for instance in the form of co-decision or consultation. Such activities are a key component of political participation as conceptualized in this document, and this field is elaborated in [Section B.4.2](#).

HI projects are thus influenced by the existence of decentralization in the context in which they take place. When it is advanced, this implies analyzing the current framework, including the divisions of responsibilities and the various key positions within the local authority. When decentralization is not advanced, it is then key to identify the local structures and decision-making mechanisms to mobilize in order to reach the projects' goals. Once this information has been gathered and the key actors have been identified, it is essential to analyze their own objectives and level of skills, as well as the exact extent of their competence. Understanding these actors' profile will enable a better integration of disability issues within their area of responsibility. Finally, this information must be shared with HI's local partners, so as to ensure that the local actors are aware of each other's roles and interests and that these elements favor the implementation of the project. More information on decentralization and local participation can be found in HI's policy paper on [Inclusive Local Development](#).

Useful resources

- [Handbook](#) to determine the degree of decentralization and the traditions of local governance, by USAID

B.1.4 Stakeholders and key actors

In addition to understanding the legal and political environment within which HI intervenes, it is also important to identify the actors who operate within this context. This is important in order to determine who to approach or lobby, what the possibilities of partnerships are, or where to available resources can be found and mobilized. Conversely, a better understanding of the actors involved in an area and sector helps to identify the possible opponents or rivals, as well as possible strategies to reconcile, overcome, or circumvent them. More generally, mapping the stakeholders (which should be performed by an OPD itself), enables an organization to avoid isolation by better understanding the social fabric of the existing associations and by providing opportunities to connect with them.

When mapping stakeholders, the first element to consider is their respective roles and positions. These actors may be persons or institutions (either formal or informal, public or private), and understanding their function, competence, and authority helps to better comprehend their role in the area of interest. Additionally, it is important to analyze and represent, as precisely as possible, the relation each actor entertains with the others stakeholders listed. Highlighting such connections is a central purpose of stakeholder mapping, as they can reveal axis of intervention or potential partnerships to explore. Another element to integrate in these analyses is the respective objectives of each actor. All actors serve their own purpose, and even when those goals appear to be shared by a few of them, subtle differences in their objectives may derail fruitful partnerships or enrich a project and a relationship. Being aware of these goals and utilizing a conflict sensitive approach also serves to better understand what may appear as antagonistic behavior, and how contrasting objectives may sometimes be harmonized. Finally, understanding the relative power and influence of each actor is an essential element of a stakeholder analysis. These may differ drastically from one actor to the next and be further declined into various types of influence (for example one actor may have strong connections with the local community while another may enjoy higher financial or institutional power). When examined in the light of the other aspects such as the roles, objectives and relationships of the actor, this element provides useful information on the extent to which various actors may influence a project.

Conducting stakeholder analysis can be a time-consuming activity. It may require approaching each actor individually or revising the mapping numerous times as actors evolve and change in position or influence. If this analysis is performed as exploratory work prior to the project design phase, allocating a lot of time to it will significantly improve its accuracy and usefulness. Furthermore, when such analysis is conducted in the perspective of an advocacy or awareness campaign targeting these stakeholders, it is important to enable enough time to develop a sufficiently in-depth analysis as well as to approach these actors as early as possible. Including these actors early is particularly important

when such advocacy work is related to an objective with a specific deadline, such as the drafting of the CRDP report or the organization of upcoming elections.

In the context of political participation, there are numerous actors to envision. Existing OPDs and CSOs, local and national governments, NGOs, Electoral Management Bodies, or the CRPD Committee all hold decisive positions which may influence the conduct of political participation projects. [Section A.2](#) provides an examination of these actors.



Case study: [Get out the vote! Project in Libya](#)

When this project launched its activities, which included a thorough mapping of the relevant actors, Libya was traversing a transformative process following years under a repressive regime. In particular, the civil society was unstructured and sparsely connected. Conducting this extensive survey of civil society organizations in the region not only served to gather crucial information, it also helped connect and structure many nascent OPDs which ended up creating strong partnerships, thus reinforcing the whole fabric of the Libyan civil society.



Useful resources

→ HI's [Assessment tools](#) dedicated to stakeholder analysis

B.1.5 Data

When gathering information to prepare a project or to monitor and evaluate its implementation, it is important to consider the population and to ensure that its actual situation is thoroughly examined and understood. [Section B.8](#) provides the principle of intervention regarding data for this document. Ensuring access to quality data is particularly helpful for the conduct of political participation projects, on one hand for the project itself, in terms of design and evaluation, and for external purposes on the other hand, such as advocacy efforts or comparisons between countries.

Gathering data about the population – both the general and the target population –, provides information related to multiple key dimensions. Disability itself is of primary concern, notably because it is notoriously difficult to access quality data about disability and because different types of disabilities imply drastically different realities in terms of challenges and accommodations. Disaggregating this data by type of disability is thus helpful for political participation projects. In addition to disability, survey and questionnaires can provide useful information by inquiring about many different dimensions such as education, water and sanitation facilities, transportation, or social involvement. In the broader context of access to services, obtaining such information can significantly improve our understanding of a person's challenges and opportunities. In fact, in its [Theory of Change](#), HI has stressed the role of insufficient data as a major barrier to access to services. Collecting and acting up relevant and accurate data can thus enable the realization of the rights of persons with disabilities. In this sense, data is also useful as evidence, notably when implementing advocacy or

awareness campaigns. Providing proof of the size and characteristics of a vulnerable segment of the population can be a significant factor in persuading the key actors. Collecting this data is especially relevant since questions related to the limitations and restrictions of activities are often lacking from national census and other large-scale surveys.

However, attempts to collect data from the population can be an arduous task, especially in humanitarian contexts. It can be met with suspicion from the population, especially if the use of the data has not been made clear to them and that they have grounds to suspect that the researchers will attempt to enrich themselves with this data, at the expense of the population. Another factor which may decrease the population's enthusiasm to take part in surveys is the phenomenon of "survey fatigue", especially when people feel that participating in a study will not necessarily lead to an improvement in their access to services. For these reasons, it is essential to provide clear information about the ulterior use and about the non-compulsory nature of these surveys. In order to reduce costs and to avoid overwhelming participants with a large number of studies, it may be advisable to approach other actors who are themselves collecting data to examine the possibilities of integrating disability-related questions within their surveys. Overall, the first priority - and the optimal method to decrease the population's concern - is to act ethically, by guaranteeing the security of the subjects and of the information they share. HI has developed a [guidance note on ethical data management](#).

B.2 Making elections inclusive

Elections are a highly visible instance of political participation. Beyond the symbolic value of the act of voting, they also mark a period of heightened political awareness and debates. Projects focused on political participation can thus make use of such opportunities to become involved in political life and to advance the rights of vulnerable segments of the population. Elections also provide opportunities to access determinant political platforms and to develop advocacy and agenda-setting activities, due to the increased receptivity of the media and political actors. While the accessibility of the voting booth is a primary and highly visible issue, attention must also be given to other aspects of elections, such as advocacy and awareness campaigns and work on the preparation of the elections, to favor their accessibility and the success of projects dedicated to making elections more inclusive.

