



Disability Inclusion Matters: Including Persons with Disabilities in the Promotion of Good Governance



1 POLITICAL PARTICIPATION OF PERSONS WITH DISABILITIES

PERSONS WITH DISABILITIES ARE OFTEN EXCLUDED FROM POLITICAL AND PUBLIC DECISION MAKING, AND THUS, FROM THE OPPORTUNITY TO INFLUENCE PROGRAMMES, LAWS AND POLICIES, WHICH SHAPE THEIR DAILY LIVES.

More than one billion people or about 15% of the world's population have a disability. About 80% of them live in developing countries. Yet, all too often, the needs of persons with disabilities are neglected in democratic and governance processes, and they face multiple barriers to political participation. These include, for example, a lack of social support, poor knowledge about persons with disabilities' needs and rights among duty-bearers, and stereotypes about their capacities to participate in decision-making.

The intersection of gender and disability, and associated disparities limit the participation of women with disabilities even more: A study in Cambodia found their political participation to be significantly lower compared to men with and women without disabilities.

(CDPO, Comfrel & HI (2010). Political Participation of Women with Disabilities in Cambodia. Cambodia: Phnom Penh)

Discriminatory constitutional or legal provisions may deprive persons with intellectual and mental disabilities of their legal capacity, and restrict their rights. Inaccessible processes and facilities (e.g. polling or meeting places), poor access to civic education, and the fact that persons with disabilities have less self-representing structures further limit their participation in public and political life. These barriers exclude persons with disabilities and their organisations from the opportunity to influence the development and implementation of laws, policies and services, which shape their daily lives and social inclusion. As a consequence, disability is largely left out of the political and development agenda and public planning. Including persons with disabilities in interventions to improve good governance is not only important in order to realise their political rights but also to leverage their rights in other areas such as health, justice, or education (e.g. through increased recognition in planning processes).

In the past nine years, the GIZ Sector Project 'Inclusion of Persons with Disabilities' has been supporting more than 30 programmes worldwide to include persons with disabilities in our efforts to improve good governance. This publication consolidates our lessons learnt and offers guidance and tools around how to address disability in governance programming. It is intended as a resource for development practitioners and a Community of Practice, in order to translate the commitment of the Federal Ministry for Economic Cooperation and Development (BMZ) to disability inclusion in the promotion of good governance into practice.



UNDERSTANDING DISABILITY

Disability results from the interaction between persons with impairments and attitudinal and environmental barriers that hinders their full and effective participation in society on an equal basis with others.

(UN Convention on the Rights of Persons with Disabilities, 2006)

2 FRAMEWORK FOR THE DISABILITY-INCLUSIVE PROMOTION OF GOOD GOVERNANCE

NUMEROUS INTERNATIONAL, REGIONAL AND NATIONAL INSTRUMENTS STIPULATE THE INCLUSION OF PERSONS WITH DISABILITIES IN THE PROMOTION OF GOOD GOVERNANCE.

INTERNATIONAL INSTRUMENTS

The UN Convention on the Rights of Persons with Disabilities (UN CRPD) has been instrumental in advancing disability as a human rights issue. Germany and most of its partner countries ratified the UN CRPD. The Convention highlights the importance of international cooperation to support its implementation: Article 32 obliges States Parties to ensure that their international cooperation is accessible for and inclusive of persons with disabilities. Several articles relate to governance and political participation: Article 12 on equal recognition before the law, Article 13 on access to justice, and Article 29 on the right to fully participate in political and public life, including voting, holding office, participating in NGOs and forming and joining DPOs. Article 4.3 requires close consultation and involvement of persons with disabilities and DPOs in the implementation of the Convention and decision-making processes that affect their lives.

The commitment of the 2030 Agenda to 'leave no one behind' underpins the importance of the inclusion of persons with disabilities in the development journey: The agenda and five out of 17 SDGs reference disability and persons with disabilities. SDG 16 addresses governance, inclusion, participation and rights. It links directly with the above articles of the UN CRPD, especially target 16.3 on equal access to justice for all, and target 16.7 on inclusive, participatory decision-making at all levels. While disability is not specifically mentioned in this goal, the global indicator framework requires the disaggregation of indicators, including those for SDG 16, by disability.

