



Promoting Inclusive Elections

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Note on the papers

These papers were written for and presented at EISA's 20th Anniversary symposium which took place on 20 and 21 October 2016. The theme of the symposium was: *Current Democratic Realities in Africa: Where Are We Headed beyond the Vote?* The symposium focused on the continent's democratic triumphs - those elements pulling States closer to democratic consolidation - while also acknowledging the democratic shortfalls - pushing African States backwards. In reviewing progress and challenges confronting the continent, the symposium provided a platform for democracy promotion stakeholders to examine current democratic realities in Africa and where the continent is headed on the current wave of democracy. The symposium covered a range of topics and provided a platform for democracy-promotion stakeholders to review the progress and challenges recorded at national and regional levels. The annual event also served as a lesson sharing and learning opportunity for democracy-promotion stakeholders as they deliberated on the development of shared culture of best democratic practices. The symposium proceedings are available at <http://eisa.org.za/pdf/symp2016cp.pdf>

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Introduction

By
AnaSofia Bizos

At issue within the political arena are the historically underrepresented people who make up the marginalised and the vulnerable. By the very nature of their status, such people are often precluded from political decision-making processes such as voting in elections or running as candidates, either because they lack the means to participate or because they are not given the opportunity to do so. Such people include women and persons living with disabilities (PLWDs), as well as diasporas, Internally Displaced Persons (IDPs) and refugees. Their meaningful participation may be understood as fundamentally necessary to a fully functioning democracy. Indeed, exclusion of such groups violates the sacrosanct principle of equal access and universal suffrage and undermines the legitimacy and effectiveness of democratic governments. This section aims to examine this issue and explore in depth some of the tensions and realities faced by such groups. Beyond exposing some of the serious barriers to political processes, these papers also offer suggestions as to how best to mitigate and overcome these challenges in pursuit of more inclusive democracies.

The first paper in this section addresses the political participation of women in Africa, and the obstacles that exist in preventing women from participating in such processes. The authors, Hubbard and DeSoi, argue that the full participation of women within the political arena is central to the establishment of strong, resilient democracies. What women have to offer is a more inclusive perspective that is critical for good governance. The paper explores the many ways in which women are prevented from bringing this experience to the table, from legal and institutional barriers to ingrained normative attitudes. Special focus is given to the issue of Violence Against Women in Politics (VAW-P), with the authors providing critical reflection on the issue, as well as a reflection on some of the current remedies that have been instituted to curb such violence. Opportunities and axes of change are also identified in meeting the African Union's Agenda 2063, which exists as a framework for a more robust inclusion of women in the political domain.

Just as women are generally at a disadvantage within the political arena, so too are refugees, IDPs and diasporas frequently in a disempowered position. With a growing number of people falling into these categories and as many as 65.6 million people forcibly displaced as of 2016, the need to address the issue is of crucial importance. Ayoub's contribution thoroughly tackles this subject. Beyond providing deeper insight into some of the complexities of the issue, Ayoub also examines both the African and Western legal and normative frameworks providing for (or indeed prohibiting) the participation of such people in the political processes of their home countries. The major tension that is identified is how to include such people without compromising the integrity of elections. Ultimately, Ayoub suggests possible solutions as to how such people may be enfranchised and included in electoral and political processes whilst still ensuring that the integrity of the electoral process is kept intact.

In line with the consolidation of more inclusive policy-making and democratic processes, Svetlik et al. turn our attention to the issue of PLWDs. As many as 15% of people worldwide live with a

disability, and statistics indicate that this rate is even higher in Africa. Yet, numerous barriers to equal opportunities remain. As with the other authors in this section, Svetlik et al. shed light on some of the normative and legal frameworks concerned with the inclusion of PLWDs, specifically in the African context. The authors expose some of the reasons for their exclusion and shed light on possible solutions to the problem. While fewer legal barriers may exist in terms of prohibiting PWLDs from voting – as opposed to refugees or diasporas – discrimination against this vulnerable group of people is deeply entrenched across many African states, and is an area of focus that requires special attention if African democracies are to be truly inclusive.

This discussion of vulnerable and marginalised groups thus provides a comprehensive overview of some of the challenges and opportunities for more inclusive political processes in Africa. If African democracies are to be resilient and truly representative, such groups must be enabled and encouraged to participate in the political processes of their home country, whether through the electoral process, governance or civil society. These papers make an invaluable contribution to the discussion and reflection required for the necessary changes for equal opportunity and access, as enshrined in regional and sub-regional normative frameworks within Africa.

