Inclusive Political Participation of Person with Disabilities in Asia and the Pacific

I. Introduction

1. Political participation can be defined as an action by citizens that is intended to influence the political process that determines the selection of governments and actions they take. Political participation further encompasses participation in the conduct of public affairs that broadly refers to the exercise of legislative, executive and administrative powers. Participation in political and public life is, therefore, a critical element through which the voices of people are heard in decision-making that affects them in all areas of life and their views and interests are counted in the process.

2. Persons with disabilities remain marginalised and frequently denied their right to equal participation. Exclusion of and discrimination against persons with disabilities pose challenges to advancing the inclusion of persons with disabilities in the political process and decision-making. Available data illustrates that persons with disabilities are twice as likely not to have voted in the last election compared to persons without disabilities. Persons with disabilities are also less likely to hold a position as legislators or senior officials in government decision-making bodies.

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1 Participation in the conduct of public affairs is a broad concept that covers all participatory aspects of public administration, policymaking and engagement in public debates, dialogues, as well as in peaceful demonstrations and meetings. Source: Report of the Special Rapporteur on the rights of persons with disabilities (2016), A/HRC/31/62.


3 Ibid.

* ESCAP/SDD/APDPD (3)/WG(7)/INF/10
3. In Asia and the Pacific, the overall representation of persons with disabilities in government bodies is lagging too far behind to claim inclusiveness and diversity. The Midpoint Review of the implementation of the Incheon Strategy to “Make the Right Real” for Persons with Disabilities in Asia and the Pacific reveals that out of a total of 4,960 national parliamentarians (or the equivalent) in 17 countries and areas in Asia and the Pacific, only 18 parliamentarians had some type of disability which accounts for 0.4 per cent of parliamentarians. The representation of persons with disabilities in legislative bodies ranges from 0 to 7.1 per cent. Women with disabilities account for only 0.1 per cent of national parliamentarians across the concerned 17 countries and areas.4

4. Despite the increased global recognition of the right of persons with disabilities to political participation, the challenges are still myriad: lack of reasonable accommodation, restrictive legislations or policies, discriminatory attitudes, and social and economic exclusions. It is hence of crucial importance that the issues and concerns related to the participation of persons with disabilities in political and public life are thoroughly examined with a view to promoting equal political participation in the region. This issue paper addresses physical, attitudinal, structural, legal, and institutional challenges. It further highlights specific issues with respect to participation in political processes and representation in government decision-making bodies.

II. International and regional mandates promoting political participation of persons with disabilities

5. Over the last decade, international laws and development commitments have been instruments for recognising and promoting the political participation of persons with disabilities. The following provides an overview of internationally or regionally affirmed standards and commitments in the field of participation of persons with disabilities in political and public life.

6. The Convention on the Rights of Persons with Disabilities sets out the rights of persons with disabilities in their participation in political and public life. Article 29 of the Convention guarantees the right and opportunity to vote, be elected and participate in the conduct of public affairs. The provision obliges State parties to ensure that persons with disabilities enjoy their voting rights by adopting appropriate measures including the use of assistive and new technologies. In light of participation in the conduct of public affairs, Article 29 (b) stipulates State parties facilitate the engagement of persons with disabilities in non-governmental organisations and associations.

7. The Universal Declaration of Human Rights recognises the right of every citizen to take part in the conduct of public affairs and equal access to public services. Article 21 stresses universal and equal suffrage through which the will of people is expressed in periodic and genuine elections by secret vote or by an equivalent free voting procedure.

8. The 2030 Agenda for Sustainable Development calls for reduced inequality and accountable and inclusive institutions at all levels under Goals

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10 and 16, respectively. Goal 10 includes two targets directly related to inclusion and equal opportunities: (1) target 10.2 calls on empowering the social, economic and political inclusion of all, irrespective of age, sex, disability, race, ethnicity, origin, religion, economic or other status, (2) target 10.3 seeks to end discrimination and ensure equal opportunity including by eliminating discriminatory laws, policies and practices and promoting appropriate legislation, policies and action. With respect to Goal 16 on inclusiveness, target 16.6 aims for effective, accountable and transparent institutions at all levels and target 16.7 seeks to ensure responsive, inclusive, participatory and representative decision-making at all levels.

