

ACCESS OF PERSONS WITH DISABILITIES IN NEPAL'S ELECTORAL PROCESS

An independent assessment from the perspective of access and participation of persons with disabilities conducted during Nepal's 2017 House of Representatives and Provincial Assembly Elections



ACCESS OF PERSONS WITH DISABILITIES IN NEPAL'S ELECTORAL PROCESS

An independent assessment from the perspective of access and participation of persons with disabilities conducted during Nepal's 2017 House of Representatives and Provincial Assembly Elections

JUNE 2018

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

CONTENTS

9	Definitions	
12	Executive Summary	
17	Introduction	
20	Statistics of Disability in Nepal	
21	Assessment Methodology	
22	Selection Of Districts And Polling Stations	
22	Assessment Tools	
23	Selection And Training Of Observers	
24	Deployment Of Observers	
25	Survey Of Voters With Disabilities	
25	Data Entry And Analysis	
26	Limitations	
27	Review Of Legal Framework On Disability	
27	International Framework	
29	Review Of Nepal Constitution And Laws	
32	Findings From Election Day Observation	
32	Voters With Disability	
33	Polling Location And Facilities	
35	Poll Workers With Disabilities	
35	Election Access For Persons With Different Types Of Disabilities	
38	Provision Of Assistance For Voting	
40	Secrecy Of The Vote	
42	Findings From Survey Of Voters With Disability	
42	Voters' Perceptions On Access To Voter Registration	
43	Availability Of Electoral Information For Persons With Disabilities	
44	Voters' Feedback On Ease Of Understanding And	
45	Voters' Feedback On Ease Of Voting	
47	Summary Of Feedback On Making Elections More Accessible	
49	Conclusion And Recommendations	
50	Electoral Legal Reform	
53	Reforms To Voter Registration System And Process	
54	Improvements To Voter Education	
55	Accessibility Improvements To The Polling Process	
57	Stakeholder Engagement	
61	Annex 1: Constitutional And Legal Provisions On Disability	
67	Annex 2: Sample Checklist For Accessible Polling	

LIST OF TABLES

22

TABLE 1

Districts and number of polling stations selected for observation

•

24

TABLE 3

Training date, venue and number of participants

•

32

TABLE 5

Turnout of persons with disability (by district and gender)

23

TABLE 2

Observers' disaggregation by district, sex and type of disability

•

25

TABLE 4

Deployment of observers

LIST OF FIGURES

33

FIGURE 1

Location of polling stations at the ground level

•

35

FIGURE 4

Presence of poll workers with disabilities at polling stations

•

37

FIGURE 7

Accessibility for persons with auditory disabilities

•

41

FIGURE 10

Secrecy of voting booths

34

FIGURE 2

Availability of ramps at polling stations

•

36

FIGURE 5

Accessibility for persons with visual disability

•

39

FIGURE 8

Availability of assistance at polling stations

•

42

FIGURE 11

Perception on accessibility of the voter registration process

34

FIGURE 3

Availability of parking area and related facilities

•

37

FIGURE 6

Accessibility for persons with physical disability

•

40

FIGURE 9

Freedom to choose a voting assistant

•

43

FIGURE 12

Responses on the availability of electoral information

45

FIGURE 13

Voters' feedback on ease of understanding and marking ballots

46

FIGURE 14

Voters' feedback on ease of voting

ACRONYMS

NFDN	National Federation of the Disabled, Nepal
DPO	Disabled People's Organization
ECN	Election Commission, Nepal
HoR	House of Representatives
ICCPR	International Covenant on Civil and Political Rights
ICFDH	International Classification of Functioning, Disability and Health
ID	Identity Document
IFES	International Foundation for Electoral Systems
PA	Provincial Assembly (or Provincial Assemblies)
SPSS	Statistical Package for the Social Sciences
CRPD	United Nations Convention on the Rights of Persons with Disabilities
USAID	United States Agency for International Development
WHO	World Health Organization

1 DEFINITIONS

Access

People who experience disability have equal rights to access the physical environment, information, communication and services, employment and right to a meaningful and adequate participation as citizens.

Accessible

Accessible refers to the design of products, devices, services, systems or environments which are usable, user-friendly and accessible for all, including for persons with disabilities.

Accessible Format

Accessible format refers to print, audio or visual information that is accessible to persons with disabilities. For example, print, audio, braille, pictures, easy to read version, video with sign language, information in sign language, information in large font with color contrast etc.

Auditory Disability

Not being able to distinguish voice, place of rising and following tone, and amount and quality of voice due to structure of hearing organs. It has two sub categories a) Deaf b) Hard of Hearing.

Braille

A writing system comprised of raised dots used by people who have total blindness or low vision.

Disabled Persons’ Organizations

Non-government organizations registered according to the Institutional Enrollment Act, 2034 B.S., and run by persons with disabilities.

Election Commission, Nepal

Election Commission, Nepal is a Constitutional body referred to in Article 245 of the Nepal Constitution which conducts, supervises, directs and controls elections subject to the Nepal Constitution and the federal laws.

Inclusion

Persons with disabilities are involved in all electoral activities on an equal basis with other citizens, including leadership positions, rather than just having accommodations that might segregate persons with disabilities from other citizens.

Intellectual Disability

A condition where a person is having difficulty in carrying out activities relative to his/her age or environment due to the not having intellectual development is regarded as intellectual disability.

Polling Location

A place (a school, a building or open public space) where one or more polling stations are located.

Polling Station

A specific area/room (or part of the room) of the polling location which is used for voting on Election Day. Also referred to as a polling center or a polling booth.

Persons with Disabilities

Persons with disabilities include those who have long-term physical, mental, intellectual or sensory impairments which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others.

Physical Disability

Physical disability is the problem that arises in the operation of physical organ, its use and movement in a person due to the results of the problems in nerves, muscles and structure and operation of bones and joints.

Psychosocial Disability

Due to the problems and awareness arising in the mind and mental parts that result into inability to behave in accordance with age and situation to perform intellectual functions such as orientation, alertness, memory, language, calculation is regarded as mental or psychosocial disability.

Visual Disability

a) Blindness: Cannot distinguish the fingers of hand by both eyes at a distance of 10 feet despite treatment inclusive of medication, surgery and use of spectacle or lens or cannot read the letters contained in the first line of Snellen chart (3/60).

b) Low vision: Cannot distinguish the fingers of hand by both eyes at a distance of 20 feet despite treatment inclusive of medication, surgery and use of spectacle or lens or cannot read the letters contained in the first line of Snellen chart (6/18).

Ramp

An inclined plane or series of planes without obstacles to provide access to floor levels of different heights in the external and internal parts of a facility.

Reasonable Accommodation

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.

2 EXECUTIVE SUMMARY

In 2017, Nepali people voted for three levels of law makers and governments: local, provincial and federal. These elections helped institutionalize the 2015 Constitution of Nepal which envisioned a federal system of governance and devolution of powers to the provincial as well as local governments. The three-phased local level elections were completed in September 2017, following which the simultaneous elections of the federal House of Representatives and Provincial Assemblies was conducted over two phases on November 26, and December 7, 2017.

With technical support from the International Foundation for Electoral Systems (IFES), and in consultation with the Election Commission Nepal (ECN), the National Federation of the Disabled, Nepal (NFDN) implemented an independent assessment of the accessibility of the House of Representatives and Provincial Assembly elections for the persons with disabilities. IFES' support for the assessment was funded by the United States Agency for International Development (USAID).

The assessment included a review of the legal framework for these elections, and observation of access to voting for persons with disabilities at 154 polling stations and survey of 308 voters with disabilities in seven districts of as many provinces of Nepal. Whereas, the assessment of the legal framework was conducted centrally, the

sampling of districts and polling stations was based on geography, administrative status and number of voters. The observation was carried out using a standard disability access monitoring checklist developed and implemented internationally by IFES.

The legal assessment shows that the Constitution intends for the inclusion and participation of persons with disabilities in different state mechanisms, including the Federal Parliament and Provincial Assemblies. Furthermore, the Act Related to the Rights of Persons with Disabilities, 2017, protects the political rights of persons with disabilities, specifically, the right to be a candidate in an election and to cast a vote independently in a fear-free environment, with or without taking others' support. The Act also requires the Government of Nepal to ensure the access of persons with disabilities in the election process, and to make election-related materials usable and understandable for them. Article 29 of the United Nations Convention on the Rights of Persons with Disability (CRPD) ratified by Nepal in 2010, requires State parties to guarantee that persons with disabilities have political rights and the opportunity to enjoy them on an equal basis with others.

Despite the preceding legal guarantees, the only requirements for ensuring access to electoral processes for persons with disabilities defined in laws are for priority voting, assistance to vote by an immediate family member, and provision of accessible voting booths and ballot boxes. Some provisions of the Electoral Rolls Act, 2017, the House of Representatives Election Act, 2017 and the State Assembly Election Act, 2017, were not completely in line with the Constitution, and in breach of the CRPD. For example, Section 42 of the House of Representatives and State Assembly Election Act restricts the electoral rights of persons with intellectual and psychosocial disabilities (based on poorly defined criteria on their identification), and restricts their freedom to choose a voting assistant. The assessment also revealed that there are no specific requirements to provide electoral information and communication in formats that are accessible to persons with disabilities, no standards for accessibility of polling stations and materials, and no alternative methods of voting available to persons with disabilities.

The 109 observers assessed the polling stations on their accessibility for persons with different types of disabilities, and reported a relatively

low turnout of persons with disability¹. In terms of physical accessibility, they noted that the instructions of the Election Commission, Nepal (ECN) to locate polling stations at ground level were followed at 96% of the polling stations, parking areas led to an accessible entrance at 54.5% of stations, and paths to voting areas were obstacle-free at about 70% of polling stations. However, observers also noted that ramps were available at only 5% of stations while 30% of polling stations did not include sufficient space for wheelchair users. Overall, the polling stations were mostly accessible to persons with physical disabilities, but the same could not be said for persons with visual, auditory and intellectual disabilities.

The observers noted sufficient lighting at about 95% of the polling stations, but did not find braille, audio or tactile voting guides, and certainly no braille or tactile ballots or ballot templates to aid voters with visual disabilities. Despite the small size and large number of symbols on the ballot paper, the observers did not observe large scale ballots on display, or magnifying glasses being used at any of the polling stations. Similarly, the observers noted that they observed only about 15% of poll workers providing communication support to voters who were hard of hearing or deaf. There were sign language interpreters at about 10% of the polling stations (all commissioned by Disabled Peoples' Organizations - DPOs).

The observers also took note of the assistance available at polling stations, noting that only about 28% were equipped with help desks to support persons needing assistance, and only 19.5% of polling stations employed poll workers with disabilities. About 45% of polling stations reported to have trained poll workers, with an explanation of voting aids or accommodations observed only at 29% of polling stations. Voters with disabilities reported they could choose their assistant at 84.4% of polling stations visited. The observers noted that the secrecy of vote was compromised at about 7% of the polling stations due to voting booths being set up in open spaces or security personnel standing too close to the booths.

The final component of the assessment included a survey among voters with disabilities to ascertain their perceptions regarding the

¹ Based on 68% turnout of registered voters. Registered voters represent about 55% of voting-age population based the on 2011 census

accessibility of the electoral process, and collect their feedback on exercising their right to vote. 20% of voters with disabilities had positive recollections of the sensitivity of voter registration officials. Only 15% of respondents reported that they had access to electoral information from political parties or candidates, and only 23% reported that they had access to electoral information from the media. The elections had two first-past-the-post ballots and one composite proportional representation ballot containing between 170 and 175 election symbols. Despite this, 85% of respondents said they found it easy to understand the ballots, close to 90% found it easy to mark their choice, and a similar proportion reported knowing how to fold the ballots and insert them into the ballot boxes. However, 32.5% of respondents conceded that they found it difficult to identify symbols on the ballot. Similarly, nearly all of the respondents said they had sufficient time to vote, with two-thirds of respondents sharing that they experienced difficulties such as lack of accessibility for visual disabilities (difficult to identify symbols on the ballot, lack of tactile or braille solutions), for wheelchair users (inadequate space, ballot marking tables too high), and for auditory disabilities (lack of sign language interpreters/instructions).