B.2.1 Advocacy

Influencing policy-makers is a key objective of HI projects designed around the purpose of improving the rights of persons with disabilities, particularly so in the context of elections. Advocacy refers to the implementation of activities designed for the promotion of a political environment within which living conditions and the ability to exercise one's rights can be improved. In particular, this implies engaging with authorities in order to revise the laws and regulations pertinent to persons with disabilities. Elections are highly regulated processes and it is often fruitful to implement extensive advocacy campaigns on this topic. Authorities at multiple levels may prove relevant, for instance the local

authorities can be integrated in awareness activities and influence the accessibility of the voting stations, while national authorities can affect the laws over topics such as the right to vote or to receive the required registration documents. They can also determine procedures and set accessibility standards, notably through their oversight of the Electoral Management Bodies. Integrating disability within the EMBs' work, or making sure that persons with disabilities are members of the bodies, will significantly help with such goals.

>.< Focus: Right to vote and legal capacity

As has been discussed in [Section A.1](#) in many legal frameworks the right to vote is attached to legal capacity, meaning that persons under guardianship are deprived of this right. Ideally, modifying the articles on both notions would be preferable. However, it may prove easier to work towards detaching voting procedures from legal capacity, as the latter is sometimes inscribed in documents of a higher order, which are more difficult to amend.

Overall, a key purpose of advocacy can be to communicate information to the decision-makers with the purpose of achieving change in laws and policies. Demonstrating the importance of the discrimination experienced by persons with disabilities is in itself a decisive factor for policy-makers. Additionally, demonstrating the causal mechanisms of exclusion and the challenges faced by this population can further help convince them to take action in its favor and to guide this action towards the appropriate sectors and services. Due to the challenges attached to gathering such information, gaining access to the relevant policy-makers, and presenting the advocacy message in an adequate manner, such projects are often led by organizations, which is why OPDs have a key role to play for these activities. When designing advocacy projects for inclusive elections, there are key elements to consider so as to favor the effectiveness and outcome of these projects:

- Approaching and including the relevant authorities as **early** as possible is crucial. If possible, this should be done during or after the stakeholder mapping process. Launching such efforts well in advance ensures that there is sufficient time to develop solid relationship with the public actors. Additionally, preparing elections is a long process and introducing disability at its launch augments the impact of such efforts. The length of this process is notably determined by the electoral campaign and by the time needed for all voters to be registered, two points of high significance for inclusion efforts.
- Making use of accurate **data** significantly helps advocacy projects. Being able to show the number of persons with disabilities as well as their key characteristics can help policy-makers grasp the significance of the issue. Furthermore, such data can illustrate the various aspects of election accessibility to be improved, and later measure the progress made. In the context of elections, data is thus particularly relevant when it helps showing the exclusion mechanisms which have marked the previous elections and which can thus serve as baseline for future projects.



Case study: Inclusive Elections project in Kenya

For this project, the team conducted an extensive baseline survey, designed to better comprehend and communicate the situation of persons with disabilities vis-à-vis voting, including the barriers and facilitators they encounter, as well as the number of persons with disabilities in elected or nominated positions. Through questionnaires, key informant interviews, and focus group discussions, this survey provided a clearer perspective of the inclusion of the elections vis-à-vis disability, as well as other dimensions such as age or gender.

- In addition to data, making use of **testimony** can help convey the conditions of persons with disabilities, as well as give further meaning to key points in the message. Testimonies are also particularly useful for awareness campaigns. HI has produced a [document](#) on the use of testimonies.
- When approaching legal authorities to discuss amendments to existing laws or the creation of new legal texts, it is helpful to have a certain degree of **legal knowledge**. Being able to express the inclusive elections objectives in precise terms and pointing to specific texts and articles can significantly help and speed up the process.
- The authorities targeted by advocacy campaigns may be more favorable to adhere to the promoted message if it takes the form of positive actions and modifications rather than recriminations. In this perspective, making use of **good practices** and examples from other countries can prove useful. For OPDs, this can be facilitated through regional or international [meetings](#) with other OPDs. HI promotes the [Making it Work](#) approach to circulate and adopt proven methods.
- Approaching public authorities and debating complex issues such as electoral codes may prove challenging, especially due to the technical complexity involved in these issues. Organizing **communication and self-confidence** workshops, complemented with technical capacity development activities, can improve the work of OPDs spokespersons.
- Finally, political parties, even those who are not in power, constitute good targets for advocacy campaigns. Especially during the electoral campaign, political parties tend to be willing to pledge support for persons with disabilities and to include disability in their programs. It is thus pertinent to organize forums with such parties to present a unified front around disability.



Useful resources

- HI's practical guide [Good practices for disability-inclusive development and humanitarian action](#) on Making it Work and the exchange of good practices

B.2.2 Awareness

Awareness is directly related to the manner through which individuals understand themselves, their surroundings, and how they relate to this environment. In the context of inclusive elections, this implies highlighting the existence of barriers to inclusion and participation, as well as the opportunities to overcome them. Awareness is distinct from advocacy in that the former targets the general population to change attitudes and relations, while the latter targets decision-makers to change laws and policies.

Awareness campaigns in the field of inclusive elections thus attempt to engineer social change by modifying preconceived notions, understanding of challenges, and power relations that may exist within a society with regard to the right and abilities of persons with disabilities to vote and stand for elections, as well as hold office. In this perspective, many actors can be targeted:

- Persons with disabilities themselves are the primary target, as significant portions of them may not be aware of their rights, or of the existing procedures, assisting tools, and organizations which might support them to participate in elections.
- The families of persons with disabilities may similarly be unaware of these elements or believe that difficulties of accessing the voting station are not worth it. Including them in awareness campaigns is crucial as they often play a significant role in supporting persons with disabilities.
- OPDs can be targeted so as to ensure that expertise and good practices are shared and that initiatives are not isolated but rather include as many actors as possible. Presenting a united front on disability is beneficial, in spite of the dissensions which may exist within the community or disability movement.
- Civil society organizations or mainstream actors, for instance those related to human rights, are often involved in elections projects and may have significant knowledge and experience in such legal matters. Ensuring that they include disability in their efforts is a key objective. Furthermore, the organizations might be receptive to the notion that inclusion efforts championed by OPDs do not solely benefit persons with disabilities but can result in positive outcomes for the overall population as well.
- The media can play a crucial role in promoting inclusion, by displaying and giving a platform for persons with disabilities to voice their opinions. Additionally, the way the media report on elections directly impacts other actors. Therefore it is important to ensure that the tv, radio, written press, and social media journalists can use the correct vocabulary and facts, and are sensitized to the proper disability terminology and to the importance of depicting persons with disabilities in a dignified manner.
- Finally, awareness campaigns target the general population. Social perceptions and attitudes, demands on elected officials, or behaviors on election day are all conditioned by the beliefs shared by the general population.



Case study: Inclusive Elections project in Somaliland

One of the initiatives devised in order to raise awareness about the role of persons with disabilities in the political and electoral process was to ensure that persons with disabilities were seated closely to speakers in public debates during the electoral campaign. By ensuring that persons with disabilities are visible in this context, this initiative contributed towards their inclusion in the political process.