REGIONAL AND NATIONAL LAWS, ACTION PLANS AND STRATEGIES

Regional and national instruments support the implementation of the UN CRPD: At the regional level, the *Incheon Strategy to "Make the Right Real" for Persons with Disabilities in Asia and the Pacific* (Goal 2) and the *Protocol to the African Charter on Human and People's Rights on the Rights of Persons with Disabilities in Africa* (Articles 6 & 19) stipulate the participation of persons with disabilities in public life, political processes and decision-making and their equal recognition before the law.



Disabled People's Organisations (DPOs)

It is important to distinguish between organisations that work for persons with disabilities and organisations "of" persons with disabilities: The latter are governed, led by and comprise a majority of persons with disabilities, and thus are representative of persons with disabilities. They operate as individual organisations, coalitions, cross-disability or national, regional or international umbrella organisations.

Many partner countries have national commitments to the participation and non-discrimination of persons with disabilities: Disability laws, strategies or action plans may explicitly address their rights and the participation of persons with disabilities and DPOs in decision making.

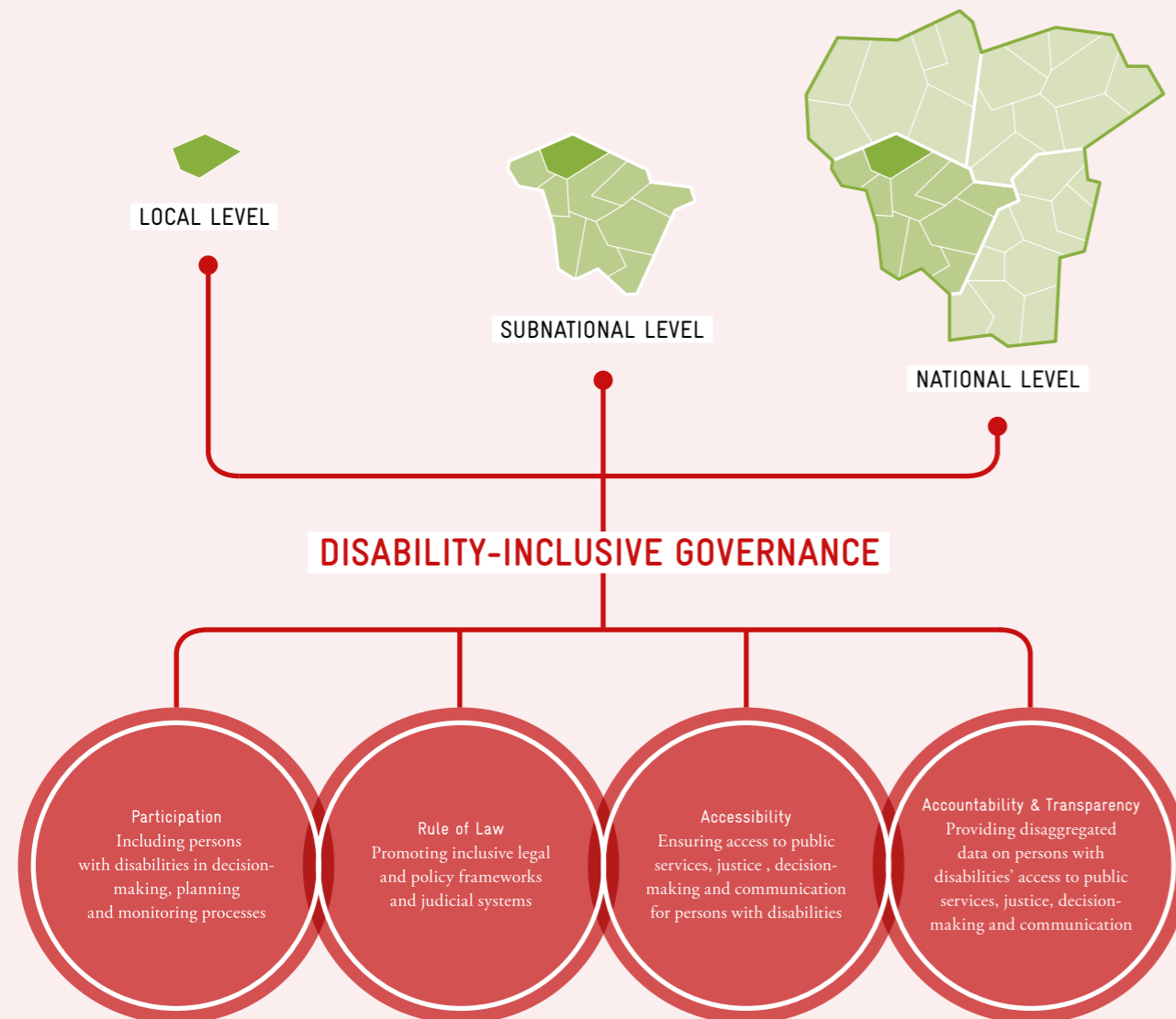
The inclusion of persons with disabilities is an important principle of the German development cooperation. The first Action Plan of the BMZ in 2013 is followed by a new cross-sectoral strategy for the inclusion of persons with disabilities in German development cooperation. In line with Article 32, it specifies the commitment to disability inclusion and related targets, as well as improved disability data. Further, there are overarching BMZ strategies and policy papers in the sector of good governance, which addresses the rights and needs of vulnerable groups³.