In conclusion, the 2017 House of Representatives and Provincial Assembly elections were not fully accessible for persons with disabilities. NFDN therefore recommends the following:

1. The electoral laws should guarantee representation of persons with disabilities in elected positions.
2. The legal framework should be amended to ensure persons with disabilities can exercise their right to lodge a complaint if there are barriers to the electoral process.
3. The ECN procedure should define "immediate family member" broadly and limit the discretion of the polling officer to decide who can assist a voter.
4. Persons with intellectual or psychosocial disabilities, or any other person should never be denied the right to vote.
5. The ECN regulations and procedures should encourage persons with disabilities and marginalized groups to apply for election related positions and the ECN should ensure that at least one member of a polling station staff is a person with a disability.
6. The ECN should include, and Parliament must endorse, specific provisions in the laws and related procedures regarding polling

- station accessibility and accessible election materials, to meet Nepal's international obligations under the CRPD.
7. The ECN should implement an accessibility checklist for the organization of polling stations and provide for appropriate monitoring of polling stations to ensure the accessibility criteria are sufficiently met.
 8. The ECN must ensure that all election (and polling) staff are trained on accessibility and assistance to voters with disability.
 9. The ECN should provide appropriate training to voter educators, both on sensitiveness and reasonable accommodations for persons with disabilities.
 10. During registration the ECN should collect data on types of accommodation voters with disability may need in order to facilitate appropriate voter education and accommodations on Election Day.
 11. The ECN should ensure that its voter registration forms and database are collected and maintained in line with the definition and classification of disability adopted by Nepal government.
 12. The government and ECN should collaborate to improve both awareness and access to civic and voter registration processes through joint mobile camps and household registration visits; citizenship certificate being the prerequisite document for voter registration.
 13. The ECN should strictly uphold the Code of Conduct ban on derogatory remarks during campaign speeches.
 14. The ECN must shoulder the responsibility to orient all electoral stakeholders such as government ministers, political parties, federal and provincial lawmakers, election observers, civil society and DPOs to achieve accessible elections through promoting awareness and securing synergy in making elections disability friendly.
 15. The Federal Parliament should request the ECN to provide a report after every general election that provides a progress report on efforts to remove barriers to the electoral participation of persons with disabilities.

3 INTRODUCTION

Everyone has the right to take part in the government of their country, directly or through freely chosen representatives². Participation, inclusion and representation of persons with disabilities in political and public life is fundamental for an inclusive, healthy and resilient democracy. The United Nations Convention on the Rights of Persons with Disability (CRPD) of which Nepal is a State party further provides that the state parties shall guarantee to persons with disabilities political rights and the opportunity to enjoy them on an equal basis with others³. This includes making the electoral and voting procedures and materials accessible and appropriate for persons with disabilities, providing conducive environment to stand for elections, and guaranteeing that all citizens can exercise their right to vote independently, or through their freely chosen representative, among others. The Constitution of Nepal provides for the inclusion and participation of persons with disabilities in different state mechanisms, including the Federal Parliament and Provincial Assemblies “on the basis of the principle of proportional inclusion.”⁴ The Act Related to the Rights of Persons with Disabilities, 2017, specifically provides that persons with disabilities have the right to stand as candidates in elections, and to cast their vote independently or with assistance,

2 Article 21 of the Universal Declaration on Human Rights (UDHR)
3 Article 29 of the United Nations Convention on the Rights of Persons with Disabilities (CRPD)
4 Art. 42. Nepal Constitution



Picture 1: Voters with disabilities assisted by volunteers.

in a fear-free environment. In addition, electoral laws, policies and directives also provide for their fair participation in the electoral process. Despite these legal guarantees, persons with disabilities face numerous barriers and discriminations when taking part in the electoral process. Improving physical accessibility and providing for reasonable accommodations are key to ensuring the equal rights for persons with disabilities in Nepal.

In 2013-2014, NFDN collaborated with the International Foundation for Electoral Systems (IFES) to implement a two-year program funded by the United States Agency for International Development (USAID). The program began with an independent monitoring of the 2013 Constituent Assembly elections from a disability access perspective, and progressed towards engaging inclusive local groups in advocating for the inclusion of persons with disabilities in social, cultural, economic, political and electoral processes. The latter part of the program enabled the inclusion of many persons with disabilities in formal and informal local organizations and government bodies, often in decision-making positions. The monitoring mission provided NFDN with the ability to conduct evidence-based advocacy with a variety of stakeholders, including during the Constitution drafting process. The 2013 mission observed the election across 125 polling locations of 17 districts. The mission concluded that the access of persons with disabilities was very low, and that persons with severe disabilities faced a variety of attitudinal, communication and physical barriers. Other conclusions included that voter education materials were not accessible for persons with visual impairment, persons who are deaf, and persons with intellectual disabilities; polling stations were mostly inaccessible for

those using wheelchairs and crutches; and mobility problems were compounded by the inability to use vehicles on election day, despite the election authority permitting the use of vehicles to bring persons with disability, senior citizens and pregnant women to the polling stations.

Despite these efforts, when the next major elections were implemented in the spring of 2017, many voters with disabilities still complained of not being allowed to cast their vote independently. Persons with visual disabilities were not able to freely choose their voting assistant due to provisions permitting only a family member or the polling officer to provide such assistance (Section 42, HoR and PA Election Act). In addition, there was a lack of accessible voter education for deaf voters, who also noted barriers to communication with election officials on Election Day. Furthermore, many persons with intellectual disabilities were deprived of their right to vote due to restrictions in the law (Section 42, HoR and PA Election Act). Many national and international organizations have observed elections in Nepal. These missions are generally implemented to ensure that the international standards of elections are met, in addition to observing relative participation from the perspective of geography, gender, caste and ethnicity. These missions however have not fully incorporated the issues of voters with disabilities, and rarely discuss the barriers to their meaningful participation and access.

NFDN, therefore, undertook this disability access monitoring mission with the goal of assessing the 2017 House of Representatives (HoR) and Province Assembly (PA) elections, held across two phases on November 26 and December 7, from the perspective of inclusion and participation of persons with disabilities. With funding from USAID, in technical collaboration with IFES and in consultation with the Election Commission, Nepal (ECN), NFDN carried out the observation mission in 154 polling stations⁵ (at 109 polling locations) across seven districts (one per province). The immediate objective of the mission was to assess the accessibility of the 2017 HoR and PA elections from a disability perspective, and disseminate the findings amongst relevant stakeholders. In the longer term, the findings are expected to contribute towards evidence-based advocacy and improve access of persons with disabilities in future elections.

⁵ A polling location may consist of more than one polling station. The sampling methodology is detailed in the Methodology section of this report.

4 STATISTICS OF DISABILITY IN NEPAL

The 2011 national census reported that 2% of Nepal's population live with a disability⁶. The World Disability Report, published by the World Health Organization (WHO) and the World Bank in 2011, claimed that 15% of the world's population live with different types of disability, with most of them living in developing and underdeveloped countries.

Disability rights activists, organizations and other relevant agencies are therefore not convinced of the data published in Nepal's 2011 census. The questionnaire recommended for identifying persons requiring accommodation, which was developed by the Washington Group⁷ and is a well-tested and trusted tool, was not utilized properly during the National Census, 2011. There are also differences between the definition and classification of disability adopted by the Nepal Government, and the WHO and World Bank. Given that the census enumerators were not trained specifically on documenting different types of disabilities, they likely counted only those with a disability ID or persons with disabilities who could be clearly identified as such. Furthermore, the census interviews are generally conducted with one member of each family. The practice of hiding or not exposing persons with disability by families, particularly in the case of intellectual and psychosocial disabilities, autism and severe multiple disabilities, may also have contributed to lower numbers being reported in the census.

6 The 2011 national census reported the total population of Nepal as 26,494,504; and that of persons with disability as 513,321 (1.94%).

7 https://www.cdc.gov/nchs/washington_group/wg_questions.htm

5 ASSESSMENT METHODOLOGY

The independent assessment of accessibility of the 2017 elections of federal House of Representatives and Provincial Assemblies for persons with disabilities consisted of the following:

- (1) Review of the electoral legal framework;
- (2) Observation of the voting process from a disability access perspective; and
- (3) Survey with voters with disabilities to assess their perceptions/experiences.

The review of the electoral legal framework was done centrally and based on international standards. NFDN and its partner Disabled Peoples' Organizations (DPOs) engaged in the observation mission and interviews, which were carried out across seven sample districts (one district per province). The following sections contain further details on the sampling and assessment methodology.



Picture 2: An observer interviews a voter with disability.

5.1 SELECTION OF DISTRICTS AND POLLING STATIONS

In consultation with the ECN and local DPOs, one district was selected from each province, considering a geographical balance of Mountain, Hill and Terai regions. Furthermore, based on administrative status (urban versus rural areas), the number of voters, and population density, altogether 154 polling stations were selected for observation. The polling stations were not selected based on a stratified sampling approach, as this would have made it difficult for observers with a disability to access the assigned stations. Consequently, observers were assigned to polling stations which were close to their place of living or voting.

Of the polling stations selected, the highest number were in Kailali district (55), and the lowest number in Sindhuli district (10).

PROVINCE	DISTRICT	GEOGRAPHICAL CHARACTERISTIC	NUMBER OF POLLING STATIONS
1	Sankhuwasabha	Hill	16
2	Saptari	Terai	22
3	Sindhuli	Hill	10
4	Parbat	Hill	20
5	Bardiya	Terai	19
6	Jumla	Mountain	12
7	Kailali	Terai	55
Total			154

Table 1: Districts and number of polling stations selected for observation

5.2 ASSESSMENT TOOLS

In addition to a review of the electoral legal framework, NFDN employed two tools on Election Day for this assessment: an Election Day observation checklist and a survey questionnaire. The Election Day monitoring checklist adapted by NFDN for the Nepal context in collaboration with IFES was used to take note of the situation and

environment of polling stations in terms of physical access, access to information, assistance services, and the knowledge, perceptions, behavior and response of polling staff towards voters with disabilities. The observers also used a separate short questionnaire to capture the perception and experience of voters with disabilities regarding their participation in the electoral process.

5.3 SELECTION AND TRAINING OF OBSERVERS

The observers were selected on the recommendation of member DPOs and related focal persons. Member DPOs or local disability rights activists in each of the selected districts were tasked with recommending the observers, as well as coordinating with local stakeholders. In addition to the criteria and rules set by the ECN for all observers, NFDN preferred the selection of persons with disabilities themselves, or parents of persons with intellectual disabilities while also considering the representation of women with disability and type of disability. Subsequently, a total of 109 observers were selected for the observation mission.

DISTRICT	NUMBER OF OBSERVERS	GENDER		TYPE OF DISABILITY				PARENT
		MEN	WOMEN	PHYSICAL	BLIND	LOW VISION	DEAF	
Sankhuwasabha	15	7	8	14	0	1	0	0
Saptari	22	13	9	19	0	0	1	2
Sindhuli	9	2	7	6	0	0	1	2
Parbat	12	9	3	10	1	0	1	0
Bardiya	18	11	7	13	2	1	0	2
Jumla	12	5	7	8	1	2	0	1
Kailali	21	9	12	16	4	1	0	0
Total	109	56	53	86	8	5	3	7

Table 2: Observers' disaggregation by district, sex and type of disability

After selecting the observers, IFES provided an intensive orientation to NFDN focal persons, NFDN implemented regional trainings in four locations (districts): Biratnagar (Morang), Hetauda (Makwanpur), Gulariya (Bardiya) and Dhangadhi (Kailali). These trainings were led by NFDN focal persons, and supported by IFES trainers. NFDN and DPO representatives who had participated in the central training of trainers,

and resource persons from respective district election offices were also mobilized as trainers in these trainings. The key contents delivered in these trainings were:

- Principles of election observation
- Need and importance of election observation from disability perspective
- Electoral legal provisions
- Election code of conduct
- Voting procedures including a mock poll
- Duties and responsibilities of observers
- Using the observation checklist
- Administering the voter survey questionnaire

SN	TRAINING VENUE	DISTRICTS COVERED	DATE OF TRAINING	NO. OF PARTICIPANTS
1	Biratnagar	Saptari and Sankhuwasabha	November 14-15, 2017	39
2	Hetauda	Sindhuli and Parbat	November 22-23, 2017	23
3	Gulariya	Jumla and Bardiya	November 18-19, 2017	30
4	Dhangadhi	Kailali	November 18-19, 2017	22
Total				114*

Table 3: Training date, venue and number of participants

* Trainees include 5 regional focal persons who did not engage in election-day monitoring.

