

# Concept Note for the Dialogue on Mainstreaming Disability in Civic Engagement, Politics and Civil Society Organizations

## Background

For a broad understanding, civic engagement is been referred as the practices and behaviors of people's involvement in the political and social affairs.<sup>1</sup> it has been observed that the life of a democracy strengthens by the citizen's active participation into social and political issues through their action oriented and intellectual engagement. Since the people's involvement into any policy and decision making affairs ensures responsive, accountable and legitimate outcomes from the governing institutions, each of the voice should have an adequate space in that process. Inclusive and meaningful participation in decision-making process therefore should ensure everyone their sit in the table, especially to those most marginalized, and guaranty that they are heard and feel safe to speak openly (both in the digital realm and the non-digital).<sup>2</sup> Because, proper ownership of each segments of a society in a policy framing/decision making process is crucial for the sustainability and efficacy of any social/political movements.

None the less, in our contemporary scenario, persons with disabilities, who are the utmost marginalized and vulnerable segment in the society are being left behind from their engagement into the social and political life. Combined aspects of legal, physical and transportation and informational barriers among others<sup>3</sup> is leading to their exclusion and restriction from participating into the social and political affairs. Persons with disabilities tend to encounter physical, communicational, institutional and attitudinal barriers in their full and effective participation in a civic space/movements. Similarly, denial of their right to accessibility and reasonable accommodation is also the another factor to result their participation restriction and exclusion from the political and social movements.

## Existing Legal Frameworks

The Universal Declaration of Human Rights provides the right for everyone to take part in the government of their country.<sup>4</sup>The right to vote is also provided for in International Covenant on Civil and Political Rights.<sup>5</sup> The political participation rights of persons with disabilities are also enshrined in the United Nations Convention on the Rights of Persons with Disabilities (UN CRPD), which has also been ratified by Nepal. The CRPD sets out the framework for participation of persons with disabilities in political and public life and stipulates that state parties shall 'guarantee to persons with disabilities political rights and the opportunity to enjoy them on an equal

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<sup>1</sup> <https://www.britannica.com/topic/civic-engagement>

<sup>2</sup> <https://www.undp.org/governance/civic-engagement>

<sup>3</sup> <https://www.un.org/esa/socdev/documents/disability/Toolkit/Participationin-Political-Publiclife.pdf>

<sup>4</sup> UDHR, (Article 21)

<sup>5</sup> ICCPR, Article 25.

basis with others'.<sup>6</sup> This includes the right to vote and to stand as a candidate, to hold office and to perform all public functions at all levels of government. The convention stresses the need to ensure that voting procedures and materials are accessible and easy to understand; to facilitate the use of new technologies to support people with disabilities; to ensure the expression of their free will; and to provide assistance in voting by a person of their choice.

In Nepal, the Constitution of Nepal obliges the political party to ensure the representation of persons with disabilities in filing candidacy in the close list under the proportional electoral system for the house of representatives<sup>7</sup> and province assemblies.<sup>8</sup> For the composition of National assembly, the constitution also ensures representation of at list 1 member from persons with disabilities or minority group in the national assembly from the each province<sup>9</sup> ensuring the right of political participation, the Act Relating to Rights of Persons with Disabilities enshrines right to the persons with disabilities on an equal basis with others to the become candidate in elections in a fearless environment and to cast votes voluntarily, with or without assistance of others. Also, the Act mandates the government of Nepal to make appropriate provisions that the process and facilities of voting are accessible to the persons with disabilities and materials related thereto are easily understandable by and accessible to them.<sup>10</sup>

### Existing Nepalese Scenario

Despite of these constitutional and legal arrangements, the persons with disabilities are not able to effectively and independently participate in the electoral process owing to various barriers, including inaccessible voter registration system, voter education, polling station and process of casting the votes. Due to the institutional and attitudinal barriers, the political parties are reluctant to choose the candidates from the community with disabilities as the MPs in house of representatives and province assemblies, regardless of enlisting them as the candidates in the close list of proportional electoral system. There is very nominal representation from the community with disabilities in the federal, provincial and local level parliaments and governments. There is only one MP elected by the proportional election system in the house of representatives. In the province assembly, there is only one MP elected from the proportional electoral process. Only 40 candidates from the community with disabilities are elected in the various positions in the local levels.<sup>11</sup> In the case of National Assembly, only one member served till the six years of its establishment. Recently, three candidates have been elected in in the assembly.

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<sup>6</sup> UNCRPD, Article 29

<sup>7</sup> Constitution of Nepal, Article 84 (3)

<sup>8</sup> IBID, Article 176 (7)

<sup>9</sup> Constitution of Nepal, Article 86 (3)

<sup>10</sup> The Act Relating to Rights of Persons with Disabilities 2017, Section 11.

<sup>11</sup> Among those elected, one candidate was elected in the post of Mayer, two were in the Deputy Mayer, two were elected as the vice chairpersons of rural municipalities, 20 candidates were elected in the post of ward chairperson and 15 were elected as the members of wards.

<https://nfdn.org.np/press-release-of-elected-in-local-level-election>

## Rationale of Organizing Dialogue in World Social Forum

As the persons with disabilities are not adequately represented in the policy making/decision making structures, there is the absence of works/policies/decisions to address their concerns. Discriminations against them in the form of restriction, distinction and exclusion exist as a consequence of they being left behind in their representation in political system, governance affairs, policy/decision making process and justice system. The civil society organizations can play critical role to change this status quo. They can generate worthy pressure to the policy/decision makers for the inclusion of persons with disabilities in the process. They can also work to capacitate them to claim their rights by themselves. The civic awareness and effective civic engagement of any social group can be better fostered by including the beneficiary social groups into their organizational structures, policy frameworks and statutes, administrations, project activities, movements, campaigns and such other engagements by the civil society organizations and political parties. The CRPD also recognizes that for ensuring their participation into public and political life, measures should be adopted to include the persons with disabilities in non-governmental organizations (NGOs), associations concerned with the public and political life of the country, and political parties, without discrimination.<sup>12</sup> CRPD is with its unique feature in a sense that it recognizes significant role of civil society organizations for the monitoring and implementation of the convention.<sup>13</sup> Not only the organizations led by persons with disabilities, but other organizations established and operated by the people not having disabilities, including the youth led organizations can also undertake the role of monitoring the implementation of the convention.<sup>14</sup>

Thus we can clearly infer that the civil society organizations have a crucial role to ensure inclusion and effective and meaningful representation of persons with disabilities into the political and social life in the form of civic engagement. Since the disability is a crosscutting/intersectional issue, the task of promoting civic knowledge and political participation cannot only be entrusted upon the organizations of persons with disabilities. The disability civic engagement issue must also be the issue of all the civil society organizations. A dialogue with CSO representatives therefore has been envisioned to sensitize the CSO representatives on the issue. This dialogue will foster cross country exchanges and search for common ground in the field of disability civic engagement. The ideas shared by the foreign participants will help to develop strategies and campaigns for the inclusive and disability friendly civic engagement in Nepal.

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<sup>12</sup> UNCRPD, Article 29

<sup>13</sup> UNCRPD Articles 4 (3) and 33 (3).

<sup>14</sup> CRPD/C/GC/7, Para 14, 36 and 37