3

INCLUDING DISABILITY IN THE GOVERNANCE SECTOR: WHAT'S NEEDED?

THE GERMAN DEVELOPMENT COOPERATION OFFERS VALUABLE EXPERIENCES HOW TO INCLUDE PERSONS WITH DISABILITIES IN GOVERNANCE PROGRAMMING IN ORDER TO STRENGTHEN THEIR RIGHTS.

INCLUSION OF PERSONS WITH DISABILITIES IN GOVERNANCE PROGRAMMING: KEY AREAS OF ACTION



3.1. RULE OF LAW: PROMOTING INCLUSIVE LEGAL AND POLICY FRAMEWORKS AND JUDICIAL SYSTEMS

Inclusive legal and policy frameworks and judicial institutions are a vital prerequisite for persons with disabilities and DPOs to exercise their rights and participate in decision-making processes. It is therefore important to:

- **REMOVE LEGAL BARRIERS**
Assess domestic legislation's compliance with the UN CRPD. Encourage government institutions to abolish laws or constitutional provisions that deprive persons with disabilities of their political (e.g. the right to vote) and other rights. Support legal frameworks that promote the rights of all persons with disabilities and reduce discriminating legal practices.
- **BUILD DISABILITY AWARENESS AND INCLUSION SKILLS**
Include targeted activities to promote understanding of the rights and needs of persons with disabilities, and reasonable accommodation in public institutions and administration, judicial actors and political decision makers at all levels.
- **PROMOTE DISABILITY-INCLUSIVE REFORM PROCESSES**
Ensure that persons with disabilities and DPOs can contribute to law and policy-making and reform processes and are represented in strengthening justice systems (e.g. constitution making bodies, law commissions).



3.2. PARTICIPATION: INCLUDING PERSONS WITH DISABILITIES IN DECISION-MAKING, PLANNING AND MONITORING

The CRPD requests States Parties to actively involve persons with disabilities and DPOs. Their participation can help governments to respond more adequately to the needs of this target group and ensure that their interests are represented in decision-making processes. DPOs can also contribute to good governance by holding authorities accountable on issues that are relevant to them. It is therefore important to:

The national and international **CRPD monitoring mechanisms** offer effective instruments for the political participation of persons with disabilities and the monitoring of their political participation rights.

The Committee on the Rights of Persons with Disabilities is the **international Convention monitoring body** and reviews progress reports that states parties have to submit regularly. Complementary, the convention requires signatory states to establish or designate an independent national monitoring body to promote, protect and monitor the implementation of CRPD. The CRPD also secures the **participation of DPOs** in the monitoring process and their expertise is vital for the work of these mechanisms, for example through shadow reports.