5.4 DEPLOYMENT OF OBSERVERS

The 2017 HoR and PA elections were conducted over two phases; voting in the first phase took place on November 26 across 32 mountain and hill districts, and in the second phase on December 7 across the remaining 45 mid-hill and terai districts. Amongst the districts selected for the observation, Jumla and Sankhuwasabha had elections in the first phase, whereas Saptari, Sindhuli, Parbat, Bardiya and Kailali had elections in the second phase. NFDN mobilized 27 observers in the two first-phase election districts and 82 observers in the five second-phase election districts.

SN	DISTRICTS	NUMBER OF OBSERVERS DEPLOYED	NUMBER OF POLLING STATIONS
1	Sankhuwasabha	15	16
2	Saptari	22	22
3	Sindhuli	9	10
4	Parbat	12	20
5	Bardiya	18	19
6	Jumla	12	12
7	Kailali	21	55
Total		109	154

Table 4: Deployment of observers

5.5 SURVEY OF VOTERS WITH DISABILITIES

The observers interviewed 308 voters with disabilities on Election Day. These interviews were administered based on a previously tested survey questionnaire, and sought to assess voter perceptions of the accessibility of the entire electoral process including pre-election day aspects such as voter education and registration. Interviews were conducted with voters with disabilities who were observed voting, as well as other persons with disabilities who were known to have voted (even if the observers did not directly observe them voting), based on their willingness to participate in the interviews. Given the lower number of voters with disabilities at the polling stations, no sampling techniques were utilized, with the objective of collecting as many responses as possible.

5.6 DATA ENTRY AND ANALYSIS

NFDN and IFES jointly entered the data collected by observers from their observation and survey with voters into an SPSS database system. The entry of data was completed by January 10, 2018, following which the data was cleaned and analyzed with technical guidance from IFES.

5.7 LIMITATIONS

The assessment mission was implemented despite a constrained election timeline, thereby limiting the coverage of observation. Sampling of geographic regions to be covered was based on a balance of mountain, hill and terai regions, and seven provinces of the country. However, polling stations could not be assigned through stratified sampling techniques, and were instead selected based on proximity to observers with disability to ease their travel. Similarly, all voters with disabilities who agreed to respond were interviewed to acquire maximum data available. However, as a polling location may consist of more than one polling station, the observers could not observe or interview voters with disabilities visiting one or more polling stations at the same location simultaneously. Therefore, findings of the observation and survey are more indicative rather than representative.



Picture 3: Entry route at a polling center. The topography of Nepal's hill and mountainous districts present physical barriers to access.

REVIEW OF LEGAL 6 FRAMEWORK ON DISABILITY

6.1 INTERNATIONAL FRAMEWORK

Convention on the Rights of Persons with Disabilities

In May 2010, Nepal ratified the United Nations Convention on the Rights of Persons with Disabilities (CRPD) and its Optional Protocol, an international treaty that protects the rights of all persons with physical, auditory, psychosocial, visual and intellectual disabilities. Article 29 of the CRPD guarantees the right of all men and women with disabilities to fully participate in political and public life on an equal basis as others. This includes:

- Protecting the right to vote and the right to run for office for persons with disabilities;
- Ensuring that voting information is accessible and easy to understand;
- Supporting accessible facilities (such as polling stations and registration offices);
- Establishing inclusive policies and procedures;
- Creating accessible election materials (such as ballots and voting instructions);
- Providing additional assistance for persons with disabilities on Election Day if needed.

International Covenant on Civil and Political Rights

Nepal is also a party member of the International Covenant on Civil and Political Rights (ICCPR) since 1991 and of its Optional Protocol, which provides for the right of assembly (Art. 21), the right to take part in public affairs (Art. 25), the right to vote, and right to equality (Arts. 2 and 16). The UN Human Rights Committee addressed the rights of persons with disabilities in several General Comments, notably no. 25 relating to unreasonable restrictions to the right to vote for persons with physical disability and that voting assistance shall be provided to the persons who are disabled, blind or illiterate.⁸

Other regional instruments

Nepal has also committed to regional instruments that protect the political rights of persons with disabilities. While non-binding, these documents should be taken into consideration when developing rules or designing policies:

Colombo Resolution of the Forum of the Election Management Bodies of South Asia (October 1-2, 2015, 6th meeting of FEMBoSA):

- “Realizing the necessity of considering the suggestions presented to FEMBoSA with regard to Disability Inclusive Elections in South Asia to the degree of EMBs capacity.”
- “Recommend for Disability Inclusive elections in South Asia based on their 9 points submission, unanimously support the cause and resolved to prioritize and develop common minimum standards, some of which are already been taken up while others would require more time for consideration.”⁹

8 General Comment No. 8 of 1982; General Comment No. 19 of 1990; General Comment No. 20 of 1992; and General Comment No. 25 of 1996 on the right to take part in the conduct of public affairs, the right to vote and to be elected, and the right to equal access to public service (article 25).

9 http://www.ifes.org/sites/default/files/fembosa_colombo_resolution.pdf <http://www.ifes.org/news/south-asian-disability-rights-advocates-secure-key-advocacy-win>

6.2. REVIEW OF NEPAL’S CONSTITUTION AND LAWS

In addition to analyzing Nepal’s international and regional legal commitments, the legal review included an assessment of the Constitution of Nepal, Nepal’s electoral legal framework, and Nepal’s laws related to persons with disabilities. All provisions reviewed are attached to this report (see Annex 1).

Candidacy

The Constitution of Nepal has specifically included persons with disabilities among its citizens afforded the right to equality (Art. 18), social justice (Art. 42), and accessible transportation (Art. 51). The Act related to the Rights of Persons with Disabilities, 2017 goes further to state that all persons with disabilities have the equal right to be a candidate in an election (s. 11). The Constitution also includes provisions that intend to ensure the representation and participation of persons with disabilities in different state mechanisms. For the House of Representatives and Provincial Assemblies, the Constitution states that political parties should include persons with disabilities in their candidate lists (Art. 84 and 176) while the language pertaining to the National Assembly specifically reserves seven seats (one from each state) for persons with disabilities or minorities (Art. 86). However, the House of Representatives Election Act, 2017 and the State Assembly Election Act, 2017 do not go so far as to require that persons with disabilities be included in either body as the legislation does for other minority groups. While a case was filed in the Supreme Court to challenge this inconsistency between the election acts and the Constitution, the case has not been resolved.

Voting with Assistance

The Act related to the Rights of Persons with Disabilities, 2017 ensures voting rights by providing that all persons with disabilities have the equal right to cast their vote independently in a fear-free environment

with or without taking support from others (s. 11). This principle is echoed in the House of Representatives Election Act, 2017 and the State Assembly Election Act, 2017, which provide for appropriate assistance for persons with disabilities to vote (s. 28, 41, 42, and 60). However, both election acts limit assistance for voters with disabilities to immediate family members and polling officers (s. 42), which is not in line with international best practice or Nepal's commitments in international agreements. The CRPD states that voters should be able to receive assistance from a person of their choice to guarantee the "free expression of the will of persons with disabilities as electors" (Art 29). On the contrary, Nepal's current election laws leave the secrecy of ballots cast by voters needing assistance at the discretion of a family member or polling officer.

Accessible Materials and Infrastructure

The Act related to the Rights of Persons with Disabilities, 2017 (s. 2) requires that the government take appropriate measures to ensure the access of persons with disabilities in the election process, and make election-related materials usable and understandable for them. The Accessible Physical Structure and Communication Service Directive for People with Disabilities, 2013 even gives specific instructions for how public buildings, information communications, and other public infrastructure should be made accessible. However, neither of these legal instruments are clearly supported in Nepal's election laws. There are no specific requirements to provide civic and electoral information in formats that are accessible to persons with disabilities, no standards for accessibility of polling stations and materials, and no alternative methods of voting available to persons with disabilities who cannot access the polling station. The only requirement for disability access to electoral processes defined in the law are for priority voting and assistance to vote by an immediate family member. In a positive reform for the 2017 election cycle, the House of Representative and State Assembly Election Directives do encourage polling officers to consider the accessibility of their polling station. Both directives require voting booths and ballot boxes to be placed within reach of voters with short height or disabilities, and the elderly (Ch. 9). The ECN's five-year Strategic Plan (2015-2019) also set progressive targets of making 1,000 accessible polling locations and 100,000 braille script ballot papers per election but this has not been achieved to date.

Non-discrimination

The Constitution of Nepal provides for equal rights and non-discrimination, including persons with disability, gender and minorities (Art. 18). However, Nepal's electoral laws do not sufficiently ensure that suffrage rights are exercised in a non-discriminatory manner based on equal treatment before the law. The Electoral Rolls Act, 2017, restricts the right to vote for persons with intellectual and psychosocial disabilities¹⁰, which is not in line with the CRPD. The House of Representatives Election Act, 2017 and the State Assembly Election Act also restrict the right to stand for persons "with unsound mind"¹¹, without further defining this term. "Unsound mind" is a vague justification for an objection, and this lack of precision could lead to discrimination; there are no details in these acts on how to prove that someone is of "unsound mind".

The review additionally found that the Election Offenses and Punishments Act, 2017 (section 22 and 23 on content of campaign speech) and the Electoral Code of Conduct prohibit derogatory remarks based on disability, thereby providing for non-discrimination against persons with disabilities during election campaigns.

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

11 Section 13 (j) in both Acts.

FINDINGS FROM ELECTION DAY OBSERVATION

7.1. VOTERS WITH DISABILITIES

A total of 271 voters with disabilities were observed casting their votes across the 154 polling stations visited. However, due to lack of official data, this number does not necessarily represent the proportion of voters with disabilities casting their vote in the election. Among these, the highest number of voters with disabilities were observed in Kailali district (88) of Province 7, and the lowest were observed in Sindhuli district (19) of Province 1. Almost half of these voters (48%) were women, of whom the highest number were observed in Kailali (42) and the lowest in Sindhuli (10) and Jumla (10).

District	Number of persons with disabilities who voted		Total
	Men	Women	
Sankhuwasabha	14	13	27
Saptari	22	19	41
Sindhuli	9	10	19
Parbat	20	20	40
Jumla	12	10	22
Bardiya	17	17	34
Kailali	46	42	88
Total	140	131	271

Table 5: Turnout of persons with disabilities (by district and gender)

7.2. POLLING LOCATION AND FACILITIES

Location of polling stations

The ECN instructed polling officers to set up polling stations on the ground floor to ensure physical accessibility for persons with disability, the elderly and other persons requiring such facilities. During the observation, 96% of polling stations were found established on the ground level. However, about 4% of the polling stations were not found to have complied with the ECN's instructions. One observer noted 80 stairs leading to a polling station (temple premises on a hill in Sindhuli district).

Were polling stations set up on the ground floor?
(n=154)

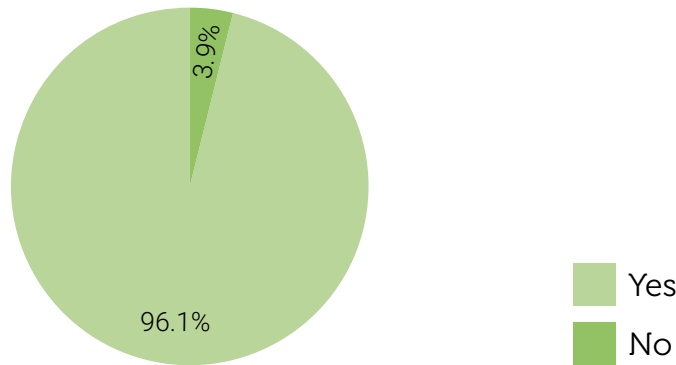


Figure 1: Location of polling stations at the ground level

Availability of ramps at the polling stations

Ramps are a type of basic infrastructure that can ensure accessibility for wheelchair users where there are stairs, small steps, or raised ground on the way to, or within, the polling station. The observation found that a majority (95%) of the polling stations were not equipped with ramps, contrary to the need. Only 5% of polling stations were equipped with ramps, thereby leading to difficulties for many persons with physical disabilities (including those using wheelchairs) as well as the elderly and pregnant women in entering and using the polling station.