B.2.3 Electoral period

While voting itself is a key component of the political and electoral process, it is not its only relevant aspect and it would be void of meaning if it weren't inscribed in the broader context of the electoral period. This period comprises the time devoted to the preparation of the elections and to the communication of their results afterwards. It is indeed important to ensure that these results are communicated in an accessible format. Regarding the preparation phase, it is essential to ensure that persons with disabilities can be involved throughout the entire process. This stresses the importance of launching inclusive elections projects early, so as to make sure that such involvement is consistent. This requires a stable and trustful relationship with the EMB, as this institution will be tasked with organizing and running the elections and can thus significantly influence their degree of accessibility. Projects can aim at ensuring that at least one person with disabilities is member of the EMB. Typically, the EMB has authority over the voting stations and can thus work towards making them more accessible, as examined in the following [section](#). The EMB can also influence the electoral campaign which is a key opportunity for awareness campaigns.

In addition to preparing the voting stations and monitoring the electoral campaign, this period can also be devoted to activities surrounding the registration for the upcoming elections. In many countries, voting requires a specific registration or at least being referenced on the administrative unit's list of citizens and owning identification documents. The importance of such documents in terms of citizenship has been examined [here](#). These elements may prove to be difficult for persons with disabilities. In some regions, the administration may not include persons with disabilities in its citizens repertory or it may decline to deliver their identification documents. Furthermore, being able to reach the administrative buildings and to make these requests may be further challenging for persons with disabilities, especially for those who are not even aware of their rights or of the need to register. This can be even more complicated for people in institutions or under guardianship, which is why they are often specifically targeted by awareness campaigns. Furthermore, obtaining identification documents and registering for elections can be a long process which should thus be started early, and possibly in conjunction with other projects which might benefit from the improved access to identification documents.



Case study: LEAD project in Tunisia

In order to increase the electoral registration rate for persons with disabilities and to advance disability-mainstreaming and awareness simultaneously, this project included activities designed to approach people in public areas and to inform them about the need to register. These activities did not target persons with disabilities specifically, but they were conducted by persons with disabilities, which helped to make them more visible and included in the election process, thus evolving the perceptions and attitudes of the population.

B.2.4 Voting stations and booths

Once all the preparatory work in terms of advocacy, awareness, and registration has been accomplished, voting will constitute a highly visible act of political participation and an expression of citizens' opinions. However, there may exist several barriers preventing persons with disabilities from casting their vote in the voting station. In order to improve their accessibility, this section considers the training needed for the electoral workers and observers, the accessibility of the building within which voting takes place, and the existence and use of assistive tools.

For the civil servants tasked with running the voting station on election day, several elements may improve their understanding of disability. Due to limited resources, senior staff may go through training sessions and field workers through awareness activities. Receiving awareness-raising programs on the disability & inclusion is an essential first step. This should be followed by a session on the CRPD and on the rights of persons with disabilities, including the provisions on reasonable accommodations and the notion of assisted decision-making. This will help to ensure that civil servants know the nature and extent of these rights and consequently understand the measures to implement to enable the exercise of these rights. Additionally, the election workers should be trained on the use of the assistive tools which have been provided to help persons with disabilities to vote. Finally, they should receive training on the specific situations they might encounter within their communities or in relation to the procedures for voting (for instance, with regard to long queues in the sun or with special accommodations to be given to persons who require them).



Useful resources

- [Poll worker training material](#) from Election Access
- [Online training library](#) prior to elections from Disability Organizing Network

The accessibility of the voting stations themselves is a crucial component of inclusive elections projects. It may be difficult to render all stations fully accessible, which is why it is important to gather data in advance (and to decide early on the geographical scope of action and the possibility to conduct pilot projects in specific electoral districts). This will enable the team to know which polling stations are used by persons with disabilities, as well as the various accommodations they may require. When improving the physical accessibility of voting places, for instance by installing ramps or large corridors,

it is important to keep in mind that these buildings are usually public places which serve other purposes outside of the electoral period. Consequently, these efforts could also benefit staff and students, in the instance of voting occurring in a school.

Useful resources

- HI Policy paper: [Accessibility: How to design and promote an environment accessible to all?](#)
- HI Practical guide: [Conduct an accessibility audit in low- and middle-income countries](#)

Finally, there exist many tools devised with the purpose of supporting persons with disabilities to vote:

- Being accompanied in the booth is a primary form of help, although it may require specific considerations, as explained above.
- Another frequent form of support takes the form of ballot in braille. However, these may be particularly difficult to use when the list of candidates is consequent. Furthermore, in the voting stations where few people will use these braille ballots, they could permit to identify these persons' vote and thus prevent the essential secrecy and anonymity of votes. Consequently it is preferable to use re-usable braille covers, with holes, within which normal ballots can be inserted.
- New technologies can be employed for the voting procedures, including touch screens with screen-readers options. Ensuring that these new technologies conform with the optimal accessibility standards constitute a significant step forward, as biometric registration, for instance, can lead to the exclusion of certain persons with disabilities. Testing these tools in advance is recommended.
- Procedures to vote remotely are also important, for instance via postal courier, for persons with disabilities who may not be able to reach the voting station.
- Finally, many other tools exist, including tactile stickers on ballot boxes, magnifying glasses, lowered booths, etc. It is important for these tools to be mentioned in the documents regulating the elections and to be available in the voting stations.

Useful resources

- [Equal Access: How to include Persons with Disabilities in Elections and Political Processes](#), by IFES – Contains recommendations and checklist for voting stations
- [Resources](#) related to assistive device designed to facilitate voting for persons with disabilities, by Election Access
- [Election access observation toolkit](#) on election observation and monitoring, by International Foundation for Electoral Systems

B.3 Getting involved in policy-making

Policy-making refers to the process through which governments adopt and implement decisions. Being able to influence this process is a key objective for persons with disabilities and OPDs wishing to protect and advocate for fundamental rights. Involvement in policy-making can take various forms and aim at various goals, for instance shaping the general policy orientation of a government, being consulted on the technical details of specific legal texts, or being recognized as a key actor in the policy-making process and the policy sphere. HI recently finalized a Disability-Inclusive Policy Making Guide to foster meaningful participation of civil society in national disability policy-making processes that can be utilized as an additional resource. All of these aspects constitute an important form of political participation. This section considers both national policy-making and the implementation of international instruments, primarily the CRPD.

B.3.1 National policy

Becoming involved in policy-making at the national level requires a basic understanding of how policies are devised and managed. Usually, this can be approached through the concept of the policy-making cycle, which is examined below. Additionally, this requires an understanding of the roles and responsibilities of the primary policy actors. For instance, in most representative democracies, laws are debated and adopted by the legislative chamber (i.e. parliament) before being implemented by the government. It is then up to the courts and tribunals to resolve any issue which might arise vis-à-vis the interpretation and application of these laws. This system is, in theory, supported by the enforcement of a strict separation between the three powers. Other actors, such as contractors, civil society organizations, or media outlets, can have a formal or informal role in this process.

For political participation projects which integrate policy-making components, the first priority is thus to understand the structure of the political sphere and the procedures which guide the policy process. Scoping the national legal framework, as detailed in a previous [section](#) (Domestic legal framework) is a significant step of this task. It also requires the formulation of specific objectives, so as to be able to identify the relevant laws and articles as well as the actors who hold authority over the targeted policy area or who can shape its policies. Accomplishing these activities can be a time-consuming task. Therefore it is worth determining whether the project is inscribed in a broad and long-term perspective, which will require the involved partners to acquire a consequent knowledge of their national legal and political system, for instance through multiple training sessions. In order to use resources efficiently, it is useful to capitalize on past experiences and on tools developed by other actors or for other projects. This also requires establishing and maintaining fruitful relationships with the relevant political actors and decision-makers. Alternatively, if the project is designed around more focused objectives (for instance, the modification of a specific law or accompanying the implementation of a specific policy), it may be more efficient to forego such investment and to instead link up with experts and knowledgeable civil society organizations to transfer only the necessary knowledge.