- **EMPOWER PERSONS WITH DISABILITIES**
Offer training (e.g. on the UN CRPD and their rights, the electoral system, government structures) to increase their ability to participate in political and public processes. Consider groups that are particularly vulnerable to exclusion, such as persons with mental and intellectual disabilities when selecting your target groups.
- **STRENGTHEN DPOS**
Provide capacity building (incl. support in securing funds) to increase their political awareness and their ability to effectively engage in governance, decision-making and monitoring of the UN CRPD. This may require the adjustments of available tools for building the capacity of civil society organisations (e.g. capacity assessment tools).
- **WORK WITH DPOS**
Engage DPOs in all project phases (e.g. as partner, advisory or steering committee member) to understand how best to address relevant barriers for persons with disabilities in your programming.
- **PROMOTE ALLIANCES**
Governance programs often include support to CSO networks and coalitions. Include DPOs in these, foster cooperation among DPOs and involve other CSO actors in the field of democracy and governance in order to develop broader support for the disability movement.
- **SENSITISE POLITICAL STAKEHOLDERS**
Increase awareness among political decision-makers and planning authorities of the importance to engage with and include persons with disabilities and DPOs.

3.3. ACCOUNTABILITY & TRANSPARENCY: PROVIDING DISAGGREGATED DATA ON PERSONS WITH DISABILITIES' ACCESS TO PUBLIC SERVICES, JUSTICE, DECISION-MAKING AND COMMUNICATION

Data on the realisation of the rights of persons with disabilities provide the basis for evidence- and needs-based policy making. They are also the foundation for governments to report on or be held accountable for progress towards the inclusion of persons with disabilities. In order to address the current lack of data, it is important to:

- **PROMOTE DATA COLLECTION**
Encourage the collection and analysis of statistics and data on the participation and inclusion of persons with disabilities and related barriers (e.g. in surveys and research) for example by national statistics offices or other actors.
- **COLLECT DISABILITY-RELATED DATA**
Ensure that all data collected during your programme can be disaggregated by disability and relevant aspects, such as age, gender and type of disability (physical, mental, intellectual, visual, hearing, speech).
- **INCLUDE DISABILITY IN MONITORING AND ACCOUNTABILITY SYSTEMS**
Consider disability in mechanisms of monitoring and independent oversight (e.g. domestic human rights monitoring), complaints facilities, or the monitoring of policy implementation etc.

3.4. ACCESSIBILITY: ENSURING ACCESS TO PUBLIC SERVICES, JUSTICE, DECISION-MAKING AND COMMUNICATION FOR PERSONS WITH DISABILITIES

Accessibility is an important precondition for persons with disabilities to fully participate in all areas of political and public life. Guaranteeing non-discrimination in their right of political and social participation requires the provision of reasonable accommodation and other support measures:

- **IDENTIFY ENTRY POINTS**
Especially the local level offers vital opportunities for the inclusion of disability into planning and decision-making processes and programmes (e.g. local governance reform programmes, annual development or investment plans) and the participation of persons with disabilities. It provides proximity to a range of stakeholders to facilitate a collaborative and cross-cutting approach;
- **PROMOTE ACCESSIBLE INFORMATION & COMMUNICATION**
Support governments and administrations to provide information (e.g. websites, electoral materials and other civic education) in accessible formats. This involves for example materials in easy-to read formats, subtitles, Braille, audio descriptions, sign language interpretation, or the development of guidelines on how to produce accessible tools;
- **USE OR CREATE SYNERGIES**
Identify opportunities for cooperation between programmes within the GIZ Governance cluster (e.g. within GIZ's Governance Cluster) or other organisations and programmes in the governance field to support activities that increase person with disabilities' participation in planning and decision-making;
- **PROMOTE ACCESSIBLE FACILITIES AND PROCEDURES**
Support governments and administrations to ensure that relevant infrastructure and public services (e.g. public transport, public buildings, democratic institutions, polling stations) are accessible to all persons, including persons with disabilities.

INCLUSION CHECKLIST – WHERE TO START?!

DISABILITY INCLUSION MATTERS!

At GIZ, we are committed to develop approaches for the full participation of persons with disabilities. It is important for us to combine theory and practical experiences and share our lessons learnt.

Our experiences have shown that there is a wide range of measures to make development cooperation for supporting good governance inclusive of persons with disabilities. This checklist is a guide to start your own disability inclusion journey: It sensitises to the needs of persons with disabilities and draws attention to programmatic entry points for disability inclusion in your planning process.