9. The Incheon Strategy to ‘Make the Right Real’ for Persons with Disabilities in Asia and the Pacific states that political participation is the cornerstone for the realisation of the rights of persons with disabilities. Goal 2 of the Incheon Strategy promotes participation in political processes and decision-making. Two targets are suggested to facilitate progress: (Target 2.A) ensure that persons with disabilities are represented in government decision-making bodies; and (Target 2.B) provide reasonable accommodation to enhance the participation of persons with disabilities in the political process. 5

10. The Beijing Declaration, including the Action Plan to Accelerate the Implementation of the Incheon Strategy furthers recommendations to achieve the two targets under Goal 2 of the Incheon Strategy. The recommendation urges States to develop, adopt and implement legislation and measures to ensure political participation by persons with disabilities including by (1) prohibiting discrimination against persons with disabilities as voters or candidates in elections; (2) ensuring access to all facilities and procedures related to elections; and (3) building the capacity of persons with disabilities as voters and as candidates. The Declaration further states that specific attention be given to the inclusion of women with disabilities, to support their meaningful participation.

III. Cross-cutting challenges

A. Accessibility

11. Accessibility is a precondition to ensure political participation for persons with disabilities. Given that disability results from an interaction between an individual's health condition (impairment) and environmental factors (participation restriction), accessibility has far-reaching implications to manifest changes in light of political participation, as it also does in areas of employment, health, education and disaster risk reduction and management. To remove obstacles and create enabling environments for inclusive public institutions and political processes, governments must employ appropriate measures to improve access to all facilities and procedures related to political and public life. 6 Investment in accessibility in this respect specifically covers

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5 Corresponding indicators for Target 2.A and 2.B are suggested to track progress on Incheon Strategy Goal 2. Core indicators include: 2.1. Proportion of seats held by persons with disabilities in the parliament or equivalent national legislative body; 2.2. Proportion of members of the national coordination mechanism on disability who represent diverse disability groups; 2.3. Proportion of those represented in the national machinery for gender equality and women’s empowerment who are persons with disabilities; 2.4. Proportion of polling stations in the national capital that are accessible with processes in place that ensure confidentiality of voters with disabilities.

6 A/HRC/31/62.
physical access through the electoral process, access to political information including information technology, and accessible civil services and institutions.

12. The participation rate of persons with disabilities in elections is compromised when the election administration fails to take into account inclusive physical access through the electoral process. For instance, inaccessible voting registration sites obstruct many persons with disabilities from registering. A survey illustrates that in Cambodia, where persons must register in person, many people with disabilities identified voter registration sites in inaccessible locations as the main reason for the lower registration rate among persons with disabilities. Respondents stated that the sites were often not equipped with ramps, handrails, or tactile marking and lacked assistant services.  

13. Inclusive elections for persons with disabilities is further hampered due to inaccessible polling stations. Within Southeast Asia, limited data from a few countries suggests that persons with disabilities feel discouraged from participating in elections based on their previous experiences of polling stations being inaccessible, including locations on the second floor, narrow alleys, lack of ramps, long distances between the main building and ambulation area, the absence of express lanes and crowdedness. Some countries, notwithstanding the guidelines or regulations in force, grapple with the lack of enforcement measures. A significant number of persons with disabilities not being able to cast votes in spite of policy guidance specifying accessibility standards highlights the need to take stock of related legislations, policies and practices to address the issue of non-compliance.

14. Political information in accessible formats plays an essential role in enhancing the awareness of voters with disabilities about their rights, providing essential guidance on the voting process, and assisting them in casting a well-informed vote. Election management bodies (EMB), political parties, organizations of persons with disabilities (OPDs), and public and private media can equally contribute to ensuring the availability of information in accessible formats such as Braille, tactile texts and graphics, large print, sign language, and easy-to-read text. According to surveys on equal access to elections, persons with disabilities are frequently denied access to information or suffer from insufficient information due to a lack of awareness on disabilities or the lack of resources or funding. For instance, one reason persons with disabilities remain the most disadvantaged group is that Braille and sign language interpretation are not widely available. Persons