Is there a ramp available for voters with disabilities?
(n=154)

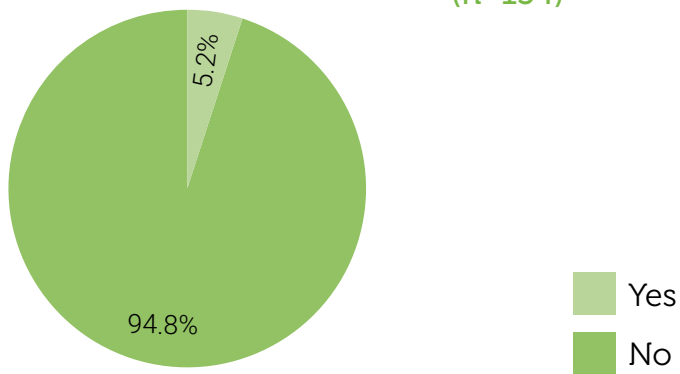


Figure 2: Availability of ramps at polling stations

Availability of parking area and related facilities

There were mixed responses from observers on the availability of parking areas and related facilities. Among the polling stations observed, 63% of polling stations were found to have appropriate drop off areas, and around 55% having a parking space close to an accessible entrance. Similarly, just over 66% were found to have an accessible route from the parking area to the entrance of buildings where polling station was set up, and around 70% having obstacle-free paths to the voting booths. However, in many polling stations, there were narrow, rough paths or roads, including many with winding uphill routes and narrow entrances. These presented challenges for persons with disabilities, elderly and pregnant women.

Availability of parking area and related facilities
(n=154)

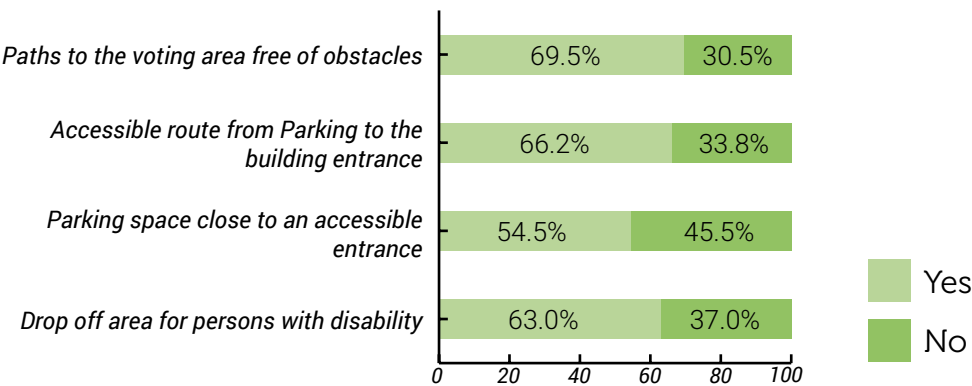


Figure 3: Availability of parking area and related facilities

7.3. POLL WORKERS WITH DISABILITIES

Persons with disabilities have the right to work as poll workers, and the presence of poll workers with disabilities can contribute to disability-friendly services at the polling stations. Employment as an election official, party agent or an observer provides confidence to persons with disabilities, as well as reinforces their image as active participants in the electoral process. However, poll workers with disabilities could be found only in a fifth of the polling stations observed.

Did you observe any poll workers with disabilities?
(n=154)

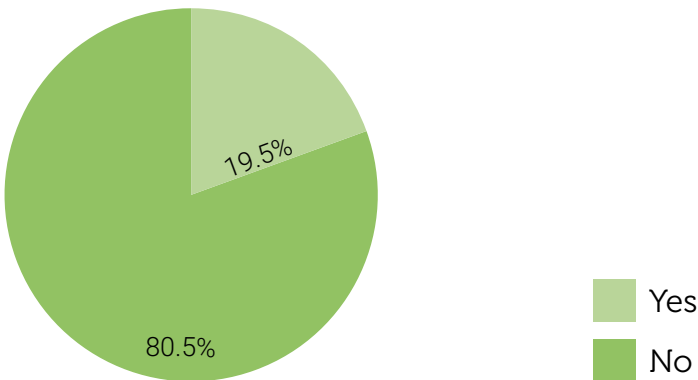


Figure 4: Presence of poll workers with disabilities at polling stations

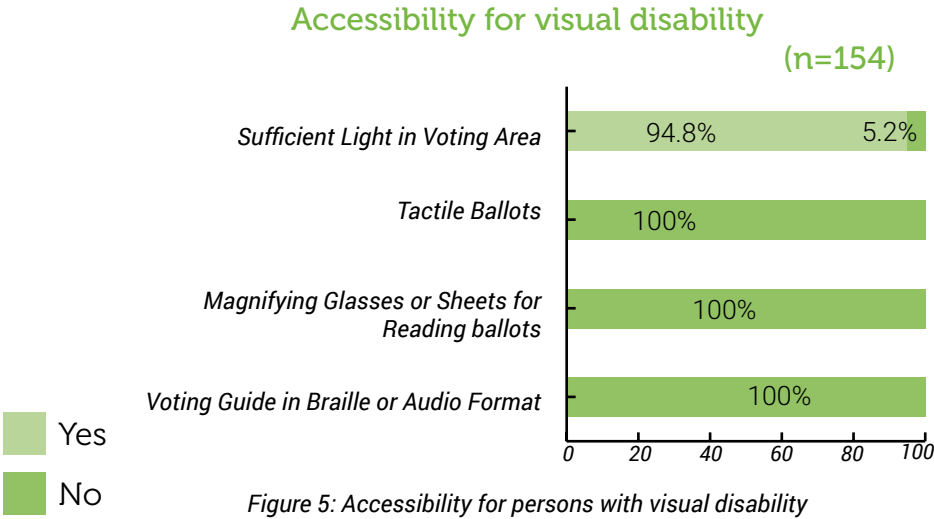
7.4. ELECTION ACCESS FOR PERSONS WITH DIFFERENT TYPES OF DISABILITIES

Using the standard checklist, observers noted accessibility features and reasonable accommodations for persons with different types of disabilities. The findings have been summarized below.

Election access for persons with visual disabilities

Voting can be made accessible for persons with visual disabilities through making available tactile and braille ballots or guides,

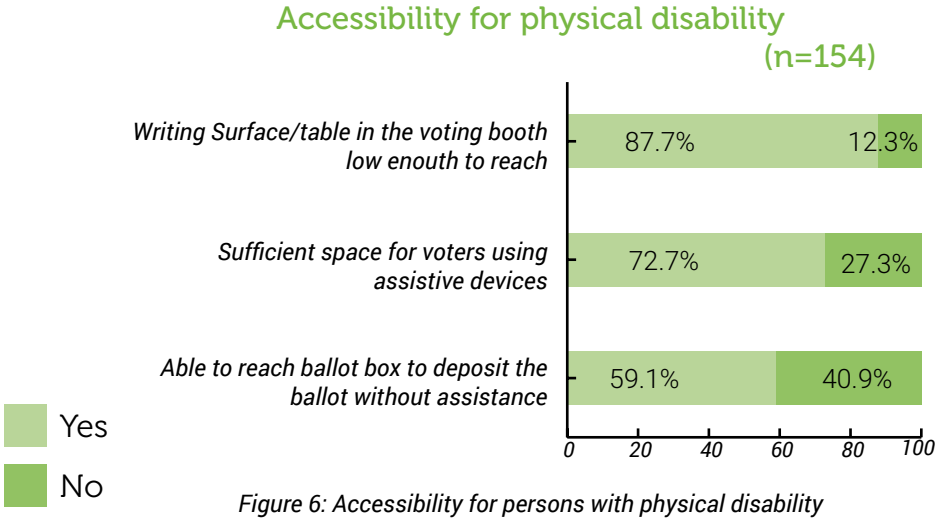
instructions in audio or large fonts, sufficient lighting and magnifying glasses among others. The observers noted sufficient lighting in the voting areas across most (95%) of the polling stations. However, observers didn't find the use of voting guide in braille or audio format, tactile ballot and magnifying glasses or sheets for reading ballots in any of the polling stations.



Election access for persons with physical disabilities

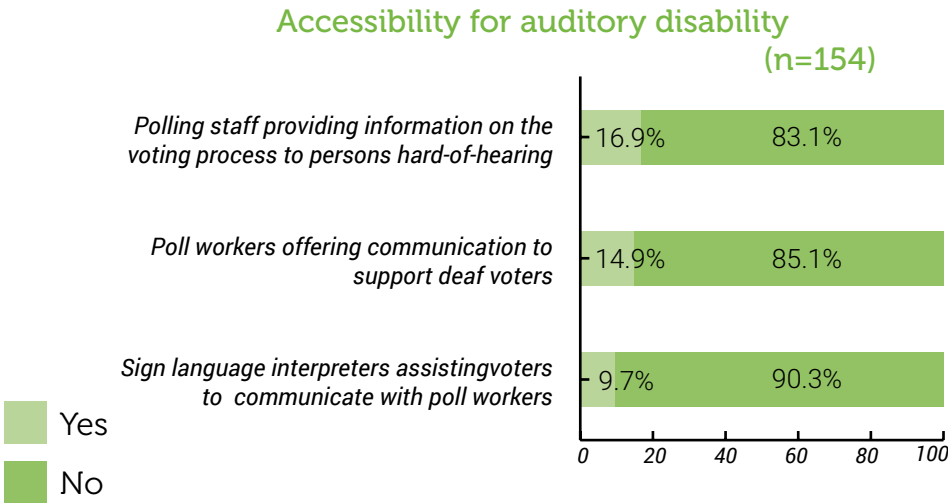
In addition to having a polling area at ground level without obstacles, physical accessibility also includes the availability of adequate space inside the polling station, and the setting up of ballot marking tables and ballot boxes at accessible heights. Wheelchair users also require ramps, adequate room to maneuver behind the ballot marking tables as well as enough room under them to park wheelchairs while voting. Across most (almost 88%) of the polling stations, the observers noted that the surface height of ballot marking tables were sufficiently low.

However, 27% of polling stations observed had insufficient space for those using assistive devices, mostly those using wheelchairs. Wheelchair users and little people could also find it difficult reaching ballot boxes independently, as observed in over 40% of the polling stations.



Election access for persons with auditory disabilities

For voters with auditory disabilities, voting can be made accessible by making instructions available in sign language where necessary; either through professional sign language interpreters, or polling staff who can communicate with voters with auditory disabilities. Apart from a few polling stations, deaf voters and voters who were hard of hearing were not provided such assistance to ensure their access to election or voting related information. Observers however noted local DPOs providing professional sign language interpreters to aid voters with auditory disabilities in about 10% of polling stations visited.



Election access for persons with intellectual and psychosocial disabilities, and autism

Persons with intellectual disabilities, psychosocial disabilities and autism¹² may require a quiet waiting area and sufficient time to vote, as well as patient support and instructions that use pictures to depict the voting process. Absence of such facilities can inhibit their access to information and disturb their state of mind, thereby hindering their ability to participate in the voting process. Observers noted that an appropriate waiting area was available in 35% of polling stations but did not observe pictorial guides or instructions on voting. In addition, the monitors made note in their checklists about the small size of letters and symbols on the ballot papers, conceding that such small letters and symbols were not accessible for persons with intellectual and psychosocial disabilities and autism.

Observers reported that they saw election officials refuse to allow persons with intellectual and psychosocial disabilities to vote in 9% of the polling stations. When asked why, observers noted this was due to a lack of civil and voter registration or person to assist the potential voter at the polling station. This indicates a lack of awareness on the importance of acquiring citizenship certificates and registering to vote, both among persons with such disabilities and their family members.

7.5. PROVISION OF ASSISTANCE FOR VOTING

Assistance available at polling stations

Some voters with disabilities may need assistance to participate in the voting process. Reasonable efforts to make voting accessible include ensuring the availability of trained assistance at polling stations, an explanation of voting tools and accommodations before voting, and the setting up of help desks to provide assistance. The observers noted that help desks to assist voters in need were available at only 28% of polling stations.

12 Autism Spectrum Disorder is a developmental disability that often results in communications, behavioral and emotional barriers.

The observers further noted poll workers actively assisting persons with disabilities at around 45% of the polling stations. However, observers did not find poll workers explaining voting tools and accommodations prior to voting at 70% of the polling stations.