ASSESSING PROGRESS OF INCLUSION IN GOVERNANCE AND RELATED NEEDS

-  **RULE OF LAW**
Which legal or policy instruments support the participation and inclusion of persons with disabilities and their representative organisations in the country? How effective are they?
Which legal restrictions on the rights of persons with disabilities exist in the country?
Which actors play a role in the realisation of the rights of persons with disabilities in the targeted sector or field of intervention (e.g. elections)? What is the level of their inclusion competences and what are related needs?
-  **ACCOUNTABILITY & TRANSPARENCY**
How disability-inclusive are monitoring mechanisms and systems in the public sector?
Does the government provide accessible information about the implementation of policies and laws for persons with disabilities? Are data and information on the situation of persons with disabilities available and utilised for monitoring and planning purposes?
If not, how can the disaggregation of data by disability be improved? Do DPOs and self-help groups of persons with disabilities have the capacity to demand accountability from the government?
-  **PARTICIPATION**
What is the actual level of political participation of persons with disabilities and DPOs (e.g. in local development processes)? What are key barriers and/or facilitators?
Which factors influence the political participation of persons with disabilities (e.g. type of disability, location, gender)? What is the role of DPOs in governance and democracy processes (e.g. policy development and monitoring, development planning, administrative or law reforms)?
-  **ACCESSIBILITY**
How accessible and responsive are democratic processes, public services and information as well as public facilities and justice for children, women and men with different disabilities? Which measures are taken to facilitate their accessibility for persons with different disabilities and how effective are they?

INCLUSION OF DISABILITY AND PERSONS WITH DISABILITIES IN YOUR INTERVENTIONS TO PROMOTE GOVERNANCE AND DEMOCRACY

-  Have we involved persons with disabilities and DPOs in the planning of our governance project or programme?
-  Have we identified the barriers persons with disabilities face in exercising their rights? Have we included activities to address or remove barriers for women and men with disabilities to accessing political and decision-making processes, justice, and public services and communication?
-  Have we included a disability budget line for measures to improve the accessibility of our activities for women and men with different types of disabilities?
-  Have we identified a DPO as a partner to support the inclusion of persons with disabilities in our intervention and the implementation of specific activities, such as disability awareness raising?
-  Have we ensured that all data collected during our intervention can be disaggregated by disability, and the age, gender and/or location of persons with disabilities?
-  Are measures and systems in place to follow up on the implementation of our commitment to disability inclusion in our intervention(s) (e.g. indicators)?
-  Do we have adequate capacities and resources on disability-inclusive practices in our team in order to apply it in our work and communication?
-  Are our project delivery sites and processes (e.g. meetings, facilities) accessible for women and men with different types of disabilities?

DISABILITY-INCLUSIVE LOCAL DEVELOPMENT: PROGRAMME SUPPORTING DECENTRALISATION AND MUNICIPAL DEVELOPMENT (PDDC V) IN BENIN (2017 – 2020)

The PDDC supports 25 municipalities to effectively carry out the tasks and services that have been transferred to them in the decentralisation process. A study on the situation of persons with disabilities during the PDDC III in 2013 laid the foundation for the programme's disability-inclusive approach. It identified a range of priority needs, including accessibility of communal infrastructure, inclusion of disability-related needs in local development plans, participation of persons with disabilities in local planning processes, capacity building for DPOs, political participation of persons with disabilities and their socioeconomic empowerment.

The design of training modules on disability rights and accessibility followed, as well as the dissemination of the study findings, and training of local authorities and DPOs. Fora brought together deconcentrated public services, DPOs and local authorities, and allowed DPOs to voice their needs in accessing public services. The impact of capacity building and the participation of persons with disabilities are reflected in recent annual investment plans that include a range of activities related to the inclusion of persons with disabilities:

- Capacity building for local platforms on disaster and wild-fire management, considering persons with disabilities;
- Inclusion of youth with disabilities in livelihood training (farming, gardening),
- Construction measures to ensure accessibility of communal infrastructure (e.g. market places, toilets),
- Distribution of assistive devices, such as wheel chairs,
- Establishment of municipal committees on the rights of persons with disabilities and other marginalised groups.

Starting out the inclusion journey with a study ensured a needs-based approach and offered advocacy material for disability-inclusive local development. Partnerships provided expertise and support to achieve inclusive practices: the disability organisation HI supported the implementation of trainings and offered relevant IEC tools. Seven partner NGOs provided capacity for community-based organisations, including DPOs, to participate in local decision making processes. With their support, DPOs in all 25 municipalities took action, including demanding accountability, evaluating municipal investment plans, visiting building sites and submitting alternative reports.