The policy-making cycle is composed of several steps and has similarities to the project cycle model in use at HI. Below, these steps are described as well as the manner through which civil society organizations can affect them.

- 1. Agenda setting:** In this initial stage, the government establishes its priorities and identifies the areas which shall require intervention. This perspective is often based on the core principles and values of the current government, on the occurrence of external crises, on the commitments pledged during the electoral campaign, and on the priorities expressed by the government's partners, sponsors, and supports. Persons with disabilities and OPDs can use advocacy and awareness campaigns to influence this stage by ensuring that disability figures on the program of the government and will be the object of upcoming legislative efforts. For instance, approaching political parties during the electoral campaign can be effective. Securing candidates' commitments is a key action for civil society organizations but steering the government's action is a complex task and ensuring that disability is actually put on the agenda requires consistent and focused efforts throughout the process.
- 2. Formulation:** Formulation refers to the translation of the goals and priorities expressed in the previous stage into bills, (i.e. proposed legislation examined by a legislature). In this stage, the policy objectives and activities are defined and structured. The bill also considers the budget to be allocated to the policy in question. Civil society organizations can shape the formulation stage of the policy-making process by being consulted on specific or technical aspects of a proposed law, as well as on the validity of its goals and approaches, if the organization represents the policy's beneficiaries. Acquiring and sharing expertise and legitimacy is thus an effective method of political participation for OPDs.
- 3. Adoption:** Once the text of the bill is completed, it can be presented to the relevant institution for adoption. Usually, this body is a form of parliament which can adopt or reject (or sometimes amend) the bills proposed by the government. Such parliament can be composed of elected representatives, who shall thus vote in accordance with their constituents' interests and desires. At this stage, members of the parliament may seek the opinions of civil society organizations to inform their vote. More generally, it is pertinent to launch advocacy activities targeting the members of the institution responsible for the adoption of the bill in question.
- 4. Implementation:** A law that has been adopted can now be implemented. This stage concerns the practical and effective application of the provisions contained within the text of the law. This task falls primarily under the supervision of the government. To implement policy programs, it leads the administration which comprises the civil servants and officials who will perform the activities called for by the law. The competent administrative bodies may enlist the assistance of external actors for all or parts of the implementation of the policy. Among these external contractors, civil society organizations can sometimes be mobilized to perform key activities. Due to their knowledge of the specificities of the local population, OPDs can thus be approached to contribute to the implementation of certain policies. In cases where civil society

is not included in the implementation of the policy, it can still contribute by monitoring its process.

- 5. Evaluation:** Assessing the impact and the effectiveness of a policy is a key step in the policy-making cycle. This step also examines possible side-effects or unexpected outcomes, be they positive or negative. The purpose of this evaluation – which usually complements consistent monitoring throughout the implementation of the policy – is to determine the adjustment to be made to the policy or to the ones that will follow. In other words, it helps to determine whether the policy requires modification, and it contributes to shaping future policies and strategies. Here too civil society organizations can make their voices heard to suggest modifications. If they are not formally integrated by the authorities, these observations can also take the form of independent reports.

B.3.2 CRPD monitoring and review

In addition to national laws, many international legal instruments contain provisions over the political participation rights of persons with disabilities. In order to be applicable to citizens of a given country, these texts must usually first be ratified by the state and then be transposed into national law (either through laws of identical content or through a law stating the applicability of the international convention):

- 1. Ratification:** For the countries who haven't done so already, the first step is thus ratifying the Convention. In some countries, ratifying international legal instruments is opposed as it is seen as relinquishing sovereignty and imposing duties on the state. Additionally, some countries do not see the relevance of certain conventions, especially so when they address the rights of vulnerable minorities who might not be able to demonstrate their number and relevance. Encouraging a state to ratify the CRPD can thus require extensive advocacy and awareness campaigns. For OPDs, these can be helped by acquiring an understanding of how their national legal system functions vis-à-vis international treaties and how UN conventions are to be signed. In addition to identifying the key procedures, identifying relevant actors to be targeted or mobilized will also facilitate these campaigns.
- 2. Implementation:** Once the Convention has been ratified, it must be implemented. This implies not solely modifications to the national legislative texts (for instance, extending citizenship status or voting rights to persons with disabilities), but also proactive measures on the part of the government and the administration to improve inclusion and accessibility in the key areas identified in the CRPD (for instance, providing reasonable accommodations for persons with disabilities in judicial proceedings). There are certain articles of the CRPD which are more common sources of opposition, reluctance, or misconception. These include the provision for reasonable accommodations included in Article 5, Article 9 on the appropriate measures for accessibility, Article 12 for legal capacity, and Article 19 for independent living. Helping

authorities understand the content of these articles and ensuring that they are properly conceptualized is a crucial task for OPDs working with the Convention.

- 3. Monitoring:** In this context, monitoring can be understood as collecting, verifying, analyzing, and using information about incidents, laws, policies, budgets, and the state of national laws with regard to the rights protected by the CRPD. The Convention itself contains provisions regarding this monitoring, notably the obligation for the State to establish a focal point within the government and a monitoring as well as to involve civil society in this process. The Optional Protocol also provides for a complaint mechanism which can be an important part of monitoring. Another crucial element is the report that States parties must submit two years after the ratification, and then every four years, to the Committee on the Rights of Persons with Disabilities. The report tracks the progress and challenges related to the implementation of the CRPD. This Committee, upon receiving the report, drafts a List of Issues, if it deems that critical information is missing from the report. Afterwards, the Committee issues observations and recommendations to the State. In some countries, civil society organizations are involved throughout the drafting of this State report, to assist and verify the information given. In other cases, OPDs can draft themselves alternative reports (also known as shadow reports) in which they address recommendations to the Committee for its own reply. Participating in the elaboration of these reports is a great opportunity for organizations to learn more about the CRPD, about the state of disability law in their country, and to actively participate in policy-making and monitoring. OPDs can also benefit from meeting with other civil society organizations or OPDs from other countries to share experiences and lessons learned from such a complex activity. Examining case studies from specific countries or meeting with independent and expert national Human Rights bodies can significantly contribute to building the capacities of organizations.

B.4 Supporting civil society

As has been made clear throughout this policy paper, civil society is a key actor for all the processes and activities related to the political participation and rights of persons with disabilities. Developing a healthy, diverse, and resilient social fabric benefits all segments of society and thus civil society organizations play an essential role beyond the formal aspects of political participation, such as elections or legal reports. Informal forms of political participation rather refer to the ability of segments of society to organize themselves freely and to impact their surroundings and situation through various actions. For persons with disabilities, this can be mainly achieved through OPDs, which are examined below. Additionally, this section considers participation and exchanges at the local, regional and international levels.