Women's Political Participation in Africa: Opportunities and Challenges for Democratic Integrity

By
Caroline Hubbard¹ and Claire DeSoi

Introduction

In a world where more than half the population lives in democracies, inclusion and the full and equal participation of all citizens, including women, has become increasingly critical for good governance. This is in turn necessary for development, equality and ending poverty. Women's ability to participate in politics is a human right, upheld by international frameworks and national laws, and a measure of democratic integrity. Moreover, women's participation and leadership results in real gains for democratic societies, including greater responsiveness to citizen needs, increased cooperation across party and ethnic lines, and more sustainable peace (Celis et al, 2014; Wolbrecht & Campbell, 2007; Burnet, 2011). As women constitute larger numbers in parliaments, ministries, and other institutions, they increase their ability to form supportive alliances. This mitigates some of the challenges of being a minority, and places them in a better position to influence decisions and policy.

In the past twenty years alone women have made significant strides toward full political equality. The percentage of women in parliaments worldwide has nearly doubled, and women are increasingly taking on positions of power as civil society activists, political party leaders, local councillors and mayors, cabinet ministers, prime ministers and presidents (Inter-Parliamentary Union, 2015). Over the past twenty years, women's representation has made substantial progress in sub-Saharan African countries, where their average share of parliament grew from 9.8% in 1995 to 22.3% in 2015. These figures are even more impressive given that in 1995, no states in this region had elected women to more than 30% of their single or lower houses of parliament (IPU 2015). Similarly, scholars have found that female mayors spend more government funds on social welfare than male mayors do (Chen 2010). Women's political representation positively affects girls' education and women's access to health services by increasing public healthcare spending, and the number of women receiving prenatal services (Knack and Sanyal 2000).

However, even as women step forward to claim their rights, they remain widely under-represented at every level of government. To date, only 22% of parliamentarians worldwide are women, and in

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2015 a mere 21 women served as a head of state or government (Inter-Parliamentary Union, 2015; UN Women, 2015). Women continue to face a multitude of barriers to their political participation, which are often rooted in traditional gender norms and manifested through discriminatory cultural, legal, and political rules and practices. In particular, a growing number of reports from around the world indicate that as women step forward to engage and claim their political and civic rights, they are met by harassment, psychological abuse (both in person and online), and physical or sexual assault, simply because they dare to enter the political space.

Violence against women in politics (VAW-P) is a global issue that has serious repercussions for inclusive democratic societies. It is rooted in unequal gender relations and the maintenance of the social or gender norms that prevent the achievement of gender equality and women's political empowerment. It prevents the establishment of strong, resilient democracies that are inclusive of women, youth and other marginalised groups. Whereas research shows that women's increased political participation has positive effects on society, VAW-P has the opposite effect, negatively influencing the political ambitions of women, including those of young women.

VAW-P is a truly global problem, not limited to any particular region or country; its effects, and potential solutions, can be seen throughout the African continent. However, although it has been a historically overlooked phenomenon, the global community is becoming increasingly aware of and responsive to VAW-P. The moment is ripe for action to ensure that the goals of the African Union's Agenda 2063 are fulfilled in the next twenty years and beyond, forging resilient, inclusive societies. By addressing VAW-P, governments, activists, and other stakeholders can create an environment in which all women have the opportunity for full political participation, thereby ensuring their equal access to the political space, their human and civic rights, and ability to voice the unique perspectives they bring to politics.

Barriers to Representation

Women's Political Participation in Africa

Women's political participation is a core component of the African Union's Agenda 2063 as well as the UN's Sustainable Development Goals. Women's civic and political rights are recognised and enshrined in both continental frameworks, such as the African Charter on Human and Peoples' Rights and the African Charter on Democracy, Elections, and Governance (adopted in 1981 and 2007 respectively), as well as the subsequent Maputo Protocol. This focused on the rights of women, including their equal access to political posts and political participation, and was adopted in 2003. These frameworks provide the grounding for further action and protections, including subregional accords such as the SADC Protocol on Gender and Development adopted in 2008. They set the tone for national and regional legal frameworks recognising that women's participation is not only a human right, but also that women's contributions to public life are transformational for governance and development.

Political parties on the continent also recognise the benefits of gender equality in their ranks: out of 33 African countries, 58% of party manifestos and 27% of party constitutions contained commitments to gender equality and women's political participation. Nearly half of SADC countries have adopted quotas of some kind, and at least 16 countries on the continent have passed parity laws (International IDEA 2014; Gender Links, 2016). There is growing evidence to support their assertion that gender equality is beneficial: women's involvement in peace negotiations, for example, results in settlements that are 35% more likely to last at least 15 years (Barsa, Holt-Ivry, & Muehlenbeck 2016), and research suggests that women politicians are more likely to invest in public infrastructure and to close gender gaps in educational attainment (Chattopadhyay & Duflo 2004) than their male counterparts.

However, women's political empowerment continues to vary greatly by country and region. Parliamentary representation shows how widely the picture varies: while Rwanda boasts the world's highest percentage of women in parliament at 63.8% (UN Women 2016), Nigeria's parliament is comprised of only 6% women (World Bank 2016; Ighobor 2015). Support for women leaders is highest in East Africa and lowest in North Africa, where 44% of those surveyed by Afrobarometer responded that only men should be leaders (Chingwete, Richmond, & Alpin 2014, p. 5). While constraints on full political inclusion for women vary among countries and can be impacted by multiple and simultaneous dimensions (including class, ethnicity, age, citizenship status, and disability), gender norms and inequities remain at the root of their political disempowerment and these changes have not led to equal outcomes for women.