INCLUDING DISABILITY IN RULE OF LAW AND JUSTICE REFORM WORK: JUSTICE AND PRISON REFORM FOR PROMOTING HUMAN RIGHTS AND PREVENTING CORRUPTION IN BANGLADESH (2012 – 2021)

The project promoted access to justice through: 1) Provision of legal aid and other assistance to prisoners and justice seekers, especially underprivileged persons through paralegals, alternative dispute resolution and referral and rehabilitation services, and 2) evidence-based advice on justice reform priorities to the Ministry of Law, Justice and Parliamentary Affairs and the Ministry of Home Affairs. The current phase focuses on the institutionalisation of the introduced approaches and policy change for effective justice service delivery. The focus on vulnerable groups and recommendations of a 2011 study on the CRPD implementation in Bangladesh provided the basis for its disability-inclusive approach:

- The project successfully lobbied the inclusion of disability in the new draft Prison and Correctional Services Act, in line with international standards like the Nelson Mandela Rules and the Bangkok Rules;
- The training of paralegals includes awareness raising on the rights and needs of prisoners and justice seekers with disabilities;
- Restorative Justice (RJ) was introduced as alternative community-based dispute resolution mechanism. The 793 trainees for the RJ facilitator training included 3 women and 7 men with disabilities. Concerned persons with disabilities can also choose time and location of their dispute resolution session;
- In district case coordination committees (CCCs), relevant stakeholders from the criminal justice system identify local solutions in order to process cases faster. CCC members were made aware of the rights and needs of persons with disabilities. As a result, they prioritise cases that involve persons with disabilities and provide them also with information about relevant benefits (e.g. disability card);
- The project monitors the number of persons with disabilities receiving paralegal services.

Involving DPOs and persons with disabilities in the design and implementation was crucial to learn about their needs and assist them in accessing justice. Including persons with disabilities as restorative justice facilitators proved particularly empowering as it improved their social status. Sensitising policy actors (e.g. CCCs, local governments) on disability rights was highly effective in changing their practices, which will promote equal opportunities and positive policy change.


CIVIL SOCIETY AS AGENT FOR INCLUSION: STRENGTHENING THE CIVIL SOCIETY PROGRAMME (CSP) IN PALESTINE (2016 – 2021)

The Civil Society Programme supports Palestinian civil society organisations (CSOs) to increase their effectiveness as governance actors. Based on the assessment of their development needs, CSP provides technical assistance in the areas of advocacy, organisational development, intra-civil society coordination, and state-civil society dialogue. The programme follows a two-pronged approach to strengthen the role of DPOs:

- Developing the capacities of DPOs to monitor the implementation of the UN CRPD;
- Developing the capacities of other CSOs and programmes of the German development cooperation to include disability into their activities.

CSP supported the establishment of a coalition of CSOs, DPOs and self-help groups to advocate for disability rights. A particular focus is to ensure the participation of persons with intellectual and psycho-social mental disabilities in the monitoring of the CRPD (e.g. through the production of an easy-to-read version of the convention in Arabic). A study tour of Palestinian DPOs to Germany to meet DPOs, disability activists and authorities offered space to learn from each other's monitoring work. CSP cooperates with GIZ's Local Governance Reform Programme (LGRP), to increase the participation of persons with disabilities in local planning and decision-making processes. As part of this cooperation, the two programmes provide capacity building to citizens and members of local government units on participatory planning and the inclusion of marginalised groups. On the other hand, CSP offers disability inclusion assessments, training and advisory services on the inclusion of persons with disabilities to other programmes of the German Development Cooperation. Furthermore, it supports the creation of synergies among other international organisations working in the field of disability inclusion in Palestine.

The experience highlights that local planning and reform processes as well as related tools and government structures (e.g. municipalities and village councils) offer vital space for the participation of persons with disabilities. Developing the inclusion capacities of other CSOs helps to develop greater support for and networking with DPOs. Mainstreaming inclusion within the GIZ portfolio and its partner network offers various opportunities to improve the overall inclusion of persons with disabilities.



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