B.4.1 Organizations of Persons with Disabilities

As self-representing bodies, OPDs constitute a primary form of assembling and collective action for persons with disabilities. The improved credibility, influence, and resources resulting from this collective status makes them the ideal actor to engage in most of the activities described in this policy paper, including data gathering and rights monitoring, involvement in decision-making, work on inclusive elections, or advocacy an awareness campaigns. More generally, OPDs have a true cross-cutting role and can provide significant help for persons with disabilities by representing them as users of services in key sectors. But in order for the OPD's activities to be successful, it is essential for OPDs to be well structured and to ensure significant levels of legitimacy, efficiency, and representativeness.



Case study: Collectif pour la Promotion des Droits des Personnes en Situation de Handicap

In Morocco, this network of OPDs which has long been a partner of HI has implemented multiple projects related to the rights and political participation of political participation of persons with disabilities. One of their key advocacy achievements has been the inclusion of disability in the country's new constitution.

HI projects designed to improve political participation should thus consider OPDs as essential partners for their formulation and implementation. In its policy paper on [Support to Organisations Representative of Persons with Disabilities](#), HI has laid out key principles to approach the establishment of such relationships with OPDs as local partners. The primary concern should be the definition of the mode of collaboration between the two actors. This can range from informal cooperation to formalized long-term engagement on entire projects. It is also crucial to determine the respective roles and responsibilities of each actor involved. Overall, HI's objective for such partnerships should always go beyond the realization of the project but actually aim for the establishment of an operational partnership and the empowerment of the OPD. It is useful to consult HI's practical guide [How to implement an operational partnership](#), in this regard.

Following the establishment of the partnership and the definition of its mode of cooperation, capacity development should be a key priority for projects. Capacity building, by improving the sustainability and efficiency of HI's partners, improves the viability of joint projects and, in the end, the conditions of their beneficiaries. Beyond the scope of the project, this also ensures that the OPD will be in an ideal position to continue its activities after the completion of the project. Building capacity requires several steps after the initial assessment of the current state of capacities and of those that should be developed. These steps are focused around the development, implementation, and evaluation of a joint capacity building plan. In the context of political participation, this plan can for instance involve activities related to training, knowledge transfer, and learning by doing on topics such as the disability model or the functioning of a national legal framework.

In addition to capacity building, it is also essential to ensure that partner OPDs integrate and display adequate modes of governance. Associative governance refers to the way the OPD is internally

managed. This concept is inherently related to the principles of accountability and of the dissemination of information, both elements being required to ensure the efficiency and legitimacy of the organization. These, in turn, necessitate the adoption and use of mechanisms for information sharing, equal representation, participatory decision-making and election, and training of the OPD's members. OPDs can also improve their legitimacy and representativeness by ensuring cross-disability inclusion. Ensuring good governance is essential for OPDs working in political participation as it improves their capacity to be seen as legitimate, participatory, democratic actors. Furthermore, this can be seen as opportunity to learn and practice collective action, as it requires internal dialogue and the development of skills related to deliberation, dialogue, and problem-solving.

Useful resources

→ HI's [Good governance toolkit](#), with recommendations to help HI's partners for governance

Finally, just as persons with disabilities can improve the impact of their actions by joining an OPD, OPDs themselves benefit from networking and engaging with other actors. Integrating the broader civil society networks is a key objective for most OPDs as it can improve their legitimacy, by being recognized by their peers and by the other actors these other organizations are involved with, such as public institutions. It should also be noted that due to the precise scope of action and relative political neutrality of certain OPDs, they might enjoy a privileged status and thus be themselves approached by other civil society organizations wishing to benefit from their influence and expertise. Such exchanges are beneficial for all the organizations involved, as the exchange of good practices is an excellent way to acquire new knowledge and working methods or to adapt and improve existing methods. OPDs should thus attempt to establish connections with other OPDs, as they might share their expertise vis-à-vis disability issues and the resulting partnership may improve the unity and clarity of the message delivered by the disability community through advocacy and awareness campaigns. Additionally, most OPDs are organized by disability type, such networks thus provide opportunities for cross disability coalitions. Furthermore, OPDs should also engage with other civil society and mainstream organizations. In the field of political participation, human rights organization may prove particularly relevant and knowledgeable on matters such as constitution reviews or election involvement. Furthermore, establishing such connections across thematic issues and areas reinforces the fabric of civil society and may foster cooperation and the emergence of a common vision for an inclusive future. While these objectives benefit all the actors involved, there may be reluctance on the part of some actors, even within the disability community, to engage with each other and to present a common front. It is thus essential to be able to find a common ground and for the actors to feel more compelled to act together than independently, due to the severity, urgency, or complexity of the issues at hand. In this perspective, one exercise which may help bringing various actors to the table and establish common working methods is the development and adoption of participatory budget.

B.4.2 Local participation

While several of the formal political processes described in this policy paper are relevant at the national level, there are also opportunities for participation at the local level. In essence, the local level refers to a coherent and delineated area which encompasses the daily lives of an individual and which is usually formally represented by a local authority or administrative unit. These areas, such as villages, communities or municipalities, have a particular significance for the daily lives of persons with disabilities. This is the level at which their actions can most be felt and at which they can best express their priorities and needs. Implementing solutions at this level is also less resource-consuming and related to more tangible and realistic actions. The relevance of this level is increasingly visible, notably through processes of decentralization, as described in a previous [section](#).

HI's work on [inclusive local development](#) is focused on the promotion of social participation and equality at the grassroots level. To advance these objectives, citizen participation is a key perspective which ensures that individuals have the opportunity to influence the life of the community and, in parallel, that the community accounts for the rights of its vulnerable citizens. Such involvement is thus a crucial form of political participation for persons with disabilities. In terms of projects, many different perspectives can prove relevant to increase citizen participation and inclusion within the community. Performing local assessment and referencing of persons with disabilities within the community and of the needs and challenges they report is a pertinent first step. It can be followed by giving support to local OPDs, notably in order to improve relationships with other OPDs and with the local authorities. Finally, actions at the local level can approach and train local service providers to improve inclusion throughout the community and create cross-cutting networks which might facilitate the participation of persons with disabilities to the local life of their community. Below are a few examples of activities which might advance inclusive local development:

- **Local participatory diagnostic:** realizing an assessment of the situations, opportunities, and challenges of persons with disabilities can be particularly useful if this evaluation is conducted in collaboration with other stakeholders such as local authorities and service providers. Improving understanding of disability and mobilization of the relevant actors help to gather data, to establish fruitful relationships, and to identify avenues for future projects.
- **Consultation and dialogue mechanisms:** In societies and sectors where decentralization is advanced, there may exist various platforms designed for the consultation of the civil society in the context of local decision-making. Such forums (e.g. thematic committees, focus groups, working groups) provide ideal opportunities for the inclusion of various stakeholders, including local OPDs. Supporting the creation or consolidation of such consultation mechanisms is thus a key activity for the improvement of the political participation of persons with disabilities.
- **Action plans:** The two previous activities focused on evaluation and consultation enable the compilation of relevant information on the situation of persons with disabilities in the community. Based on this information and on the platforms developed to foster dialogue between civil society organizations and local authorities, action plans can be drafted. These

action plans can address disability and local development issues in a manner that integrates the points of view and suggestions from all the stakeholders at the local level. Participating in the development of such a plan and in its implementation is an ideal opportunity for persons with disability to improve their situation within their community but also to learn about the dynamics of dialogue and decision-making. Overall, it is crucial for OPDs themselves to be the driving force of their own action plans and for this project to result from their own objectives.