Until recently Africa had the largest number of women presidents but progress has been uneven. Even today, women hold just one-fifth of parliamentary seats and ministerial positions in sub-Saharan Africa. An Afrobarometer report on women's equality in 2014 showed that in the 18 countries surveyed, support for women as political leaders has decreased from 75% to 72% in the last ten years (Chingwete, Richmond, & Alpin 2014, p. 6). This is a surprising statistic given that scholars have found that positive attitudes toward women as political leaders are correlated with an increased number of women serving in parliament (Norris & Inglehart 2001). This overall negative is predominantly driven by a sharp decline in support for female political leaders in countries like Madagascar and Mozambique, which experienced a decline of 20% and 16% respectively (Norris & Inglehart 2001). While it is difficult to identify the specific causal factors for declining attitudes toward women, some have argued that the decrease in support may reflect changing gender stereotypes, media bias, and issue ownership (Asperholm 2016). Gender norms continue to further entrench the barriers that women face in politics, and impact the opportunities they have to participate in political discourse or public life.

Key Barriers to Women's Political Participation

The perpetuation of negative gender norms that prevent women from achieving full political empowerment is of concern for all those who wish to foster inclusive and sustainable democracies. Democracy does not serve citizens when half of the population cannot participate, whether because of active resistance or the discouraging effects of fear. While men and women can both face hurdles to political engagement, women face additional barriers that men do not, and are disproportionately

impacted even by shared barriers because of their lower status in society and reduced access to resources. Due to traditional domestic division of labour and resulting time-poverty, low financial autonomy, and family or community pressure, women are often unable to take advantage of their civic and political rights. Held back by these socio-cultural and institutional barriers in society, their engagement in politics continues to lag behind their male peers.

Patriarchal attitudes are at the root of these barriers and remain a major cause of gender inequality in society. While over 75% of respondents in the 2016 Southern Africa Gender Attitude Survey agreed that men and women should be treated equally, more than 70% affirmed that women should be subordinate to and obey their husbands (Gender Links 2016, p. 23). Compounding all this, the world of politics is often perceived as corrupt or dirty, perpetuating negative perceptions of women who participate, as well as the notion that politics are not relevant to the daily lives and needs of women. Young women face particular dangers and barriers to their entry into politics, driven by these attitudes and socio-cultural norms. Over 60 million girls around the world marry before their 18th birthdays, for example, often bringing their professional or political ambitions to a halt (SABC 2016). Poverty and poor literacy rates among all women can also be significant barriers to their political participation, including their participation in interventions designed to improve their capacity and confidence to participate.

Women's absence from the political stage in turn translates into lower levels of access to networks of power and resources, further reducing their ability to engage. The lack of support, compounded with the patriarchal nature of politics and the impact of gender stereotypes, have a pronounced effect on discouraging women from participating in political spaces (Mwatha et al. 2013). This has far-reaching effects as it can prevent women from choosing to enter political life at all, and it continues to have consequences for younger women who might otherwise have been potential leaders and active citizens. When women, young or old, are discouraged from political activity, it disrupts a potential pipeline of politically engaged women who could someday become leaders and inspire yet greater numbers of women to take advantage of their civic rights and responsibilities.

Institutional and legal barriers to women's participation further limit women's opportunities. Access to finance and control over financial decision-making have been identified as some of the biggest challenges to women's entry into politics; yet a recent study by the World Bank found nearly 950 instances of laws in every region of the world that impede women's full integration into the economy (World Bank 2016). Many of these laws relate to land and property: a 2014 study in Ghana, for example, found that nearly a third of homes occupied by their owners 'were inherited or received as gifts' (World Bank 2015). In countries where inheritance rights for women are limited, they remain at a disadvantage in both the economy and in politics, particularly where candidates are required to own property, as is the case in countries such as the Central African Republic. In many countries women do not have the same personal or legal status as men, often resulting in restrictions on their freedom of movement or their very citizenship, and thus limiting their civil and political rights. In Africa, these restrictions range from being unable to get a passport without the permission of their husband or male guardian (as in Gabon, Cameroon, Botswana, and Mali, among others), to legal restrictions on women's ability to open a bank account, as is the case in Niger and the Democratic Republic of Congo.