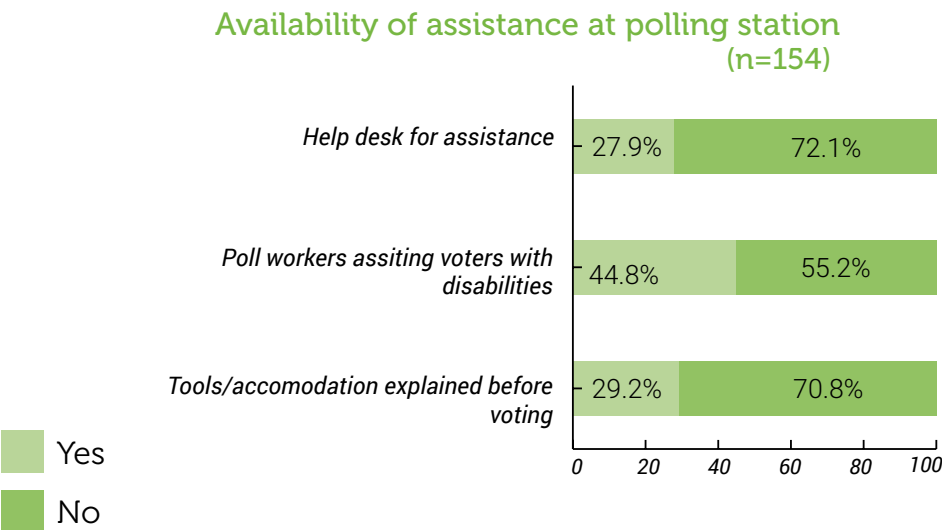


Figure 8: Availability of assistance at polling stations

Freedom to choose a voting assistant

The CRPD, to which Nepal is a signatory, specifically provides for the freedom to choose a voting assistant where necessary. In case of persons with visual, intellectual or psychosocial disabilities, accessible voting such as provision of tactile or braille ballots and the freedom to choose an assistant to help them cast their vote are reasonable accommodations to ensure equal participation. In Nepal, accessible voting machines, tactile and braille ballots have not been introduced to date. Thus, the only option for persons with visual, intellectual or psychosocial disability is to cast their vote with the support of a freely chosen representative. However, the electoral framework only permits persons with disability that need support to vote with assistance from either a family member of the same household or the polling officer.

In spite this law, observers noted that voters with disabilities could be assisted by the person of their choice at 84.4% of polling stations. Still, almost 16% of voters with a disability were not able to exercise such a right. The major reasons for not being able to exercise such rights

were due to unavailability of trained volunteers at the respective polling stations and polling officers lacking awareness on participation and needs of persons with disability.

Were voters with disabilities able to be assisted by a person of their choice?
(n=154)

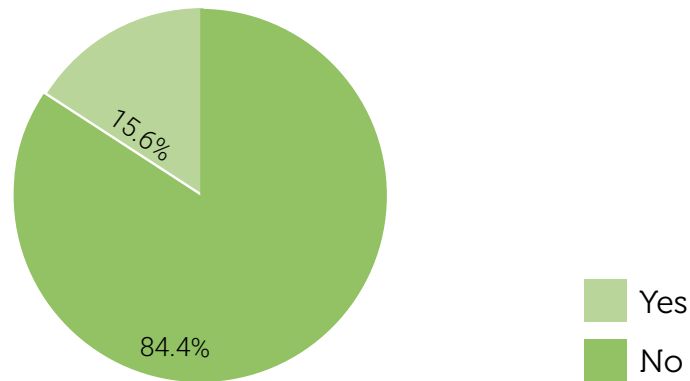


Figure 9: Freedom to choose a voting assistant

7.6. SECRECY OF THE VOTE

Casting a secret ballot is the fundamental right of each voter-enrolled citizen. The ECN has issued specific instructions to ensure an appropriate number of voting screens are installed to ensure secrecy of votes. The observers noted that voters with disabilities were able to cast their vote with adequate secrecy at nearly all (93%) of the polling stations.

However, the secrecy was compromised in some polling stations either due to voting screens having been set up in open spaces (visible from a distance or from an elevation in the vicinity), or due to security personnel standing too close to voting screens. It must also be noted in case of voters using an assistant that they did not choose voluntarily, the voting assistant may be regarded as a threat to the secrecy of their vote.

Do voting booths offer adequate secrecy of the vote?
(n=154)

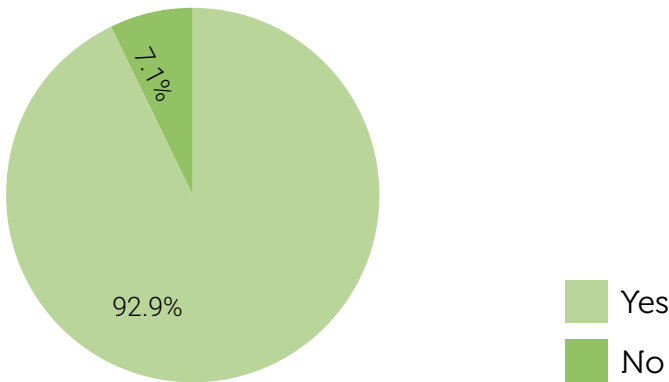


Figure 10: Secrecy of voting booths

FINDINGS FROM SURVEY OF 8 VOTERS WITH DISABILITIES

The final component of the assessment included a survey of voters with disabilities to ascertain their perceptions regarding the accessibility of the electoral process, and to collect their experience and feedback of voting in the 2017 House of Representatives and Provincial Assembly elections. As discussed, interviews were conducted with 308 voters with disabilities using a standard questionnaire, and based on voters' willingness to participate in the interviews. Key findings are presented in this section.

8.1. VOTERS' PERCEPTIONS ON ACCESS TO VOTER REGISTRATION

The ECN's voter registration form included space to mention certain types of disability (although not in line with the standard classifications adopted by the Government of Nepal). However, the final voter lists did not reflect data on disability, thereby making it difficult to ascertain the actual number of voters with disabilities, and the organization of reasonable accommodations on Election Day based on different types of disabilities. Therefore, the survey of voters with disabilities sought to assess whether respondents perceived the voter registration process to have been accessible.

Less than a fifth of voters with disabilities responded positively to questions about the voter registration officials asking about the type of their disability, and if they needed assistance during the process.

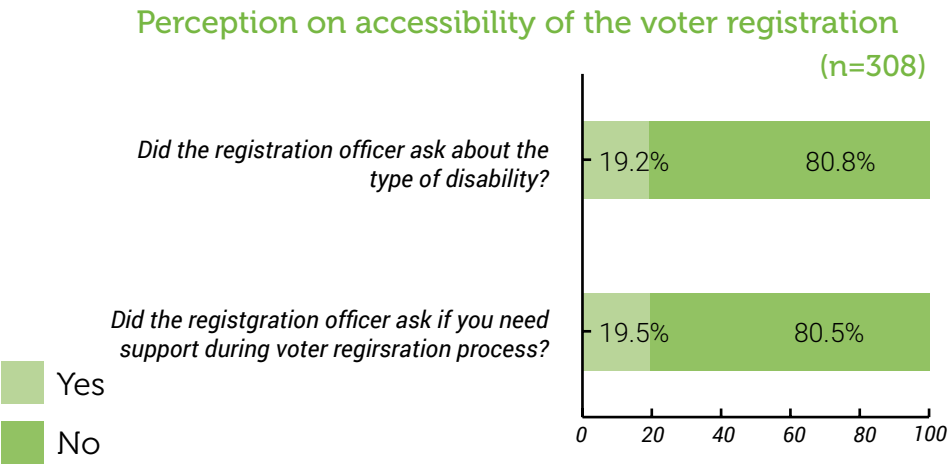


Figure 11: Perception on accessibility of the voter registration process

8.2. AVAILABILITY OF ELECTORAL INFORMATION FOR PERSONS WITH DISABILITIES

The ECN did produce information about the elections with the objective of motivating the electoral participation of persons with disabilities. These materials, such as posters, Frequently Asked Questions booklet and some educational videos depicted persons with disabilities participating in the election. These were however not produced in formats accessible for persons with disabilities.

IFES supported the ECN to develop a voter education video with subtitles and sign language targeting persons with auditory disabilities. The video was widely disseminated through the ECN's Facebook page, garnering over 324,000 views. IFES also supported the ECN to produce an animated video on marking ballots, which also included visual text based on the narration. The latter video formed a major part of many ECN voter education videos, and was widely disseminated through mass and social media. The ECN also added a sign language component to the video, in addition to featuring election related news in sign language on national public television (NTV).

NFDN also produced a radio public service announcement (PSA) encouraging persons with disabilities to vote and explaining the provisions for priority voting and assistance by family members. The PSA was broadcast through a national network of around 130 sub-national radio stations in the last two weeks leading to Election Day.

In this backdrop, respondents were asked if they could access electoral information from electoral education volunteers, political parties and the media. Whereas about 47% of the respondents had either heard of or attended an ECN voter education event, the status of accessible information was much lower. Only 15% of respondents shared that they found political parties or candidates providing electoral information that was accessible to them. Similarly, only 23% of respondents shared that they could access electoral information from the media.

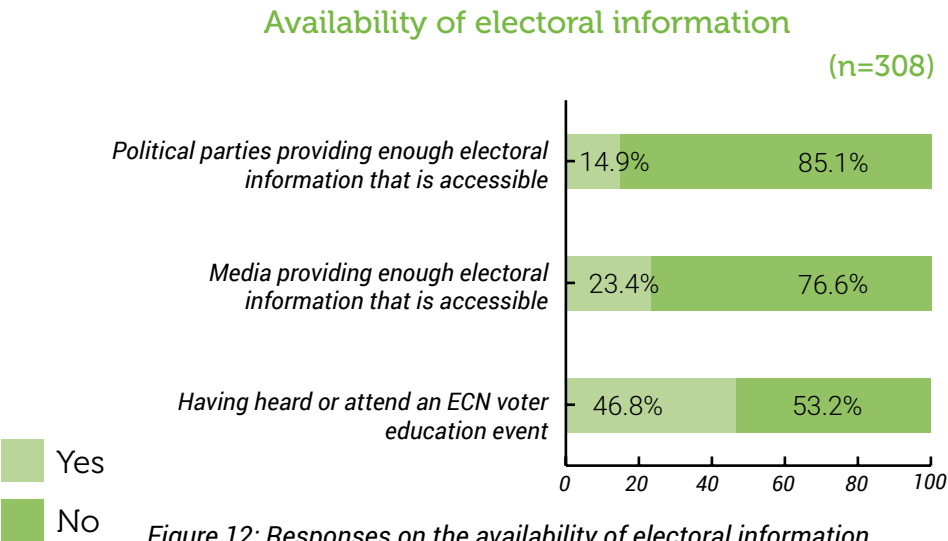


Figure 12: Responses on the availability of electoral information

8.3. VOTERS' FEEDBACK ON EASE OF UNDERSTANDING AND MARKING BALLOTS

The elections were implemented with two first-past-the-post ballots, one each for House of Representatives and Provincial Assembly elections and a composite proportional representation ballot for both elections. The composite ballot was very large in size, and contained 86 to 88 election symbols for the House of Representatives, and up to 87 symbols for the Provincial Assemblies. Combined with the limited time

for voter education, there was an increased possibility of voters being confused with the ballots and how to mark the different types of ballots.

Despite this, 85% of respondents shared that they found the ballot was easy to understand, and 89% found it was easy to mark the ballots. Similarly, almost 90% of respondents shared that they knew how to fold the ballots and insert them into the respective ballot boxes. However, the ballots for these elections were much simpler than those the local elections conducted just six months prior and it is possible this answer reflects respondents' comparison to the local election ballot.