B.4.3 Regional and international involvement

In terms of political participation, it can be more complex and resources-consuming for OPDs to conduct activities at the regional and international levels. Nevertheless, these can be pertinent for the advancement of the rights of persons with disabilities and for the improvement of their participation in political matters.

Firstly, regional and international involvement can result in higher visibility for the OPDs involved. Gaining exposure on the international scene can result in media attention and in an advancement of disability in terms of agenda setting. Furthermore, this can enable OPDs to establish connections with new potential partners or donors as well as with peers. These new contacts, as well as the experience gained through such meetings, can further improve the credibility of OPDs vis-à-vis other foreign and domestic actors. This improved credibility can also contribute to improving the sustainability of the OPDs.

Secondly, these opportunities constitute great opportunities for OPDs to learn, from their peers or from other actors. Being included in international review mechanisms or in regional meetings among civil society organizations can provide both first-hand knowledge and the exchange of good practices. For instance, analyzing case studies from various countries on the implementation of the CRPD or reviews of the constitution can significantly help OPDs engaged in such practices in their own country. In order to encourage such cooperation, HI has been supporting the [Making it Work](#) action, which collects and references good practices on matters pertaining to the CRPD. These practices are then analyzed so as to formulate recommendations and to disseminate information.

C. Supporting Access to justice

As stated in Article 8 of the [Universal Declaration of Human Rights](#), all human beings have the right to an effective remedy when their fundamental rights have been violated. This is the heart of the notion of access to justice and it emphasizes the importance of this concept with regard to the enjoyment and exercise of other rights. Having access to justice indeed signifies that a person can resort to effective legal mechanisms through which they can defend their rights, when these rights are being violated. It is thus a fundamental right in itself, as well as a guarantee for the protection of other rights. Due to the propensity of persons with disabilities to experience violation of their rights, for instance through discrimination, having access to effective remedy is thus an essential element in order to ensure their

quality of life. Additionally, it is a fundamental part of what being a citizen means, as stated in [Section A](#).

For persons with disabilities, a key legal document is the CRPD, and in particular Article 13 which states the obligation for States Parties to ensure effective access to justice on an equal basis with others. Article 12, focused on legal capacity (as detailed in [Section A.1](#)) is also important for the concept of access to justice as having legal capacity can be a prerequisite for the access to the judicial system and to take part in legal proceedings. Finally, the Optional Protocol of the CRPD also contributes to the protection of the rights of persons with disabilities by establishing a complain mechanism, although complaints are only accepted once all national complain mechanisms have been exhausted.

While legal proceedings are naturally a key point of focus for projects related to access to justice, other aspects are relevant, such as the procedures for reporting crimes, the legal agency to sign contracts, or conditions in jail. Furthermore, the issue of institutionalization is particularly significant in the field of access to justice as it can be connected to issues of guardianship, reprisals, or conflicts of interests. Finally, it is once again pertinent to keep in mind the role of intersectionality, as stereotypes and discriminatory attitudes may take the form of lack of trust or denial of rights and be even more prevalent when disability intersects with other categorizations such as age, gender, or poverty. In order to address the multiple dimensions of access to justice, this section considers advocacy and awareness activities, accessibility and accommodations, the training of civil servants, and the notion of legal aid.

C.1 Reinforcing activities of Advocacy & Awareness

As is the case for [political participation](#) and [citizenship](#), advocacy and awareness campaigns constitute key activities for projects focused on improving access to justice for persons with disabilities. For the latter, these can be best implemented through OPDs, and if possible, in cooperation with other civil society organizations.

- Advocacy campaigns can enable persons with disabilities to engage with policy-makers and civil servants to address the laws and practices which influence their access to justice.
- Awareness campaigns can target the media and the general population so as to affect the perceptions and attitudes related to the capacities and roles of persons with disabilities within society, and thus, for instance shape the perceptions of their capacity to serve as witnesses or to manage their own legal affairs.

The purposes of such campaigns in the field of access to justice can be multiple. For instance, they can aim at modifying existing laws or creating new ones so as to remove legal barriers and to establish accommodations to support the equal access of persons with disabilities to judicial proceedings and forms of aid and assistance. In order to successfully implement these activities, it can be particularly useful to collect evidence, data, and testimonies about the discrimination experienced by persons with disabilities in accessing justice in the country of intervention. It is also pertinent to provide a

comprehensive overview of the various barriers to access to justice, including the laws and regulations which could be modified, and the actors whose behaviors could be improved. Finally, in order to offer constructive suggestion, it can be useful to establish a Making it Work committee so as to exchange good practices with other actors or foreign OPDs.

C.2 Improving Accessibility and accommodations

There are three Articles in the CRPD which contain important provisions for the accessibility and accommodations of services, including that of justice:

- [Article 9](#) concerns the establishment of accessible standards. Accessibility is a key issue for services, and States Parties must ensure access on an equal basis for all citizens, to transportation, information, and communications. This thus implies the systematic removal of barriers and the establishment of methods designed to help the entire population, as all would benefit from improved accessibility.
- [Article 2](#) defines reasonable accommodations as “means necessary and appropriate modification and adjustments not imposing a disproportionate or undue burden, where needed in a particular case, to ensure to persons with disabilities the enjoyment or exercise on an equal basis with others of all human rights and fundamental freedoms”. In the context of access to justice, this does not imply favoring persons with disabilities but rather supporting their full participation by working on the barriers related to their impairment so as to participate on an equal basis with others.
- [Article 13](#) of the CRPD is directly related to access to justice and mentions the obligation for States Parties to implement procedural accommodations. These accommodations are designed to adapt the processes of justice to ensure that persons with disabilities can access them and fully participate in them, in effective roles as direct or indirect participants.

The Committee on the Rights of Persons with Disabilities has highlighted a distinction between accessibility and reasonable accommodation. The former concerns groups and should be addressed ex ante (that is, in advance and taking into account the whole population), while accommodations relate to an individual’s needs and usually follow requests. Overall, it is essential for States Parties to ensure that the access to the services of justice is equal for all citizens. For persons with disabilities, access can be improved through advocacy campaigns and cooperation with the civil servants involved in the administration of justice, to ensure that such accommodations are inscribed in the relevant laws and that they are implemented by the staff. It can thus be useful to use accessibility checklists and to refer to good practices from other countries. Examples of measures improving the accessibility of justice include:

- [Universal design](#)
- Using adequate signage
- Adapting the lighting

- Adjusting the setting of the judicial processes
- Providing sign language interpreters at all meetings and hearings
- Taking into account that the business and complex layout of buildings can increase the stress and confusion of participants, including persons with intellectual disability.

Additionally, it is important to consider adjustments which can be made to the procedures (e.g. reporting, trials, hearings, etc.) so as to ensure the full and equal participation, without undue burden, of persons with disabilities:

- Adjusting the length and pacing of procedures
- Ensuring regular breaks
- Including face-to-face meetings or hearings
- Providing materials in easy-to-read formats
- Talking with people instead of about them (this includes counsel standing alongside persons with disabilities instead of in their place)
- Implementing adapted communication methods (including, for instance, testimony via video calls for persons who cannot easily access the tribunal or participate to the procedure in person).