Without an institutional and legal ecosystem that recognises, enables and supports women's equal political and civic rights, women are effectively shut out from achieving gender equality. Yet while these frameworks are necessary, they are not sufficient by themselves. Even in countries where legal equality has been codified and laws on parity have advanced, gender norms can still stymie the full and meaningful participation of women. Gaps remain between policy commitments and implementation, reinforced and even widened by these norms. As noted by the African Development Bank, 'many African women still live under traditional belief systems and outdated legislation that treats them as less than full citizens and prevents their voice from being fully heard in the governance of African societies' (2015, p. 23). It is the confluence of all domains, whether institutional or socio-cultural, that continues to block gender equality and impede women's political empowerment.

Violence Against Women in Politics (VAW-P)

Violence against women is rooted in the reinforcement of women's subordinate status in society. It often prevents women from participating in public life, in addition to levying an economic toll. In Uganda, for example, violence against women is estimated to cost the economy US\$53 million per annum, while the economy-wide costs of violence against women in any country range from 1.2% up to 3.7% of GDP, accounting for factors such as spending on services, lost income, and diminished productivity (Taylor, et al., 2015; World Bank 2014). Violence against women in politics is a serious threat to democracy and gender equality around the world, and is one of the most sinister manifestations of deeply rooted patriarchal gender norms and expectations preventing women's political participation. While violence in politics can be experienced by both men and women, the specific issue of VAW-P has three distinct characteristics. First, it targets women because of their gender, simply for being women. It can also be gendered, as seen for example in sexist threats and sexual violence. Finally, its impact is to stop women in particular from being or becoming politically active, in order to preserve gender-based power imbalances between men and women (National Democratic Institute 2016, p. 12).

VAW-P occurs throughout the four primary sectors of the political sphere: political parties, elections, parliaments, and civil society. It encompasses all forms of aggression, coercion, and intimidation against women as civic leaders, voters, political party members, candidates, elected representatives or appointed officials; acts which are designed to restrict the overall political participation of women. Violence also serves to intimidate other women who are politically active, or deter women from entering the political sphere – especially young women, thus stifling their aspirations. Young women's political ambitions are negatively impacted by violence, even when they themselves are not directly affected. At least one study has shown that negative treatment of women politicians in the media had a significant effect on young women, who reported that they were then less likely to run for office (Shepherd 2014).

Roots and Effects of VAW-P

VAW-P undermines democratic societies on a fundamental level: without the equal and active participation of the half of the population who are women, democracy is impossible. It is a specific form of violence against women, and in line with existing international definitions of that violence. It violates women's human rights as enshrined in both international law and regional frameworks,

including the Universal Declaration of Human Rights, the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), and the Maputo Protocol.

VAW-P is deeply rooted in traditional gender norms which are sustained by both men and women alike. Women are deeply influenced by these internalised patriarchal norms which place their role firmly in the home as caretakers and mothers and which colour the perceptions of women in politics who break with these norms. Men are likewise impacted by gender norms, which mandate accepted parameters for male behaviour and roles in private and public life. Both sets of norms, masculine and feminine alike, have a further impact and contribution as a root cause of VAW-P. As they define expectations for both men and women's leadership in society, breaking with the accepted norm often invites a backlash. 'When women are able to gain a position of political influence and leadership, we see men retaliate', according to Dean Peacock, Executive Director of Sonke Gender Justice, in a discussion of the ways gender norms motivate and perpetuate VAW-P. This retaliation is due in part to 'the feeling that they are losing their privilege [...] in a world where men are socialized to believe that we should be dominant that we should have the last word [and] should control women's engagement in public life.'

Types of Violence

VAW-P can be psychological (including hostile behaviour and abuse both in person and online), physical, sexual, or economic (including coercive behaviour to control a woman's access to resources). In many cases, VAW-P is normalised in a society, rendered invisible and dismissed as the cost of doing politics. For example, the exchange of money or goods for a position of power within a party or elected body is often accepted as common, even though it is corrupt. Women may also face demands for sex or sexual favours instead of money, a form of extortion which can be termed violence against women. This also serves as an example of the way VAW-P manifests in protected public spaces, political institutions such as political parties and associations or parliaments that should be transparent and accountable to the public. However, in some cases these are deemed private associations or have certain privileges exempting them from the laws and scrutiny facing other public institutions in the same national jurisdictions. Compounded with a traditionally elite male power structure and the lower status they accord women, such spaces often allow and enable violence against women in their memberships to take place.

Perpetrators of VAW-P can be family or community members, party members or leaders, government officials, rival candidates, security sector forces, or others. Victims may include any politically active woman, from candidates, politicians, or officials to activists and voters. VAW-P can be perpetrated through digital media and technology; social media platforms in particular magnify the effects of psychological abuse by making attacks anonymous, borderless, sustained, and permanent. Attacks can be crowdsourced, difficult to stop or divert, and can have profound, lingering effects on the victim's lives (NDI 2016). In addition, these attacks public in their very nature also profoundly discourage other women, in particular young women, who may be considering political or public life. Often, women who are subject to these attacks are blamed for their own victimisation. This secondary victimisation can be true of all forms of VAW-P, and the perception of impunity that it encourages serves to further embolden perpetrators, and drive women further away from participation in politics.