8 AGENDA, “Disability Assessment and Inclusion in the Political Processes of Four Southeast Asian Countries”, (2016).
9 Ibid.
10 Essential guidance on the voting process includes information on voter registration, political parties, candidates and polling stations among others. While EMBs are responsible for providing coherent and accessible information about elections, other entities such as political parties, media and OPDs should disseminate information in an accessible format during campaigns. These three entities are considered crucial agents that can provide voter education for persons with disabilities. Source: Mutiah Wenda Juniar, “Political Participation for Person with Disabilities: State’s Obligation and Failure”, International Journal of Global Community Volume I (2). (2018).
with intellectual disabilities who receive voter education may also experience difficulties without easy-to-read information. The lack of media coverage of voter education for persons with disabilities relative to information available to persons without disabilities is also a major impediment to ensuring access to information on an equal basis.

15. With a regard to accessible institutions and services, eight countries in Asia and the Pacific have made progress on adopting national laws and regulations for access audits in government buildings.\footnote{These include Indonesia; Micronesia (Federated States of); Mongolia; Republic of Korea; Russian Federation; Singapore; Thailand; and Turkey. \textit{Source: ESCAP, “Disability at a Glance”}, (2019).} The midpoint review of the third and current Asian and Pacific Decade of Persons with Disabilities conducted in 2017 finds that the implementation of access audits is associated with increased proportions of accessible government buildings in addition to accessible polling stations and international airports.\footnote{Seven countries reported accessible polling stations available: Macao, China; Mongolia; Nauru; New Caledonia; Republic of Korea; Singapore. 12 countries and areas reported on fully accessible international airports: Georgia; Kyrgyzstan; Macao, China; Malaysia; Micronesia (Federated States of), Mongolia; New Caledonia; Nauru; Philippines; Singapore; Thailand. \textit{Source: ESCAP, “Disability at a Glance”}, (2019).} Data indicates that a total of 15 countries and areas responded that some proportion of government buildings were accessible.\footnote{The fifteen countries and areas are: Hong Kong, China; Armenia; New Caledonia; Russian Federation; Singapore; Thailand; Nauru; Indonesia; Republic of Korea; India; Vanuatu; Mongolia; Micronesia; Tonga; and Turkey. The proportion of accessible government buildings varies from 25 per cent to 100 per cent. Out of the fifteen countries, five countries reported on fully accessible government buildings: Hong Kong, China; Armenia; New Caledonia; Russian Federation. \textit{Source: ESCAP, “Building Disability-Inclusive Societies in Asia and the Pacific”}, (2018).} However, the access audits fell short of assessing detailed criteria of accessibility to ensure different needs of persons with disabilities. The accessibility standards applicable to government buildings tend to centre around the built environment and accommodate only the needs of persons with mobility impairments, including wheelchair users.\footnote{Ibid.}

### B. Attitudinal barriers to participation

16. One of the root causes of discrimination against persons with disabilities in political and public life is a negative perception or attitude toward them. Perception and attitude on disability often encompass negative stigma, stereotypes and bias against persons with disabilities. Though these remain on the level of belief or impression, unlike discrimination that forms certain behaviours or actions,\footnote{Mikko Mattila et al, “Disability, perceived discrimination and political participation”, \textit{International Political Science Review} Vol 38, No 5, (2017).} it feeds into and may trigger discrimination toward persons with disabilities. In the domain of politics, attitudinal barriers to the participation of persons with disabilities are likewise associated with long-standing perceptions of their capacity, autonomy and social status.

17. In most societies, persons with disabilities are seen as incapable, thus not worthy of equal treatment. This perception may be reflected by government officers, political parties, media, and even persons with disabilities, their families and caregivers. A survey on professional staff who provide direct support to adults with intellectual disabilities reveals sceptical attitudes toward the voting capacity of persons with disabilities. 32 per cent of respondents believed that those with intellectual disabilities are unable to...
understand complex concepts required to vote and unable to make a vote free from interference by their parents and guardians. These attitudes are also often found among families or caregivers. While many persons with disabilities feel that they have no one else to rely on but their families to partake in elections, some family members see it as a low priority or think they cannot afford to educate a member with disabilities about voting as it requires extensive time and commitment.