Useful resources

- ➔ HI's policy paper [Accessibility: How to design and promote an environment accessible to all?](#)

C.3 Training civil servants

[Article 13](#) of the CRPD states the obligation for States Parties to support training for those working in the administration of justice, with the objective of ensuring effective access for persons with disabilities. Such training is indeed essential for the political sphere to be able to comprehend and to support mechanisms which consider the needs of persons with disabilities and which ensures the inclusion of these considerations in the design of policies and laws. It is also essential to ensure that civil servants are able to implement these mechanisms and to display an inclusive approach in the way they administer justice at their level. Training should thus include a focus on the rights of persons with disabilities and on the duties derived from the Convention. It is also pertinent to include training about the basics of inclusion, about the capacities of persons with disabilities, and about the accommodations which they may require, as well as to the provisions which exist in the national legal framework regarding these accommodations. The existence and requirements for these accommodations should also be made known to lawyers and other legal practitioners who may make use of them in order to support persons with disabilities in their legal proceedings. Furthermore, civil servants should be informed of the various types of discrimination which can be experienced by persons with disabilities when accessing the services of justice. These include, among others:

- Rejection of the disability status or denial to recognize its implications
- Persons with disabilities not being listened to or being denied the opportunity to speak for themselves
- Assuming that all persons with disabilities are under guardianship or do not have legal capacity
- Not shifting the burden of proof in discrimination cases (i.e. if a claimant can provide evidence of discrimination, then the burden should shift to the defendant, meaning that it is up to defendant to provide a non-discriminatory explanation)
- Denying the validity of decisions (including the signature of contracts or requests to attorneys) made by persons with disabilities
- Viewing persons with disabilities solely through the perspective of their disability and thus not focusing on the case or denying access to aid available to other participants
- Denying the requests to implement reasonable and procedural accommodations.

Such discrimination can affect all types of disabilities, particularly deaf or blind, as well as intellectual or psychosocial disabilities. In order for this training to be effective, it can be useful to include persons with disabilities in the design and execution of the training programs.

Requesting accommodations

When requesting accommodations, a challenge that can be encountered is that the judges or officials who can grant or deny these accommodations may wrongly assume that their purpose is to favor persons with disabilities. It can thus be pertinent to remind them that they only aim at facilitating their full and equal participation, and thus that the request is motivated by the interest of justice and the rule of law.

C.4 Providing Legal aid

Beyond creating an inclusive environment through accommodations and improved accessibility, it is also essential to ensure that persons with disabilities are able to initiate legal proceedings and to receive help in the conduct thereof. Keeping in mind the notion of [supported decision-making](#), it is thus important to provide legal aid in order to improve access to justice. Legal aid consists in providing assistance to persons who cannot afford legal representation, who are unable to access the judicial system, or who need information and guidance.

Legal aid is particularly important for persons with disabilities due to the prevalence of poverty and discrimination associated to disability, which can thus negatively affect the possibilities of being represented or counselled in legal procedures. Furthermore, certain legal systems deny the power of attorney for persons with disabilities, or make it inaccessible due to complex procedures. Additionally, persons with disabilities may see their access to justice impeded by situations of guardianship, and especially in the context of institutionalization, where hundreds of persons with disabilities may have the same guardian who thus cannot efficiently represent their interests. Another challenge is that even

persons with disabilities' lawyers may be impeded by misconceptions and lack of information related to disability and to existing procedures, which can result in them not knowing how to request accommodations or how to take into account the needs and rights of their clients. Finally, as persons with disabilities are sometimes solely identified and treated on the basis of their impairment, they can be denied assistance which is available to other citizens. Several activities can thus help to overcome these barriers and improve access to justice through legal aid:

- Providing direct legal aid, which includes financial assistance or legal representation for persons with disabilities. Due to the highly technical nature of these activities, this should be reserved to actors who have knowledge and experience in legal matters. For HI, it can be preferable to collaborate with existing legal platforms or civil society organizations and to ensure that they are trained on disability law and inclusion.
- Providing assistance can also take the form of legal clinics or points of referrals, where persons with disabilities or their families can describe their issues and receive information as to the existing actors and procedures which might help them. This requires knowledge of a specific context but is less legally technical than direct legal aid.
- Similarly to information about procedures, it can be useful to ensure that persons with disabilities are informed about their own rights regarding the justice system. Its access can thus be improved by producing easy-read documents regarding these rights.
- When collaborating with actors involved in legal aid who are not versed in disability and inclusion, it can be useful to provide them with practical information, to ensure that they can approach various situations. Drafting and distributing guides detailing potential challenges and existing mechanisms can be pertinent.
- Assembling a community of practice is more generally a suitable activity. It can lead to the exchange of good practices and enable the pooling of information from actors with various backgrounds, as well as providing a platform for persons with disabilities to expand their network and become familiar with the relevant vocabulary and actors of the judicial world.
- In order to guide future cases and to help in advocacy efforts, it can be pertinent to document and register existing legal cases and court decisions. This can help with cases in term of jurisprudence but can also serve as examples to influence perceptions or to share good practices.
- Finally, it is useful to ensure that HI projects integrate the existence and the functioning of informal structures and mechanisms of justice, for instance those based on local traditional customs.

In order to implement these activities, there are a number of actors which HI can approach to establish potential partnership or to exchange information. Due to the complex technical nature of legal aid, it can be particularly relevant to seek such collaborations in order to benefit from these actors' expertise and to further processes of disability mainstreaming. Among these actors, the following can be considered:

- Civil society organizations involved in legal aid and human rights often have a deep knowledge of their national legal framework and much experience in providing legal aid.
- Universities and researchers can be interested in linking with OPDs in order to analyze cases and laws, which can in turn be used in other cases or provide evidence for advocacy efforts.
- NGOs not related to legal aid can sometimes become involved in legal proceedings, particularly with regard to class actions and landmark cases which can advance their own agenda.
- Trade unions can also play a significant role in cases related to employment.
- Equality bodies, which are organizations dedicated to provide assistance to victims of discrimination and to promote equality, can often provide information and advice, as well as sometimes provide legal aid and representation.

Useful resources

- [Guide of promising practices on legal capacity and access to justice: Reflections for the implementation of the articles 12 and 13 of the UN Convention on the Rights of Persons with Disabilities](#), by The European Commission's Access to Justice for Persons with intellectual disabilities (AJuPID) project - About good practices on access to justice and decision-making



Appendices

A. Example of logical framework

Inclusive Elections KENYA Logical Framework: [here](#)

B. Glossary

Access: The entry into and use of a system or service. Equality of access requires the examination of the needs of vulnerable persons and of the barriers they may face. Equality of access is essential for the participation and dignity of HI's beneficiaries.

Agency: In this context, the legal capacity to perform actions, exert power, and conduct business pertaining to one's own interests.

Citizenship: The status and implications of being a citizen in one's own country, as recognized by the law, institutions, and other citizens. Citizenship is related to the values of a given society and to the certain rights such as legal capacity.

Justice: The various systems, institutions, actors and processes which relate to the administration of the law. Being able to access justice on an equal basis is essential for persons with disabilities to defend their rights.

Legal capacity: The recognition of a person's status and capacity to act before the law. Legal capacity comprises the ability to hold rights and duties and to exercise those rights and duties. It is often denied to persons with disabilities, and the basis for barriers to the access of other rights such as voting.