The exclusion of women undermines each core component of the democratic process, from calling into question the integrity of elections in which women are threatened, to pressuring women to resign from political office after being legitimately elected. It includes action by individuals, including family members, or groups who deliberately blockade women in civil society from freely advocating their policy priorities.

VAW-P in Africa

VAW-P is not localised to a particular region or country in the world. It exists, in different forms, across the continent of Africa and across the globe. From the Democratic Republic of the Congo (DRC), Angèle Makombo, the leader of an opposition political party and chair of a coalition of opposition political parties in the DRC, shared her testimony with NDI for the #NotTheCost conference.² She included a story of another woman who was running for parliament: a beautiful woman threatened by two local chiefs, who ordered men to go after her as she campaigned in a small town and 'cut off her breast and bring the "trophy" to them'!

In countries throughout the continent, women party leaders have been stripped naked in public while their male counterparts were merely arrested; women voters have been threatened with divorce or abandonment by their husbands for voting independently; women parliamentarians have been slapped, kidnapped or murdered - the recent murder of Hafsa Mossi, a Burundian member of the East African Legislative Assembly, is a tragic example. In Côte d'Ivoire, during the widespread violence that followed the contested 2010 elections, research by the Organisation des Femmes Actives de Côte d'Ivoire (OFACI) showed that while women and men both suffered from violence, women were disproportionately impacted, and often the first victims of party reprisals. This was in part because they were more likely to be found and targeted at home, or because they were caring for children and had a more difficult time escaping. One young woman shared her harrowing story, stating that as she was going home from a demonstration, her group was attacked: 'they stopped us,' she related, continuing: 'Some ran away but since I had a child, they caught me...We were a group but because of my daughter I could not run...They threw my child, tore my clothes...'

Addressing VAW-P in Africa

As awareness around this issue grows, it is critical for governments and civil society to seize this moment to advance the understanding of VAW-P, address its impact, and develop solutions to stop it. Addressing VAW-P across the continent will be key to achieving goals outlined in the AU's Agenda 2063. The agenda is centred around good governance, strong democracies, women's and youth equality in private and public life, and transformational leadership, all of which are negatively impacted and stifled by VAW-P. These goals include Aspiration 3, Article 31, Aspiration 6, and Articles 47, 49, 50, 51 and 52. 'Africa of 2063 will have full gender parity', is the bold declaration of the agenda (African Union Commission 2015); it will be impossible to achieve this important goal without addressing VAW-P, as well as other persistent barriers to women's participation.

² Convened by NDI in March, 2016, this conference was also supported by the Inter-Parliamentary Union, UN Women, the Organization for American States, the International Foundation for Electoral Systems, and other organisations who became partners of the initiative, further underlining the importance and global concern about this issue.

The new framework of the Agenda and the global Sustainable Development Goals presents an important opportunity to foreground violence and its impact on women's equality and democracy, raising awareness and working to end it. While democracy and the status of women on the continent have advanced, as illustrated above, violence is a critical factor at the root of the challenges now facing governments, civil society, and citizens. Left unaddressed, it is a real and present threat not only to future progress toward inclusive and sustainable democracies, but also to the advances that have already been made on the continent. Emerging research points to a backlash effect as a significant motivation for VAW-P. Gender quotas, for example, can be effective in increasing women's formal political participation, ensuring a critical mass of women in decision-making positions and increasing their ability to influence policy. However, they can also give rise to overt or insidious methods of undermining or attacking the women who enter politics this way, in an attempt to '[preserve] male dominance of political life' (Krook 2016). Socio-cultural norms and cultural perceptions of women in power can feed negative narratives of their performance or potential; a lack of institutional protections or policies, such as codes of conduct, can contribute to the prevalence of sexual harassment.

Regional as well as country-level efforts will be critical for addressing VAW-P in Africa. The AU, as well as local, state-level, national, and regional bodies must make efforts to address VAW-P. Above all, knowledge of local contexts and constituencies will be essential to design solutions that dig out the roots of violence and address specific problems and concerns. Different actors in each sector of the political sphere can and should be engaged in action to stop VAW-P. Some solutions will be institutional, requiring actions within governments and parliaments. These bodies can create or enforce procedures for registering and handling complaints, and crucially, incorporate actions against VAW-P into new or existing laws or mechanisms, setting a national example that violence will not be tolerated. This example could also be international: regional bodies can build on existing frameworks, such as the Maputo Protocol, for example, amending or supplementing that Protocol to specifically condemn or criminalise VAW-P.

Electoral management bodies must complement and reinforce these actions in the vital processes of elections, ensuring that women are able to participate freely throughout the electoral cycle. Action from political parties operating in a different sector of the political space will also be essential. As important pathways for participation they are able to develop codes of conduct or policies that condemn violence and facilitate women's participation, and enforce them, in ways that other actors do not. Ultimately, civil society activists and organisations can continuously raise awareness, pressurise institutions or individual leaders to keep their promises to enforce laws properly, as well as provide services to victims of VAW-P.