18. Lack of support by election management bodies and administrators, when compounded with the lack of awareness and failure to deliver reasonable accommodation, may further the voter suppression that some persons with disabilities experience. Without clear guidelines and training, election administrators may play a limited role in assisting persons with disabilities to access elections, despite the administrators’ competence and dedication to their mandates. Legislative and administrative measures for electors with disabilities should include capacity building and awareness-raising programs to equip election management bodies with the necessary skills and knowledge to provide persons with disabilities with appropriate services and information.

19. In addition, negative perceptions toward disability may result in general disengagement from politics of persons with disabilities. Attitudinal barriers discourage persons with disabilities from actively engaging in political activities. Lack of social interaction and isolation can further lead to low self-esteem among persons with disabilities and a feeling of being left out. Many persons with disabilities remain apathetic toward their political rights as they feel they have a limited understanding of politics, their communities are underrepresented in all areas of political and public life, and their needs would not be addressed by politicians at national or local levels.

20. As perception is contingent on social and political context, there are a few cases when impairment can be a driver for political engagement. For instance, acquiring the impairment through military services appears to provide added value for political careers. Interestingly, a war veteran is more likely to win office than an individual with the same level of impairment from birth or due to an accident. Overall, however, politicians with disabilities are often ridiculed and belittled as incompetent. Intellectual or psychological disability is reportedly associated with the most damaging discrimination and exclusion.

20 A theoretical concept employed in political science to explain the individual’s feeling toward one’s effectiveness on politics refers to ‘political efficacy’. Internal efficacy indicates one’s belief that the person can understand politics and therefore participate in politics whilst external efficacy refers to one’s confidence that the government and political system are responsive to the person’s needs. Some empirical researchers on political efficacy find that persons with disabilities tend to have a lower level of political efficacy.
C. Economic and social constraints

21. Disparity in political participation is in part attributed to economic and social exclusions faced by persons with disabilities. Exclusion is a complex and multi-dimensional process driven by unequal power relationships interacting across four main dimensions—economic, political, social and cultural—and it takes place at different levels including individual, household, group, community, country and global levels. Exclusion also involves the denial or lack of resources closely linked to inequities in social, political, economic and cultural status. Numerous studies provide evidence on correlations between political participation, access to social and economic resources and socioeconomic status. Though these studies have not established a cause-effect relationship between the factors, it is acknowledged in general that access to social and economic resources enable individuals or groups to partake in politics. Access to education and employment, in particular, are considered to play an important role in facilitating political participation.

22. Level of education is associated with political participation because education tends to enhance the skills and knowledge that enable individuals to understand the political system and engage in politics to a larger extent. Courses on politics and citizenship in schools can cultivate political interest and increase the likelihood of political participation. Educational opportunities also further health outcomes, social networks, employment, and income which accumulatively increases one’s political influence and interest with the enhanced socioeconomic status. For the marginalised groups who face political exclusions, education is an empowering tool that can support them to more fully participate in political life by tapping into all socioeconomic resources.

23. Persons with disabilities do not access education on an equal basis to persons without disabilities. Many children with disabilities face persistent barriers to education, including being refused entry into school, discriminated against in class, deprived of necessary supports including assistive devices and accessible physical environments. Children with disabilities are more likely to be out of school and spend fewer years in the education system. The out-of-school rate of youth of lower secondary school (age 12 to 14) in five developing countries is 31 per cent for children with disabilities and 19 per cent for children without disabilities. Children with disabilities are less likely to complete primary, secondary and tertiary education than their peers without disabilities. The completion rate of primary education is 73 per cent for

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22 Research conducted by ESCAP illustrates unequal political power relations in Asia and the Pacific that exclude marginalised groups on the grounds of gender, caste, ethnicity, religion, etc. It is indicated that the distribution of political power in the region from 1990 to 2017 shows uneven political power relations among social groups where a minority of the social groups monopolise political power. Source: ESCAP calculations based on data from Varieties of Democracy database, University of Gothenburg, “Empowering people for a more inclusive and equal Asia and the Pacific”, ESCAP/RFSD/2019/1/Rev.1 (2019).


children without disabilities compared to 56 per cent for children with disabilities.\footnote{27}

24. Similar to education, employment has positive impacts on increasing the political participation of persons with disabilities. Employment can improve financial, social and political resources that persons with disabilities can utilise to engage in political and public affairs as employment contributes to securing income, education opportunities, strengthening civic skills and social networks.\footnote{28} Employment may also improve the political efficacy of persons with disabilities. In many countries, persons with disabilities have low political efficacy, and as a result, are not likely to participate in any political activity. Evidence from research suggests that employment is a major factor that influences political efficacy among individuals or groups.\footnote{29} Data analysing voting patterns and gaps among different socio-demographic groups indicates that a lower voter turnout is concentrated among non-employed persons with disabilities.