Participation: Included as a key principle in the CRPD, participation can be understood as both a goal (a situation of full social participation as opposed to situation of disability and exclusion), and a process (involving persons with disabilities in projects and decision-making processes).

Political participation: The exercise of political powers, which can be of legislative, executive or administrative nature. Taking part in the public administration and policy-making of a society is an important right and activity for persons with disabilities.

Policies: The general ideas, values and principles which guide a government's actions, as well as the form of these actions, for instance the rules and standards it adopts and implements to regulate the various areas under its purview.

Reasonable accommodations: Adjustments to systems and processes designed and implemented to enable persons with particular requirements to fully participate on an equal basis with others.

Services: The provision of benefits and public needs, either by a public or a private actor. Services can be provided at various levels (local, national, regional). Services comprise multiple sectors, such as education, prevention, health, political participation, citizenship, or justice.

Supported decision-making: Based on the principle that persons with disabilities are capable of making decisions about their own interests and future, this concept refers to the various types of assistance which can be provided to facilitate and accompany these processes.

C. Acronyms

CRPD: Convention on the Rights of Persons with Disabilities

OPDs: Organizations of Persons with Disabilities

EMBs: Election Management Bodies

HI: Handicap International / Humanity & Inclusion

D. Actors

With regard to funding, there are several major donors who are dedicated to the topics of political participation, citizenship, and access to justice. While several private foundations have a vested interest in the matter and often fund projects in this field, it is also pertinent to examine the areas favored by major European and American institutional donors.

In the European Union, several instruments and programs can be of relevance for projects related to supporting political participation, citizenship, and access to justice for persons with disabilities. These include:

- The [European Instrument for Democracy & Human Rights](#) (EIDHR). This instrument has a global scope (outside the European Union) and aims at direct cooperation with local civil society in order to support democracy and human rights, including with regard to complex and sensitive issues.
- The [Rights, Equality and Citizenship Program 2014-2020](#). This program is focused on equality and the rights of persons. It includes a specific objective related to the promotion of the rights of persons with disabilities.
- The [Thematic program NSA-LA](#). This program is directly focused on projects and activities designed to support civil society organizations and local authorities. It involves both individual countries and multi-country initiatives.

In the US, the two main institutions of relevance are:

- The Agency for International Development (USAID). The topics addressed in this guide fall generally under the purview of the Bureau of [Democracy, Human Rights & Governance](#) (DRG).

The Bureau lists Country Development Cooperation Strategies (CDCS), which list the priority thematics and areas for each country.

- The Department of State. In particular, the Bureau of [Democracy, Human Rights & Labour](#) (DRL). While this Bureau does not generally publish country programs, it operates through the US Embassies.

It is important to keep in mind that, in the US, funds may be more easily accessed through consortia, such as the [Strengthening Civil Society Globally](#) (SCS Global) consortium, of which HI is a member.

It is also pertinent to explore the funding opportunities offered by private foundations, such as [the Ford Foundation](#) or the [Open Society Foundations](#), although the budgets they grant may be restricted.

In terms of other non-governmental organizations, OPDs, and potential partners, several actors have experience in disability topics and/or in the field of political participation, citizenship, and access to justice. These include, among others:

- [Amnesty International](#)
- [CBM](#)
- [Disability Awareness in Action](#)
- [Disability Rights Education & Defense Fund](#) (DREDF)
- [Disability Rights Promotion International](#) (DRPI)
- [Disabled Peoples' International](#) (DPI)
- [European Disability Forum](#) (EDF)
- [Global Alliance on Accessible Technologies and Environments](#) (GAATES)
- [Human Rights Watch](#)
- [Inclusion International](#)
- [International Disability Alliance](#) (IDA)
- [International Foundation for Electoral Systems](#) (IFES)
- [International Legal Aid Group](#)
- [International Republican Institute](#) (IRI)
- [L'Arche Internationale](#)
- [National Democratic Institute](#) (NDI)
- [Oxfam](#)
- [Plan International](#)
- [Validity](#)
- [Women Enabled International](#)
- [Workability International](#)
- [World Vision](#)

E. List of the useful resources mentioned along the policy paper

Sub-section of Part 2 concerned	Documents
A.1.3	<p>Guide of promising practices on legal capacity and access to justice: Reflections for the implementation of the articles 12 and 13 of the UN Convention on the Rights of Persons with Disabilities, by The European Commission's Access to Justice for Persons with intellectual disabilities (AJuPID) project</p> <p>Local participatory diagnostics</p>
A.3	<p>Conducting an analysis of the legal framework can be facilitated by using the Election Access website which references all the relevant domestic laws for each countries</p>
B.1.1	<p>The EquiFrame manual: A Tool for Evaluating and Promoting the Inclusion of Vulnerable Groups and Core Concepts of Human Rights in Health Policy Documents can be used to analyze the domestic policies to understand how disability-related considerations are integrated within them</p> <p>OHCHR indicators to determine which international legal instruments have been ratified by a country</p>
B.1.2	<p>UN Treaty collection</p> <p>Handbook to determine the degree of decentralization and the traditions of local governance, by USAID</p>
B.1.3	<p>HI's Assessment tools dedicated to stakeholder analysis</p>
B.1.4	<p>HI's practical guide Good practices for disability-inclusive development and humanitarian action on Making it Work and the exchange of good practices</p>
B.2.1	<p>Poll worker training material from Election Access</p>

<p><u>B.2.4</u></p>	<p>Online training library prior to elections from Disability Organizing Network</p> <p>HI Policy paper: Accessibility: How to design and promote an environment accessible to all?</p> <p>HI Practical guide: Conduct an accessibility audit in low- and middle-income countries</p> <p>Equal Access: How to include Persons with Disabilities in Elections and Political Processes, by IFES – Contains recommendations and checklist for voting stations</p> <p>Resources related to assistive device designed to facilitate voting for persons with disabilities, by Election Access</p> <p>Election access observation toolkit on election observation and monitoring, by International Foundation for Electoral Systems</p>
<p><u>B.3.2</u></p>	<p>HI's Good governance toolkit, with recommendations to help HI's partners for governance</p> <p>HI's policy paper Accessibility: How to design and promote an environment accessible to all?</p>
<p><u>B.4.1</u></p>	<p>Guide of promising practices on legal capacity and access to justice: Reflections for the implementation of the articles 12 and 13 of the UN Convention on the Rights of Persons with Disabilities, by The European Commission's Access to Justice for Persons with intellectual disabilities (AJuPID) project - About good practices on access to justice and decision-making</p>

F. Additional resources

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Supporting Political participation, Citizenship and Access to justice in our project

This document serves the purpose of defining HI's **strategy** and position for the field of political participation, citizenship, and access to justice, while also providing **guidelines** and support for HI projects aimed at improving these dimensions for persons with disabilities.

This policy paper can be of use for multiple actors within HI, such as heads of missions, field program directors, or technical specialists. It can be referred to according to specific needs and does not need to be consulted in its entirety.

The two main sections of this document are:

- 1. Principles and benchmarks:** Overview of the definitions and context, as well as presentation of the principles of intervention which must guide all HI projects focused on political participation, citizenship, and access to justice.
- 2. Intervention modalities:** guidelines for projects and possible activities, structured through the various dimensions and aspects of these domains enhanced by links for resources useful for the implementation of projects.

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