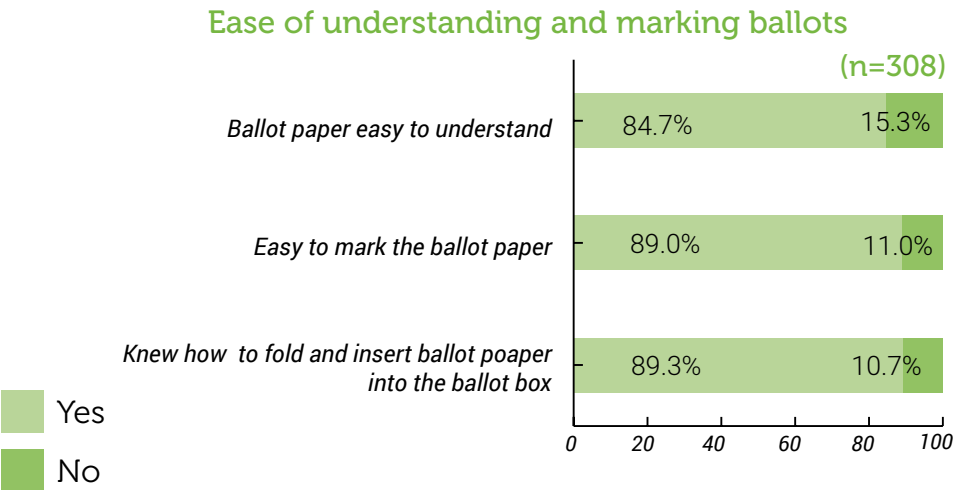
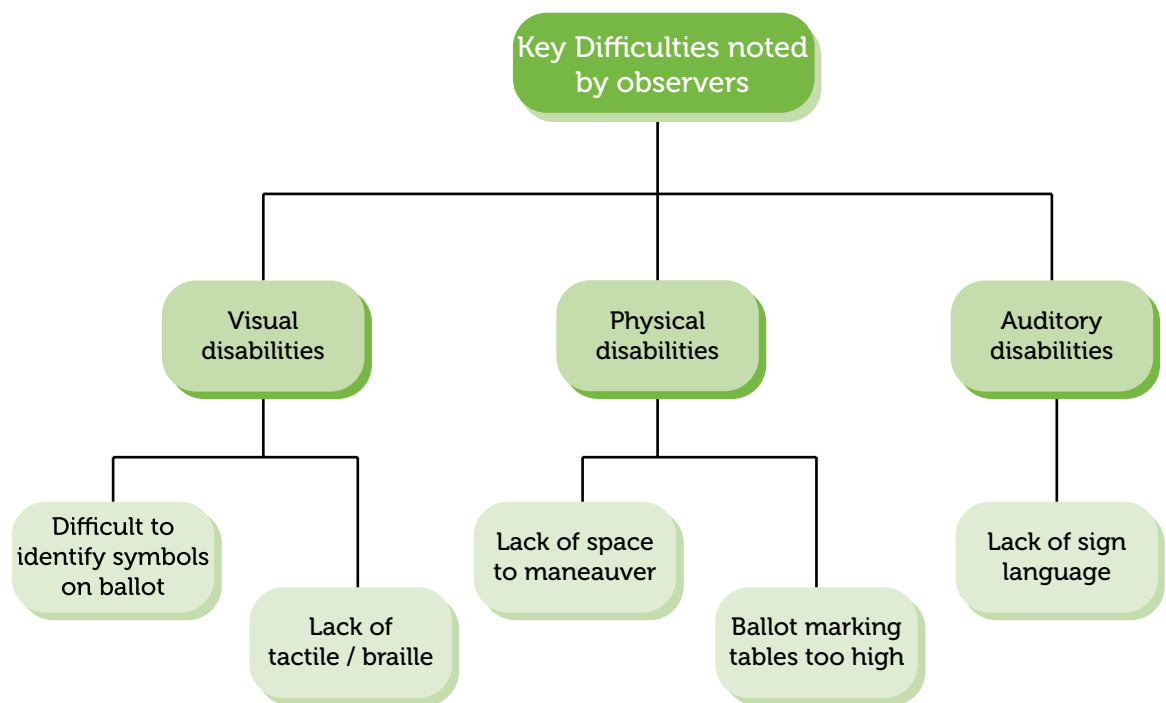


Figure 13: Voters' feedback on ease of understanding and marking ballots

8.4. VOTERS' FEEDBACK ON EASE OF VOTING

Voters with disabilities were asked if they were allowed sufficient time to vote, and if they encountered any difficulties at the voting booth. Most (93.8%) of the respondents shared that they were provided sufficient time to vote. However, despite being provided enough time, about two-third of total respondents shared having difficulties exercising their vote. Key difficulties noted by the observers include the lack of accessibility for visual disabilities (difficult to identify symbols on the ballot, lack of tactile or braille solutions), for wheelchair users (lack of adequate space, and the height of ballot marking tables) and for auditory disabilities (lack of sign language interpreters/instructions).



Respondents were also asked if the poll workers treated them with dignity and respect; about 86% responded positively about the behavior of poll workers towards them. Among the 14% who said the poll workers did not treat them with respect, the observers took note of issues such as the poll workers being busy with their tasks, poll workers not aware of the special needs of persons with disabilities, and unavailability of separate queue for persons with disabilities.

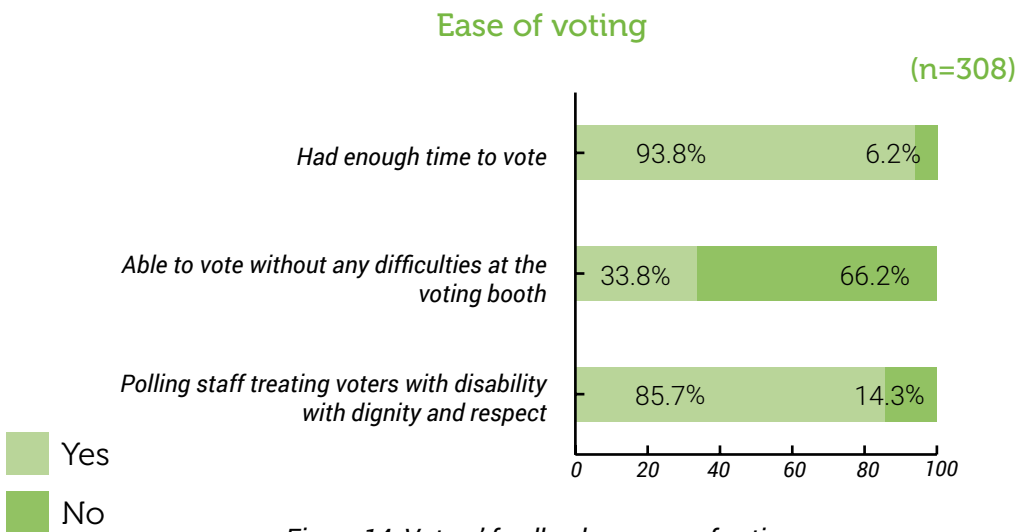


Figure 14: Voters' feedback on ease of voting

8.5. SUMMARY OF FEEDBACK ON MAKING ELECTIONS MORE ACCESSIBLE

One of the three ballots used in these elections was a large, composite ballot containing more election symbols than parties contesting the elections. Following both phases of the elections, media reports chronicled voters' complaints that it was difficult to locate the symbols on the larger ballot. There were no special ballots for persons with disabilities, and very rarely were assistive aids such as magnifying glasses or voting guides made available. The larger ballot populated with many smaller symbols would be difficult for persons with low vision, intellectual and psychosocial disabilities to understand and use.

This likely contributed to many voters with disabilities requiring voting assistants. In addition to this, and based on an open-ended question used during the interviews, the following list summarizes the feedback provided by voters with disabilities to make elections more accessible and inclusive:

Voter education:

- Voter education should be made more inclusive, including through development and dissemination of voter education products in accessible formats targeting all types of persons with disability.
- Voter education should target family members of persons with disabilities

Voter registration:

- The voter lists should contain disaggregated data on disability, which would allow the ECN to prepare appropriate accommodations prior to Election Day. The ECN should manage mobile voter registration for registration of persons with autism, intellectual disability or multiple disabilities.

Ballots:

- Ballots should have larger symbols and more space for voters to mark their choice. In addition, the instructions must also be available in larger fonts.
- The ECN should introduce braille or tactile solutions, either in the form of ballots, or as voting guides.

Polling infrastructure:

- Polling stations should be set up in suitable locations, specifically avoiding locations that require stairs or steep uphill climbs to access them.
- The policy allowing special Election Day transportation for persons with disabilities must be enforced to full effect.
- Roads leading to polling stations must be plain and without obstacles. Additionally, the entrance and paths to voting area must be sufficiently wide.
- Polling stations must be equipped with ramps and accessible toilets.
- Polling stations should be designed according to accessibility standards such as the height of voting booths and ballot boxes and sufficient lighting.

Polling staff:

- Polling staff and volunteers must be trained on disability access and sensitivity.
- It is recommended to assign specially trained staff or volunteers to aid persons with special needs, including professional sign language interpreter to support deaf voters.
- The ECN should recruit at least one poll worker with disability per polling station.

Stakeholders:

- Families of persons with disabilities must be more supportive towards their inclusion and access to political and electoral processes.
- Political parties and candidates must be more sensitive towards persons with disabilities, with disability access and inclusion made a top priority in their campaigns and operations.
- It must be made mandatory for the media to use disability-friendly language, and provide accessible information specially targeting persons with disabilities.

Other:

- The ECN should explore alternative voting methods such as electronic, advance, or mobile voting.

9 CONCLUSION AND RECOMMENDATIONS

Based on the review of the legal framework and the findings of the observation mission, NFDN concludes that the 2017 House of Representatives and Provincial Assembly elections were not adequately accessible for persons with disabilities. The legal framework is not fully compliant with the CRPD, which Nepal has ratified¹³, since it curtails a voter’s freedom to choose voting assistants and it denies the electoral rights of persons with intellectual disabilities. Similarly, there is room to provide for reasonable accommodation and accessible voting measures in the legal and regulatory devices while considering the prevalent geographical obstacles and available polling infrastructure. The 2017 observation and survey of voters, and the assessment of the legal framework, concludes that significant reforms to the electoral legal framework and election operation and management are necessary to ensure that persons with disabilities are able to exercise their political and electoral rights independently.

The following sections summarize NFDN’s recommendations to ensure persons with disabilities have an equal right and access to civic and electoral processes, as guaranteed by international law and the Constitution of Nepal.

13 While signatories have said that they approve in theory but are not committed to implementing all recommendations of the CRPD, Nepal has ratified the CRPD and is therefore obligated to fully implement it.

9.1. ELECTORAL LEGAL REFORM

The Constitution of Nepal and the Election Commission Act, 2017, empower the ECN to draft electoral laws, introduce electoral regulations and directives, and implement voter registration and elections of various levels. However, the government of Nepal must endorse the laws or reforms to laws drafted or proposed by the ECN. In this context, ensuring the accessibility to elections for persons with disabilities will require synergy among all stakeholders to implement the following recommendations:

Reforms to ensure appropriate representation

Nepal's electoral laws do not guarantee representation of persons with disabilities in elected positions. While the language in the Constitution implies persons with disabilities should be represented in Nepal's legislative bodies, the laws governing the House of Representatives and Provincial Assembly elections only require political parties to include persons with disabilities in the list of candidates under Proportional Representation system. The laws could be amended to ensure that some persons with disabilities are elected.

The laws and processes are similarly silent on including persons with disabilities as poll workers. The ECN regulation and procedure should provide that persons with disability and marginalized groups can apply for election related positions, and that the facilities and work environments are accessible.

Reforms to ensure appropriate representation

In line with the Act Related to the Rights of Persons with Disabilities, the ECN should include, and Parliament must endorse, specific provisions in the electoral framework regarding polling station accessibility and accessible election materials.

Polling should be conducted in public buildings, preferably schools which are close to a population center and offer security to voters. Where necessary, there should be additional directives for the construction of ramps in such buildings. Furthermore, the electoral regulations must require that polling stations are set up in line with accessibility criteria such as adequately wide entrance and exit which are free of obstacles, have accessible seating, sufficient lighting, accessible toilets and sanitation facilities, adequate space for wheelchairs to move freely within the polling station and parking space close to polling centers. The ECN should follow the principles of the CRPD and the Accessible Physical Structure and Communication Service Directive for People with Disabilities, 2013 while installing polling centers.

The related legal instruments must consider specifying that electoral materials meet certain accessibility standards. Examples of these include providing for accessible ballots (for instance, braille ballots or tactile ballot guides, or even ballots that have sufficiently large election symbols), specifications for accessible heights of ballot marking tables and ballot boxes, signs and voting guides in braille, audio and large fonts, among others and sign language interpreter at the polling station. NFDN encourages the ECN to explore and pilot accessible technologies which can make voting more accessible for all. Sections 42 of both the

Reforms to allow free choice of voting assistance

House of Representatives Election Act and the State Assembly Election Act provide for assisted voting for elderly or persons with disabilities if s/he is unable to exercise her/his right her/himself without assistance of others. However, assistance may be sought only from immediate family members and polling officers (PO), which is not in line with Nepal's international commitment and best practice of allowing voters to freely choose an assistant.

Ideally, the said provisions could be replaced with one that allows a voter with disability with a free choice of voting assistant, which would fully address the CRPD's provisions. However, at the very least, the existing procedure should be revised to define "immediate family member" broadly and limit the discretion of the polling officer to allow

a person to be assisted. Such a rule could read that s/he may deny access to the assisting person only if the polling officer has a strong reason to believe that the assisting person wishes to commit a violation. In case of denial of access, the polling officer shall issue a decision stating the reason for denying the right to be assisted. The procedure should require the ECN to ensure that a polling official is available at all times to assist voters with disabilities in case they do not have a choice of voting assistant. The procedure could also provide that no person other than the Polling Officer shall assist more than one or two voters.