25. Persons with disabilities remain two to six times less likely to be employed than those without disabilities and account for 28 to 92 per cent of the informal economy across the developing countries in Asia and the Pacific.\footnote{30} Workers with disabilities in the informal economy bear the brunt of the COVID-19 related hardships, with little or no access to health service and social protection. This further exacerbates the exclusions from other areas of life often faced by persons with disabilities. Disability inclusive measures to support the employment of persons with disabilities should be thus of particular concern in Government’s responses to the pandemic, not only for safeguarding the social and economic well-being of persons with disabilities but as an enabler to promote the right to participation, including political participation.

\textit{D. Role of organisations of persons with disabilities (OPDs) in political participation}

26. OPDs play a range of positive roles in areas of employment, accessibility, education, and health through conveying the concerns of persons with disabilities.\footnote{31}, \footnote{32} In light of promoting political participation, existing studies on the impacts of OPDs on persons with disabilities indicate that OPDs can yield considerable outcomes for persons with disabilities by facilitating social connections, empowering members, raising awareness within the

\begin{footnotesize}
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\item \footnote{27} Ibid.
\item \footnote{30} ESCAP, “Employment for persons with disabilities”, ESCAP/SDD/APDPD(3)/WG(6)/INF/5 (2020).
\item \footnote{32} The CRPD Committee defines OPDs as those that are governed, led and directed by persons with disabilities, and are comprised by a majority of persons with disabilities themselves. Source: Annex II, “Guidelines on the Participation of Disabled Persons Organizations (DPOs) and Civil Society Organizations (CSOs) in the work of the Committee “, CRPD/C/11/2.
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broader society and through building networks within civil society as well as with the government.  

27. OPDs can increase effective and meaningful participation in political affairs by empowering persons with disabilities. Political awareness and knowledge of rights are essential to promoting political participation as seen in the disability rights movement at global and national levels. At the core of the collective influence of OPDs on mobilising disability rights movements is the work of OPDs in facilitating awareness-raising activities, which transforms the perception of persons with disabilities from a subject of charity to a right-holder. OPDs members tend to be more aware of their rights after joining groups and more empowered, through participating in a range of activities directly or indirectly. Research suggests that OPDs members in African countries reportedly experienced self-determination and empowerment through group governance and leadership roles. 

28. OPDs form social connections and networks with various stakeholders, including government bodies, which may advance the representation and engagement of persons with disabilities in political processes. Partnerships between OPDs strengthens their lobbying power and advocacy work. Following the tsunami in Southeast Asia in 2004, a coalition of strong OPDs contributed to building greater resilience to disaster amongst the disability community. The coalition supported identifying the needs of persons with disabilities who received little targeted assistance from mainstream humanitarian organisations and advocated for those most affected by the tsunami. OPDs’ external networks or partnerships can also help develop links with the community, experts, government bodies, and private sector to leverage support for their interests. A study on OPDs’ engagement with governments illustrates that the advocacy activities of OPDs led to governments adopting disability-inclusive or specific policies. Advocacy of Malaysian OPDs on accessibility is acclaimed to have resulted in the development of a Code of Practice for access to public buildings and a policy reducing public transportation fares for citizens with disabilities. 