Above all, stakeholders from across sectors and political spectrums must speak up to condemn VAW-P and call for change. Silence is the ally of VAW-P, and numerous women politicians and activists have spoken about how they were explicitly and implicitly discouraged from speaking out. Governments, leaders, and others must push back against the assumption that there is nothing to be done to prevent the harassment and abuse of women participating in the political process, and instead take active steps to ensure that violence is not the price of women's political participation. The following case studies present examples of situations in which stakeholders recognised and

spoke out against VAW-P, pursuing action to raise awareness and bring it to an end. Many more creative opportunities for action by officials, leaders, activists, and authorities exist, but these are a few of the different strategies that are available to end VAW-P and advance women's political participation on the continent.

Violence within Political Parties: a Case Study

Political parties are critical components of democratic systems and they wield a great deal of influence within those systems. They are a primary avenue for citizens to participate in democratic processes, exercising their fundamental rights to shape the decisions and direction of their country (NDI, 2014). Democratic governance is strengthened when parties allow space for citizens to express their concerns, reflect on issues that are important to their constituents in their policy proposals and platforms, and provide a means to hold elected officials and government accountable. Moreover, parties are often the doorway to elected office as it is political parties that provide the training ground for young or new politicians (NDI, 2003), and parties that recruit, select and support candidates for elections. As a key pathway to policy creation and political office, political parties are critical for women's participation in politics. Yet they also present significant challenges for women, who continue to be underrepresented in party leadership and lack access to established networks of influence, resources and mentors.

Most parties lack formal oversight or established complaint mechanisms that provide recourse for members who face violence. Even in contexts where parties have established clearer regulations, or where legislation requires these mechanisms, the party systems can be controlled by a small group of party elites and therefore violence, especially against already disempowered party members, can occur without meaningful consequences for the perpetrators. Despite these mechanisms victims may not report or speak out about their experience, out of fear of repercussions from party leaders.

In Tanzania, women have made significant advances within parties and within the wider political sphere. Women now constitute 36% of the Tanzanian national parliament, putting the nation in 11th place globally (World Bank 2016). However, VAW-P remains a major concern and barrier to gender parity and inclusive democracy in Tanzania. Political parties have become a major platform for violence, and thus also a key focus for efforts to end VAW-P.

For several years, women's rights activists, academics and experts in Tanzania have been raising awareness and working to end sextortion. This is a term coined to describe a certain form of VAW-E that women candidates began to report, in which women who seek election or nomination face the demand for sexual favours within their own political parties by party leaders, whereas men are asked for money. While the exchange of material goods for positions of power within parties or elected bodies is often accepted as commonplace, if corrupt, behaviour, this variation targeting women with demands for sex is a form of violence. This type of extortion further pollutes democratic culture: women believe that they can only advance by providing these favours, and citizens' perceptions of women in politics are coloured by the belief that any woman who gains power must have performed such acts.

Ave Maria Semakafu, National Coordinator for the Tanzania Women Cross-Party Platform (TWCP), testified for the #NotTheCost initiative detailing her organisation's work collecting data on the issue. This was in particular the sexual harassment, sexual abuse, rape threats, and demands for sex made by political party leaders to women candidates in the 2010 elections. While some women reported these incidents, TWCP found many more who felt that neither the courts nor the parties themselves would take action to condemn the incident or prevent it from happening in the future. Additionally, she indicated that many young women are hesitant to become involved in politics because they fear sexual abuse or being branded as a prostitute.

In response, a number of civil society organisations and women's groups came together to form the Sextortion Coalition, launching a campaign to raise awareness about sextortion and the harassment women faced in public life. The coalition members, including TWCP, also incorporated the topic into trainings for women candidates ahead of the 2016 national elections, ultimately reaching 2,600 women with their message that 'enough is enough' (Thomson Reuters Foundation, 2015a). As a result, the Ethics Secretariat in the country issued guidelines in the spring of 2015, cracking down on sextortion and sending a clear message to public officials that the practice of sexual extortion would no longer be tolerated (Thomson Reuters Foundation, 2015b).

These guidelines establish mechanisms by which women can take action and report sextortion to several public offices. These mechanisms include the option to report anonymously, resolving the fears many women have about reprisals, especially from within their own parties. In the new guidelines, officials who commit sextortion or sexual abuse or harassment can be subject to consequences ranging from written warnings to fines to termination of their mandate. Implementation of these guidelines and consequences will be the more difficult battle for the activists and organisations involved in the coalition, especially as this violence is so often hidden within the protected walls of political parties. However, their success in gaining official recognition of the problem is a great accomplishment, and highlights the potential power of advocacy and action to raise awareness and provoke momentum toward ending VAW-P.