Reforms to allow electoral participation of persons with intellectual and psychosocial disabilities

As discussed above, Nepal's electoral laws restrict the right to vote and run for office for persons with intellectual and psychosocial disability or "unsound mind", without further defining this term. These instruments do not contain a proper definition of this disability and should therefore explain how the criteria of "unsound mind" is established, in case an objection is filed (e.g. court's order, or medical certificates). As it stands now, "unsound mind" is a vague justification for an objection, and this lack of precision could lead to discrimination.

The ECN should consider existing laws pertaining to defining who is fit to participate in electoral processes. According to Nepal's Act related to the Rights of Persons with Disabilities, 2017, the determination of disability is made by doctors based on generally accepted principles of medicine. The Act also provides that an identification card be issued for persons with disability, which shows the level and severity of the disability. The electoral procedures could refer to these ID cards. "Unsound mind" is not defined by law, nor considered as a category of disability. However, it is important to note that such limitation, even if defined more precisely, is not in line with international standard from the CRPD that recommends avoiding any discrimination for persons with intellectual or psychosocial disabilities.

Reforms to other electoral processes

In addition to constitutional provisions, the Right to Information Act, 2007 requires all public entities to make available all relevant information to the citizens of Nepal. As discussed during the review of the electoral legal framework, there are no provisions on making electoral information available in formats accessible to persons with disabilities, which should be suitably reformed.

It was also noted that the ECN has made efforts to ensure non-discrimination during campaigns and other electoral events against persons with disabilities through the Election Offence and Punishments Act, 2017 and the Code of Conduct. These include restrictions on derogatory remarks during campaign speeches, which must however be enforced strictly. In addition, the legal framework should also be amended to ensure persons with disabilities can exercise their right to lodge a complaint (ideally through accessible forms) against barriers to access or discrimination against persons with disabilities in electoral processes, and that the ECN and other authorities are granted powers to impose sanctions and require remedial actions.

9.2. REFORMS TO VOTER REGISTRATION SYSTEM AND PROCESS

Maintaining data on disability

The availability of data on type of the accommodation needed for voters with disability would facilitate development of appropriate voter education materials and availability of accommodation on Election Day based on the needs of voters with various types of disability. Therefore, the ECN should ensure that its voter registration forms and database are populated and maintained in a way that would list appropriate accommodations needed per polling station. Should the government of Nepal begin collecting data on disability, the ECN would be able to review this data and pro-actively provide necessary accommodations. As previously mentioned, the standard for collecting such data should

be in line with the Washington Group questionnaire on disability¹⁴. Such new procedures should be initiated through training to relevant ECN staff on disability rights.

Accessibility of civic and voter registration processes

Many eligible persons with disabilities are excluded from civic registration due to lack of awareness, lack of support from family members and mobility problems. With the citizenship certificate being the prerequisite document in the voter registration process, it is highly likely that these eligible citizens are also excluded from the voter lists. Therefore, the government and ECN should collaborate to improve both awareness and access to civic and voter registration processes through means such as joint mobile camps and household visits.¹⁵

9.3. IMPROVEMENTS TO VOTER EDUCATION

Development of appropriate strategies and materials

As was noted during the survey among voters with disability, there was minimal information available in accessible formats and very few attempts to target voters with disability. Therefore, the ECN must include specific remedies in its voter education strategy that facilitate the development of suitable materials and contents for voter education, and appropriate implementation of such materials and events to ensure accessibility and participation of voters with disability.

Accessible materials could include those developed in audio, braille and large fonts (for persons with visual disabilities), sign language and pictures (for persons with auditory disabilities), pictorials and easy-to-read materials (for persons with intellectual disabilities and persons with autism), and materials that depict persons with disabilities in

14 https://www.cdc.gov/nchs/washington_group/wg_questions.htm
15 A precedent for this dates back to 2015, when a person with disability was enrolled in the voter list at his home in Kanchanpur district - an example of collaborative efforts by DPOs and the district election office.

powerful positions (such as elected leaders or officials). Examples of such materials include large size samples of ballot papers, sign language posters and videos, and voting guides in braille, large fonts and audio formats, among others.

Similarly, the implementation of voter education programs could be preceded by appropriate training to voter educators, both on sensitiveness and special needs of persons with disabilities. The effectiveness of voter education could be substantially improved through engaging DPOs and persons with disabilities in the implementation of targeted voter education programs. Any such program should be accompanied by monitoring from the ECN to ensure that the voter education activities are effective and implemented in an inclusive way.

9.4. ACCESSIBILITY IMPROVEMENTS TO THE POLLING PROCESS

Implementation of an accessibility checklist for polling stations

It is strongly recommended that the ECN implement an accessibility checklist for the organization of polling stations. Such checklists should ensure the following:

- Polling stations are set up in accessible areas free of obstacles;
- Permanent or temporary ramps are available where there are stairs leading to or within polling stations;
- There is sufficiently wide entrance, exit and space for persons with physical disabilities (including wheelchair users) to navigate through the polling station and access the voting booths and ballot boxes without assistance (specifying the height of ballot-marking tables and ballot boxes);
- There are signs (large fonts and pictorial) to guide voters with low vision or auditory disabilities;

- There are sufficient chairs for the elderly, pregnant women and persons with disabilities to wait for their turn, to complement priority voting provisions;
- There is sufficient lighting in the polling station, including in the voting booth which must ensure sufficient secrecy of the vote;
- Transportation to and from polling stations is provided to voters with disabilities including the elderly, pregnant women, and people with mobility problems; and
- There are accessible toilet and sanitation facilities in the polling station.

The ECN must additionally provide for appropriate monitoring of polling stations to ensure the accessibility criteria are sufficiently met. An example of accessibility checklist is attached at Annex 2.

Trained assistance and accessible voting aids

The ECN must ensure that all election and polling staff are trained on accessibility and assistance to voters with disability. The ECN could draw on the voter registration database to advise suitable accommodations during such trainings. Towards this end, the ECN must include revised contents in its training manuals and programs, as well as require specific training for staff (and volunteers) on aiding voters with different types of disability. For instance, voters with visual disabilities may require precise instructions such as “walk right or left, come forward or backward” instead of “over here, over there”. Similarly, voters with auditory disabilities may require constant eye contact and the use of signs and pictures. Wheelchair users may require the assistant to stand behind the wheelchair when going up a ramp. Examples of suitable assistance to voters with disability is included in the sample accessibility checklist (page 2) included at Annex 2.

The ECN should strongly consider having a helpdesk facility at each polling station where trained staff (or volunteers) can provide information to voters, including those with a disability. The availability of staff who are trained on using sign language at such helpdesks would be beneficial for persons with auditory disabilities.

Further to these, the ECN could also introduce voting aids such as audio, pictorial and large font voting guides, wheelchairs and tactile ballot guides at all polling stations. NFDN strongly recommends that the ECN pilot some of these voting aids; at the minimum, tactile ballot guides.

9.5. STAKEHOLDER ENGAGEMENT

Accessible elections may be achieved through promoting awareness among all electoral stakeholders and securing their synergy in making elections disability friendly. Key stakeholders include, apart from the ECN, the government of Nepal, political parties, federal and provincial lawmakers, election observers, civil society including media and DPOs. The ECN must shoulder the responsibility to orient all electoral stakeholders in this regard, so as to secure their commitment to the following:

Political Parties

- Political parties should orient their members and elected leaders on barriers to political and electoral participation of persons with disabilities, legal provisions, and actions that can lead to equal access for persons with disabilities. Where possible, parties must institutionalize consultations with DPOs to understand their special needs, and thereby facilitate relevant policies to address these needs. Such sensitivity and openness towards inclusion must be made central to election campaigns (including voter education or solicitation of votes), as well as other internal and external party decisions.
- In line with the principle of inclusion envisioned in Nepal’s Constitution, political parties must ensure that persons with disabilities are provided opportunities to be active participants in the political and electoral processes. Examples of these include opportunities in internal party structures and committees, as candidates in elections, and as party agents during elections.

- Political parties must shoulder the responsibility of making their party offices and environment disability friendly for both staff and visitors. These include infrastructural and access considerations, as well as sensitivity in dealing with staff and visitors with disabilities.
- Political parties in Nepal can also introduce sanctions for insensitivity towards disability issues. Such sanctions can complement legal and regulatory sanctions, and cover issues such as inappropriate or insensitive behavior or statements both during and beyond campaigns.

Federal, provincial, local governments and lawmakers

- Lawmakers, as people’s representatives, have exclusive and shared power to take decisions and develop laws that affect citizens in the local, provinces or the federation, including those with a disability. Therefore, it is imperative that these representatives understand the barriers to the realization of civic, political, electoral, cultural and economic rights of persons with disabilities. This is more pronounced in case of lawmakers who are part of committees to draft, discuss or endorse laws and regulations, as such understanding would enable them to consider disability friendliness and inclusion while taking decisions that affect the people.
- Lawmakers and executive governments also can promote inclusion through raising disability issues in the assemblies, parliament and ministries. Such initiatives are expected to lead to the revision of existing laws and practices to ensure equal access of persons with disabilities in the electoral process. This also includes their endorsement of accessibility features proposed by the ECN.
- The Federal Parliament should request the ECN to provide a report after every general election that provides a progress report on efforts to remove barriers to the electoral participation of persons with disabilities.

Federal, provincial, local governments and lawmakers

- Lawmakers, as people’s representatives, have exclusive and shared power to take decisions and develop laws that affect citizens in the local, provinces or the federation, including those with a disability. Therefore, it is imperative that these representatives understand the barriers to the realization of civic, political, electoral, cultural and economic rights of persons with disabilities. This is more pronounced in case of lawmakers who are part of committees to draft, discuss or endorse laws and regulations, as such understanding would enable them to consider disability friendliness and inclusion while taking decisions that affect the people.
- Lawmakers and executive governments also can promote inclusion through raising disability issues in the assemblies, parliament and ministries. Such initiatives are expected to lead to the revision of existing laws and practices to ensure equal access of persons with disabilities in the electoral process. This also includes their endorsement of accessibility features proposed by the ECN.
- The Federal Parliament should request the ECN to provide a report after every general election that provides a progress report on efforts to remove barriers to the electoral participation of persons with disabilities.

National and international election observers

- NFDN recommends that international and national organizations and individuals engaged in long- and short-term election observation review their approach, tools and techniques to encompass disability inclusion. Examples of some changes include inclusion of persons with disabilities as observers and the adoption of disability accessible observation approaches in addition to ensuring the observers also monitor and report on the access and participation of persons with disabilities in the political and electoral process.

- Towards this end, the organizations must also train its staff and observers on disability issues, accessible election process, legal provisions and disability inclusive observation tools.

Civil Society and Disabled Peoples’ Organizations

- Civil society, including DPOs, can play a significant role in ensuring the electoral process is disability inclusive. This includes complimenting ECN voter education efforts to ensure wider dissemination of electoral information, particularly targeting persons with disabilities. DPOs can additionally support the ECN to develop and disseminate essential information in formats accessible to persons with disabilities. CSOs and DPOs can also play an active role in ensuring access to important components of the entire electoral cycle, including voter registration, management of Election Day, and election reviews.
- Lastly, the civil society organizations and DPOs can engage with the relevant governments and ECN to improve disability access and inclusion. NFDN is hopeful that the data presented in this report will complement existing data on persons with disabilities and their issues, thereby enabling evidence-based advocacy on improving the access of persons with disabilities and their inclusion in Nepal’s political and electoral processes.

1
ANNEX

CONSTITUTIONAL AND LEGAL
PROVISIONS ON DISABILITY

NEPAL’S CONSTITUTION

Nepal’s Constitution, promulgated in September 2015, has made special provisions to ensure the representation and participation of persons with disabilities in different state mechanisms, including both houses of the federal parliament (the National Assembly and the House of Representatives) and the Provincial Assemblies. The provisions of the Constitution related to disability are described below:

Article 18;
Right to equality: (3) The State shall not discriminate citizens on grounds of origin, religion, race, caste, tribe, sex, economic condition, language, region, ideology or on similar other grounds; provided that nothing shall be deemed to prevent the making of special provisions by law for the protection, empowerment or development of the citizens including socially or culturally backward women, Dalit, indigenous people, indigenous nationalities, Madhesi, Tharu, Muslim, oppressed class, backward class, minorities, the marginalized, farmers, laborers, youths, children, senior citizens, gender and sexual minorities, persons with disabilities, persons in pregnancy, incapacitated or helpless, backward regions and indigent Khas Arya.