29. International instruments that underscore the participation of persons with disabilities in all areas of life support OPDs to promote disability inclusion in political and public life. The global commitments to participatory decision-making hence open the door to the increased involvement of OPDs especially in consultation mechanisms led by governments. Available information indicates some countries have taken steps to promote the participation of OPDs in national implementation and 

33 Young R et al, “The Functions of Disabled People’s Organisations (DPOs) in Low and Middle-income Countries: A Literature Review”, The Nossal Institute for Global Health, University of Melbourne, Australia, (2016). 
34 Ibid 
35 Laura Hemingway et al, “Natural Hazards, Human Vulnerability and Disabling Societies: A Disaster for Disabled People?”, Review of Disability Studies 
37 The 2030 Agenda for Sustainable Development and global indicator framework highlights commitments from stakeholders to leaving no one behind with an explicit reference to persons with disabilities. Article 4.3 of CRPD obliges state parties to closely consult and actively involve persons with disabilities through their representative organisations in the development and implementation of legislation and policies to implement the present Convention, and in other decision-making processes concerning issues relating to persons with disabilities.
monitoring mechanisms for disability legislation, policies and practices. The measures taken to enhance OPD engagement range from improving regulatory frameworks or institutional mechanisms to providing financial support and technical assistance to OPDs.

30. Yet, the substantive and meaningful participation of OPDs in decision-making has been limited by structural and institutional constraints. Many OPDs struggle with securing sustainable funding. OPDs heavily rely on funding from international non-governmental organizations (INGOs) and government agencies to continue essential work programmes and service delivery. Irregular and limited availability of funding from donors further undermines OPD’s ability to ensure long-term planning and engagement in decision-making processes. Lack of access to information, in general, may also impede OPDs’ engagement and participation. OPDs are often not informed on the procedures and processes for registration, applications for technical support and availability of funding sources.

31. OPDs might fail to represent specific groups or address the issues concerning specific groups in consultation mechanisms. While women with disabilities have some active organisations, women often do not receive enough representation within OPDs coalitions. Other marginalised groups within persons with disabilities include persons with intellectual disabilities as well as persons with disabilities living in rural areas. Organisations working on the rights of persons with intellectual disabilities have raised concerns that the lack of understanding of intellectual disabilities within broader disability groups often results in the exclusion of organisations for persons with intellectual disabilities from OPDs networks. Some OPDs acknowledge difficulties to connect with persons with disabilities in rural and remote areas where stigma and isolation of persons with disabilities are prevalent. Inclusiveness within disability groups should be promoted to enable equal representation of persons with disabilities in consultation mechanisms.

IV. Participation in political processes

32. Participation in political and public life encompasses participation in political processes and government decision-making bodies. Participation in political processes as electors or candidates is of the utmost importance to ensure the effective enjoyment of political rights and an inclusive society for all.

38 The countries indicating measures to ensure OPDs’ engagement with the government’s implementation and monitoring mechanism in their State Party’s reports to the CRPD Committee include: Australia, Armenia, Azerbaijan, Kazakhstan, Lao PDR, Marshall islands, New Zealand, and Republic of Korea. This list is not intended to be exhaustive.


40 A/HRC/31/62.

41 Janina Arsenjeva et al, “The unsteady path towards meaningful participation of Organisations of Persons with Disabilities in the implementation of the CRPD and SDGs.”, Bridging the Gap, (2020).


43 Janina Arsenjeva et al, “The unsteady path Towards meaningful participation of Organisations of Persons with Disabilities in the implementation of the CRPD and SDGs.”, Bridging the Gap, (2020).

44 Ibid.
33. The electoral participation of persons with disabilities is a forceful avenue to impact governments’ decisions and actions. Increased participation in elections yields greater influence on the distribution of resources and the direction of government policies and programmes based on the needs of persons with disabilities. The involvement of persons with disabilities in elections contributes to empowerment and a sense of ownership. Through participation, persons with disabilities are more exposed to political and public affairs and therefore strengthen their capacity for advocacy and as political agents. The visibility of persons with disabilities in the political process also catalyses societal and attitudinal changes toward persons with disabilities, who are frequently described as incapable or objects of charity.45

34. Despite the positive outcomes of participation in the political process, persons with disabilities continue to face physical, attitudinal, institutional and legal barriers to participate in elections on an equal basis. There is no global data that shows turnout gaps between voters with and without disabilities, but national and local surveys suggest that people with disabilities are less likely to report voting compared to people without disabilities. An analysis of the United States Census Bureau’s data on national elections from 2008 to 2012 indicates that the disability turnout gaps were 7.2 per cent, 3.1 per cent, and 5.7 per cent respectively in 2008, 2010 and 2012.46 Recent figures show the gap in the 2018 election stands at 4.7 per cent, consistent with results for the prior elections in the country.47 Among the groups of persons with disabilities, the lowest turnout rate was among those who are unemployed.48 The largest turnout gap between citizens with and without disabilities was found in senior groups aged over 65.49