Ultimately, parties and their leaderships are themselves critically positioned to have a significant impact on the levels of VAW-P, and must take action building on that momentum. There are many opportunities for action for political parties to take, including:

- Raising awareness of party members of all forms of VAW-P;
- Approving a party-level resolution condemning violence against women in politics in all its forms;
- Developing a party code of conduct for all members to prohibit sexism, bullying, and sexual harassment in all party functions;
- Changing party statutes or policies to condemn and punish VAW-P, and establishing a party-level body or committee responsible for enforcing these rules; or
- Making a public pledge, alone or with other parties, to combat VAW-P and break down barriers to women's full and equal political participation (National Democratic Institute 2016:38-41).

Violence in Elections: a Case Study

Free and fair elections are a critical component of strong democracies. Electoral violence against women not only prevents and discourages their participation, but also fundamentally undermines the credibility of the election and inclusiveness of the resulting government. While elections can be a transformative and empowering process, women are often targeted by violence throughout the electoral process, threatening or preventing their ability to participate equally as voters, candidates, officials, administrators, and observers, as well as party or candidate agents.

Gathering data around violence against women in elections is a critical part of taking action to end it; indeed, collecting, analysing and presenting systematic data to make the case that violence is a real and present problem is an essential part of the work to end VAW-P. Data allows institutions to define and prove the problem, a necessary step in raising awareness, achieving buy-in from key stakeholders, and spurring action by the government, civil society actors, and the public. Observing and reporting incidents of violence against women in elections is therefore an important part of efforts to prevent future violence. One example of how this can be done effectively can be seen in the nonpartisan citizen observation efforts during Nigeria's 2015 elections.

Women's representation in the Nigerian Parliament has dropped substantially over the last decade, and now sits at only 6% (World Bank 2016; Ighobor 2015). While many factors may affect this drop, violence has also played an important part. A recent article in *Punch*, a Nigerian publication, entitled, 'Northern female politicians share heartrending tales: We get beaten, cheated, threatened, called prostitutes' (Eniola 2016), sets out the statistics regarding women running for political office in recent years. This illustrates just some of the violence that Nigerian women may face as part of their participation in political life. One woman member of the Senate reported:

We don't contest elections because there is too much risk involved. It's so much money, so much violence. [...] I have been threatened. I have escaped death by a whisker on few occasions. I have been beaten up at the conference centre; they tore my dress and left me only with my underwear. I have escaped assassinations on many occasions. I have undergone six surgeries because I was poisoned. It's all because I say things as I believe.

Eniola, 2016

This level of VAW-P, and the lack of consequences for perpetrators, intimidates women from political participation of any kind, not just for contesting elections or stepping into parliamentary seats. Research conducted by NDI with focus groups of Nigerian women candidates indicates a history of violence against women in elections and in the broader political sphere. Participants in these focus groups indicated that when they tried to participate in the political process as candidates or voters, they were condemned as prostitutes, physically prevented from accessing polling places, faced retaliation from their husbands, or were confronted by others threatening to inform their husbands of their intentions to vote or run for office. While the 2015 elections were found to be free, fair, and credible, this must be qualified by the impact of violence on half the voting population.

Drawing from the experiences of other groups, the Transition Monitoring Group (TMG), a nonpartisan citizen observation group, adopted an expanded focus on violence against women in elections. This was part of a pilot program testing NDI's Votes Without Violence initiative to monitor and mitigate violence against women in elections. TMG used this methodology to inform their observation, collecting more detailed and gender-disaggregated data on a wider spectrum of incidents of VAW-P. In the end, this gave TMG a way to measure violence or intimidation of women because of their gender; in particular, they were able to identify regional variations and potentially concerning trends on gender-based hate speech.

In addition to TMG's efforts, the International Federation of Women Lawyers (FIDA), a Nigerian civic education group, also launched the 'Stop Violence Against Women in Elections' (Stop-VAWIE) campaign to identify, document and report data on VAW-E during several of the 2015 Nigerian state elections with the support of NDI. Stop-VAWIE ran radio and video campaigns, engaged the support of a celebrity ambassador to draw attention to their cause, and used social media to generate awareness of and interest in the issue, which extended the reach of its message. As a result of this outreach, the campaign built awareness of VAW-E among key stakeholders. It generated support for prevention and mitigation efforts, including a reporting hotline and rapid response efforts, which drew on the expertise, abilities and resources of a wide spectrum of stakeholders. At the formal launch of the campaign in Kogi state, for example, the commissioner of police announced publicly that all electoral violence targeting women would be given high priority by the police force. He further directed the police officer assigned to support the campaign to ensure that all VAW-E incidents were reported to the police for resolution.