Article 42;

Right to social justice: (1) The socially backward women, Dalit, indigenous people, indigenous nationalities, Madhesi, Tharu, minorities, persons with disabilities, marginalized communities, Muslims, backward classes, gender and sexual minorities, youths, farmers, laborers, oppressed or citizens of backward regions and indigent Khas Arya shall have the right to participate in the State bodies on the basis of principle of inclusiveness.

Article 51;

Policies of the State: The State shall pursue the following policies:

- (h) Policies relating to basic needs of the citizens:
- (14) to enhance investment in the transportation sector, while ensuring simple, easy and equal access of the citizens to transportation facilities, and to make the transportation sector safe, systematic and friendly for persons with disabilities by encouraging public transportation and regulating private transportation, while according priority to environment-friendly technologies.

Article 84;

Composition of the House of Representatives: (2) The Federal law shall provide that, in fielding candidates by political parties for the election to the House of Representatives under the proportional election system, representation shall be ensured on the basis of a closed list also from women, Dalit, indigenous people, Khas Arya, Madhesi, Tharu, Muslims and backward regions, on the basis of population. In so fielding candidacy, regard shall also be had to geography and territorial balance.

(3) In fielding candidacy under clause (2), political parties shall also provide for the representation of persons with disabilities.

Article 176;

Composition of State Assemblies: (6) The Federal law shall provide that, in fielding candidates by political parties for the election to the State Assembly under the proportional representation election system, representation shall be ensured on the basis of a closed list also from women, Dalit, indigenous nationalities, Khas Arya, Madhesi, Tharu, Muslims, backward regions and minority communities, on the basis of population. In so fielding candidacy, regard shall also be had to geographical balance of the concerned State.

(7) In fielding candidacy under clause (6), political parties shall also provide for the representation of persons with disabilities.

Article 86;

Composition of the National Assembly and term of office of its members: (2) The National Assembly shall consist of fifty-nine members as follows:

- (a) fifty six members consisting of at least three women, one Dalit and one from persons with disabilities or minorities elected from each State by an electoral college composed of members of the State Assembly, chairpersons and vice-chairpersons of the Village Bodies, and Mayors and Deputy-Mayors of the Municipalities, with different weightage of vote by members of the State Assembly, chairpersons and vice chairpersons of the Village Bodies, and Mayors and Deputy-Mayors of the Municipalities, as provided for in the Federal law.

ACCESSIBLE PHYSICAL STRUCTURE AND COMMUNICATION SERVICE DIRECTIVE FOR PEOPLE WITH DISABILITIES, 2013

Following Nepal's ratification of the CRPD, the Government of Nepal passed this directive to guide the country's "full and effective participation" in the international agreement. The guideline outlines requirements for making many types of infrastructure such as roads, parking lots, and schools accessible. Given that polling stations are all located in schools and other public buildings, this legislation should have the force to ensure any new polling stations are constructed in line with the CRPD.

ACT RELATED TO THE RIGHTS OF PERSONS WITH DISABILITIES, 2017

Section 11. Right to Political Participation:

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

(2) The Government of Nepal shall make appropriate provision to the person with disability to access, understand and use the polling process, facilities and materials.

HOUSE OF REPRESENTATIVES ELECTION ACT, 2017

The Act provides for the inclusion of persons with disabilities in the closed list of candidates, and for appropriate assistance for their vote:

28. Closed list of candidates to be prepared: (6) While preparing the closed list of candidates, minority community and persons with disability shall also be included.

41. Admission to polling station: (1) The Polling Officer shall not allow other persons, except the following persons, to enter into the polling station:

(g) An immediate family member that accompanies a person with visual impairment or person with physical disability.

42. Disabled Voters: (1) If any voter is unable to vote by him/herself due to visual impairment or physical disability or due to any other reason, and requests permission for his/her immediate family member to accompany him/her and assist in the task of marking the vote or requests the Polling Officer to assist in the task of marking the vote, the Polling Officer on the basis of the proof of his/her identity card, can give permission to such immediate family member to enter the place of voting along with such voter or according to the wish of such voter may assist him/her in marking the vote.

60. Declaration of result of Proportional Representation Election System: (6) A party shall, while submitting the list pursuant to sub-section (5), send the name list having representation of Dalit, Adivasi Janajati (indigenous and tribal people), Khas Arya, Madhesi, Tharu and Muslim, in proportion to the population and number of seats secured by such party referred to in Annex-1 to the extent possible according to the serial number included in the closed list. Persons from backward areas and persons with disability shall also be included in such list to the extent possible.

STATE ASSEMBLY ELECTION ACT, 2017

The Act makes similar provisions for the representation and participation of persons with disability:

28. Closed list of candidates to be prepared: (6) While preparing the closed list of candidates, persons with disability shall also be included.

41. Admission to polling station: (1) The Polling Officer shall not allow other persons, except the following persons, to enter into the polling station:

(g) An immediate family member that accompanies a person with visual impairment or person with physical disability.

42. Disabled Voters: (1) If any voter is unable to vote by him/herself due to visual impairment or physical disability or due to any other reason and requests permission for his or her immediate family member to accompany him/her and assist in the task of marking the vote or requests the Polling Officer to assist in the task of marking the vote, and if the Polling Officer feels it right, on the basis of the proof of his or her identity card, can give permission to such immediate family member to enter the place of polling along with such voter or according to the wish of such voter may assist him/her in marking the vote.

60. Declaration of result of Proportional Representation Election System: (6) A party shall, while submitting list pursuant to sub-section (5), send the name list having representation of Dalit, Adivasi Janajati (indigenous and tribal people), Khas Arya, Madhesi, Tharu, Muslim, backward areas, minority community and persons with disability in proportion to the population and number of seats secured by such party, to the extent possible according to the serial number included in the closed list.

ECN Five Year Strategic Plan (2015-2019)

Goal 15: Electoral operations are made user friendly to both voters and electoral officers

- Activity 4: Prepare roster of returning officers, polling officers and assistant polling officers making sure that the different GESI segments are clearly identified.
- Activity 5: Establish Braille script in ballot papers (assumption: progressive target of 100,000 ballot papers per election)
- Activity 6: Assign at least one person per polling location to assist the voting of the person with disability through guidance to the polling center, help at marking in secrecy compartment and/or ballot box, etc.
- Activity 7: Set gradually disable-friendly access to polling locations (assumption: target 1,000 polling locations per elections)

2 ANNEX

SAMPLE CHECKLIST FOR ACCESSIBLE POLLING



Guide to Good Practices in Conducting Disability Friendly Polling

1. Construct Disability-friendly polling centers

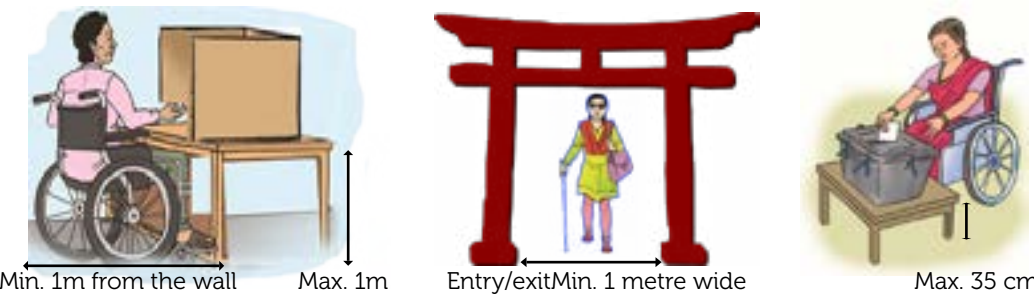
Polling centers must be constructed in plain locations.

Polling centers should not be built in places that are rocky, uphill/downhill, or requiring the use of stairs or ladders. As far as possible, it must be ensured that there are no holes or puddles, sewage drains or flowing water, or thick/long grass or bushes.



When constructing the polling center based on the Election Commission's guidelines,

- 1. Width of the entry and exit point of polling center/location must be at least 1 m.
- 2. Height of the table in the secret voting booth must be 90 cm to 1 m from the ground.
- 3. For voters' ease of movement, secret voting booth must be 1 m away from the wall.
- 4. Polling materials must be set up in a way that allows wheelchair users to move easily in the polling center. The table in the secret voting booth must be arranged so that the front leg space of the wheelchair enters under the table to make it easy for them to mark the ballot paper.
- 5. Ballot box must be kept at up to 35 cm from the ground.
- 6. No objects should be hung in the polling center to accidentally or in any other way hamper persons with visual disabilities.



In case such polling centers cannot be constructed, Polling Officer must assist voters with disabilities, illness, old age, pregnancy and mothers with newborns.

2. Provide assistance required by voters with disabilities

- Before helping the voter, ask if they would like assistance. Provide assistance only if voter says so. Even if a voter is accompanied by a helper or interpreter, speak directly to the voter in simple language.

- Polling Officer must inform voters with disabilities, illness and old age that s/he can be assisted by their family members who can accompany them to help mark the ballot. If the voter requests, the polling officer may help such voter in marking the ballot as per the choice of voter.
- Polling Officer should be aware and show objective behavior, keeping in mind that some voters might monitor his/her activity.

Remember the following points while interacting with voters with different types of disabilities:

Voter with Visual Disabilities may have low vision, difficulty seeing even when wearing glasses.

- Tap on the shoulder or hand of the voter and introduce yourself. In case voter requires help, let him/her know about your offer and ask for the kind of support required.
- Let the voter hold your right or left hand as per the comfort of the voter.
- When explaining about materials at the polling center, do not use "over here, over there, this, that" and instead be precise and clear. For instance, say "walk right or left, come forward or backward," etc.
- While assisting voter to sit on a chair, guide their hand to the back of the arm of the chair to help them find the space to lean or seat themselves.

Voter with Hearing Disability may have difficulty in hearing, even if using a hearing aid.

- To gain attention of a voter with hearing disability or hard of hearing, gently wave your hands or tap on their shoulder.
- Speak directly to the voter, maintaining eye contact, rather than speaking with their assistant, interpreter or family member. Speak slowly so that the voter can read your lips. Do not speak in unnecessarily loud voice.
- Use synonyms to explain unfamiliar or difficult words. Repeat if required.
- Facial expression and body language can be used for effective communication. If required, write or draw instructions, which might help voter to understand easily.

Voter with Physical Disability may have difficulty walking or climbing steps as other people. Voter may use a wheelchair, walking stick, crutch or other assistive device.

- Ask for assistance before providing help. If voter is unstable, let the voter hold your hands.
- Offer to help the voter up if the voter falls down, and ask how you may help.
- If speaking to a wheelchair user for more than a minute, sit in a chair so that you are at eye-level.
- Ensure the wheelchair is in backward position when going down a ramp. If the voter goes down independently, stand by at the end of the ramp.
- In an elevated area, help the wheelchair user to lift the front wheels either by stepping on the back of the wheelchair, or putting weight on the push handles. If the voter goes independently, stand behind the wheel chair.
- If the wheelchair user wants to sit in a chair independently, make sure the chair and wheelchair are close enough, and hold the chair steadily.
- When helping fold the wheelchair, ask the user about the right way to do it.
- Manage in a way that eases voters to cast the vote easily.

Voter with Psychosocial Disability may have a condition that affects cognition or behavior.

- Repeat the instruction slowly.
- Do not speak in loud voice, and respect the voter's personal space/thoughts.
- If possible, make arrangements to allow voting or waiting in a quieter area.

Voters with Intellectual disability may have limited ability to learn at an expected level and function in daily life.

- Maintain eye contact when speaking. Speak slowly (do not speak in loud voice).
- Use simple words to explain the voting process. If required, write or draw instructions.
- If possible, make arrangements to allow voting or waiting in a quieter area.

If the polling location/center could not be made accessible for voters with visual disabilities, assist as follows:

- Stop when you reach stairs or ladders. Describe whether the stairs will go up or down. Always stay one step ahead in the stairs. Stop again after reaching the top and inform about the end of stairs.
- Stop ahead of sewage, furrows or potholes if it is required to hop across. Cross the hurdle yourself first so that the voter may estimate the distance required to cross the hurdle.
- When walking in or out of narrow spaces or doorways with the voter holding your hand, place the hand the voter is holding to your back and walk ahead.