35. Persons with psychological or intellectual disabilities face more severe obstacles to exercising their rights to engage in the political process. Globally, many countries maintain restrictive legal provisions that hinder inclusion in the political process. The United Nations Flagship Report on Disability and Development (2018) reveals that out of 190 countries, 128 countries have legal provisions in constitutions, legislations or laws that could restrict the right of persons with disabilities to vote, among which 94 countries specify exclusions targeting persons with psychological or intellectual disabilities.50 Some countries have legal provisions that allow for the exclusion of individuals based on assessments of capacity. Others have constitutional provisions or legislations to preclude a certain cohort, e.g. those under guardianship. Restrictions on the right of persons with disabilities to be elected for office are also found in 161 out of 176 countries, out of which 104

countries have exclusions concerning persons with psychological or intellectual disabilities. Only 15 countries place no legal restriction on the right to be elected to office without exception.

36. The exclusion of persons with disabilities, particularly with psychological and intellectual disabilities, remains one of the last hurdles to universal suffrage in the 21st century. While the movement towards universal suffrage has seen the removal of restrictions regarding property requirements and women and ethnic minorities from the late 19th to mid-20th century, persons with psychological and intellectual disabilities have been denied their rights to vote and be elected based on the persistent presence of discrimination, prejudice and social stigma attached to their capacity.

37. One might argue that such restriction is not determined by disability but by a lack of mental capacity predisposing a person to irrational and ill-informed voting. However, the Committee on the Rights of Persons with Disabilities stressed that the concept of mental capacity is neither objective, scientific nor considered a naturally occurring phenomenon as it is socially and politically contextual. The Committee clarified legal capacity and mental capacity are distinct concepts. Legal capacity is identified by the Committee as the ability to hold and exercise rights and duties. The Committee made it clear that perceived or actual deficits in mental capacity must not be used as justification for the denial of legal capacity. Further, the Committee disapproved of the assessment of a person’s ability to demonstrate decision-making skills being used to deny legal capacity. It is the Committee’s view that such an assessment is inherently discriminatory and biased.

38. Reportedly, the COVID-19 pandemic aggravates the risk of exclusion and obstacles that suppress the electoral participation of persons with disabilities. People with disabilities in institutions and care facilities are more susceptible to the contraction of COVID-19 and thus may suffer additional health concerns and social isolation which disproportionately affect their electoral access. Containment measures such as movement restriction may prevent persons with disabilities from participating in elections as personal assistants or social workers are less likely to be able to provide necessary support during the pandemic. Delays or disapprovals by electoral authorities or the court’s for special voting arrangements such as proxy voting, postal ballots and online voting may further increase barriers to elections.

51 The provision of article 12 of the Convention on the Rights of Persons with Disabilities is of particular relevance in that it affirms the rights of persons with disabilities to legal capacity on an equal basis in all aspects of life. In the General Comment No.1 (2014) that gives further clarification on article 12, the Committee found that the concept of mental capacity is often conflated with that of legal capacity which is examined.


V. Participation in decision-making bodies

39. As is the case for participation in political processes, the Convention on the Rights of Persons with Disabilities sets out the right to participate in decision-making bodies, to hold office and to perform all public functions at all levels of government. To guarantee access to public services positions for persons with disabilities, states must ensure the provision of reasonable accommodation including accessible recruiting procedures, public buildings or services. States are also required to take all necessary measures to ensure an adequate representation of persons with disabilities in administrative, legislative and judicial bodies.

40. Because persons with disabilities have confronted multiple forms of discrimination and power imbalances in public decision-making, they tend to be underrepresented in decision-making bodies. To ensure the representation of persons with disabilities in government’s decision-making bodies requires adopting more active measures instead of merely prohibiting discrimination against persons with disabilities. Article 5 of the Convention specifies the adoption of affirmative action as a means to eliminate discrimination and achieve de-facto equal opportunities for persons with disabilities in accessing public service positions. Some countries established quota systems to ensure adequate representation of persons with disabilities within the governments.55

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<tr>
<th>Country</th>
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<tbody>
<tr>
<td>China</td>
<td>Law on the Protection of Disabled Persons and Regulations on the Employment of People with Disabilities specifies that the public sectors should reserve at least 1.5% of their workforce for persons with disabilities.56</td>
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<tr>
<td>India</td>
<td>The Rights of Persons with Disabilities Act, 2016, provides for the reservation of no less than 4 per cent of the vacancies for persons with disabilities in the government and public sector.57</td>
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<tr>
<td>Japan</td>
<td>Law on Employment Promotion etc. of Persons with Disabilities sets out the employment quota of 2.5 per cent for persons with disabilities as an obligation for national and local government bodies.58</td>
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<tr>
<td>Malaysia</td>
<td>Service Circular Letter No.3/2008 stipulates a 1 per cent employment quota for persons with disabilities in the government.59</td>
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<tr>
<td>Philippines</td>
<td>Republic Act No. 10524 stipulates that at least 1 per cent of all positions in</td>
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55 This list is not intended to be exhaustive. It is based on secondary research sources as in the following footnotes.
all government agencies, offices or corporations shall be reserved for persons with a disability.  

**Republic of Korea**
The Act on the employment promotion and vocational rehabilitation of persons with disabilities requires the government to employ persons with disabilities for at least 3.4 per cent of the workforce.

41. Politicians with disabilities generally lack funding to run for public office. Additional assistance such as accessible transportation or sign interpreters to run electoral campaigns are costly when individual candidates with disabilities have to cover the expenses on their own. National benefit systems in some countries also pose barriers for persons with disabilities to be elected or appointed as they lose their benefits based on the salary or entitlements they receive by holding the posts. Governments and political parties should consider providing financial support to ensure reasonable accommodation for persons with disabilities running for office. Governments are also encouraged to examine adverse impacts of the benefit system on affected appointees and applicants, and further establish guidelines to remove barriers against politicians with disabilities.

42. Persons with disabilities who seek to run for a public office may find themselves in isolation with scarce resources. To become a successful candidate for electoral competition, one should be politically active and have access to networks that provide a role model and opportunities for interaction. Persons with disabilities who wish to build a political career often experience a lack of role models. Political parties or OPDs should facilitate training and opportunities to shadow the work of office bearers or members of the government with disabilities. A disability league can also be a vehicle to facilitate disability inclusion in government-decision making bodies. As a structured network of politicians with disabilities within political parties or external political governances, disability leagues contribute to mobilising the participation of persons with disabilities into parties’ activities, influencing policy and governance dialogue, and providing an interactive platform among politicians with disabilities. Civil Society also can play an active role in increasing political diversity and inclusion by building the capacity of political parties and persons with disabilities or creating a fund to support politicians with disabilities.

60 Republic Act No. 10524 was approved in April 2013, amending Republic Act No. 7277. It is also known as the Magna Carta for Persons with Disability. Source: Disability: IN Global Directory, Philippines. (Accessed on 23 June 2021). Available at: https://private.disabilityin.org/global/the-philippines/.


63 Network to promote independence and political participation of persons with disabilities, (Accessed on 28 July 2021), The website introduces a bipartisan Japanese Group of people with disabilities, politicians involved, aspiring politicians, and their supporters. Available at: https://www.kead.or.kr/english/home/sub.do?menukey=2201.

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VI. Issues for consideration

43. The political participation of persons with disabilities should be ensured in accordance with the equality and non-discrimination principles of the 2030 Agenda for Sustainable Development and CRPD. It is of utmost importance that States, multilateral actors, and civil society employ concrete measures aimed at promoting participation on an equal basis and eliminating discrimination against persons with disabilities in the context of legislation, policy and practice relating to political and public life.

44. The Working Group may wish to consider the following cross-cutting issues:

- How to address multiple barriers that persons with disabilities encounter in exercising the right of participation in political and public life?
- How to incorporate non-discrimination and equality principles in laws, policies and practices relating to political participation of persons with disabilities?
- What are potential ways in which ESCAP could support its member States in promoting the political participation of persons with disabilities in Asia and the Pacific?