The kind of work that TMG, FIDA and NDI undertook in gathering and publishing data around VAW-P, and in raising public awareness of the issue, is necessary to address the phenomenon. In addition, by working with stakeholders from multiple sectors, activists and observers can help to stop this violence in a targeted way that takes advantage of the specific roles and situations of each actor. For example, electoral observers can incorporate gender perspectives in their observation guidelines, train their observers to look for acts targeting women, and require reporting of VAW-P. And importantly, as the work through Stop-VAWIE illustrates, engaging men in the work to end violence against women is critical. This work cannot afford to be sidelined as a so-called women's issue, but deserves attention from all sectors and segments of the population, as an issue that affects all members of society. For electoral observers and authorities in particular, some of the opportunities for action that are open to them may include:

- Revising electoral management body rules and regulations to define acts of VAW-P;
- Mobilising civil society actors to assist in election monitoring to enhance reporting on acts of VAW-P;
- Creating procedures for registering and handling complaints through new or existing offices; or
- Incorporating a gender perspective in electoral observation guidelines to ensure that members of observation missions are trained to look for acts targeting women (NDI 2016).

Conclusion

African governments, regional bodies, political parties, legislatures, civil society organisations, and other actors must work together to address VAW-P and the negative gender norms it is rooted in. This is in order to achieve the aspirations outlined around women's full and equal political participation in the AU's Agenda 2063, and ensure that women and young women are able to engage freely and without fear in the democratic process that affect their lives, futures and communities. As illustrated throughout this paper, there are many examples of successful, ongoing efforts to raise awareness about this issue throughout the continent. These draw attention to the grave impact VAW-P has on inclusive democratic societies and on gender equality, and illustrate the possible solutions that can be adapted and implemented in different sectors, depending on what is most pressing or appropriate for a given nation. The #NotTheCost initiative and Call to Action offer many more suggested opportunities for action, and can be an additional resource for those interested in or working to address VAW-P.

Global action will continue to rally around this cause. The UN's Special Rapporteur on Violence Against Women and Girls, for example, has begun to promote attention to the issue. There are ongoing efforts to have it included in her official mandate, thus allowing her to collect data on the phenomenon and include it in her regular reports. However, this must be complemented by action at other levels in order for real change to occur, from formal AU proceedings to floor debates in national parliaments to grassroots conversations and campaigns with local communities.

Citizens and stakeholders across the African continent have the power to drive change toward gender equality and women's full and equal political participation. This will also foster the dreams and potential of young women in particular to take their place in the decisions and political processes that affect them. There are many committed groups already working on these issues across the continent in their specific contexts. Now is the moment for more citizens, officials, national and regional organisations to band together not only to support their work, but to denounce such violence and continue to develop innovative solutions to violence against women in politics. displaced persons (IDPs), refugees and the diaspora, as discussed in this paper.

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IDPS, Diaspora and Refugee Participation in Political Processes

By

Ayman Ayoub

Introduction

In a representative democracy inclusive elections are the entry point for political processes that reflect the genuine will of all the people. Without this condition, political processes remain exclusive and geared towards addressing specific individual and/or group interests.

Article 21 of the Universal Declaration of Human Rights declares the right of everyone '...to take part in the government of her/his country, directly or through freely chosen representatives...'. In addition, such a choice of representatives should be through '...periodic and genuine elections which shall be by universal suffrage' captures the notion that citizens have the right to elect representatives of their choice. This is further confirmed and expanded by Article 25 of the International Convention on Civil and Political Rights, as well as by Article 13 of the 1981 African Charter on Human and Peoples' Rights.

The key concepts here are 'everyone' and 'universal suffrage'. Indeed, participation should be a right with no discrimination or exclusion for any reason. Choosing representatives must be a right that applies to all those who meet basic conditions, which should be limited to considerations of age and citizenship. Other practical matters related to the organisation and administration of processes, namely the residency element and conditions, should not be used as an argument to hinder universal rights nor undermine the principle of universal suffrage.

Nevertheless, given that elections are not a static process operating in a dynamic world, they clearly both influence and are influenced by individual circumstances and specific contexts. This is endorsed by the UN Human Rights Committee; in its General Comment 25, Article 25 defines restrictions on the right to vote as meaning that states should have limited latitude in applying any such restrictions. This Comment states that: 'the right to vote at elections and referenda must be established by law and may be subject only to reasonable restrictions, such as setting a minimum age. States must take effective measures to ensure that all persons entitled to vote are able to exercise that right'.

Once the right to vote is established and recognised as undeniable, restrictions that result in the discrimination and exclusion of certain groups of citizens should not be admissible. This is especially important in the case of vulnerable groups, particularly migrant populations including internally displaced persons (IDPs), refugees and the diaspora, as discussed in this paper.

Diaspora, IDPs and Refugees

Throughout the last decades, the focus on inclusive elections has shifted from an initial emphasis on purely technical gaps to a more necessary focus on credibility and integrity. Indeed, elections should not be dealt with as mere technical processes. They are political processes that directly impact policy making and inclusive politics and are thus vitally linked to the daily lives of people. As a result, the world has become increasingly aware of the fact that genuine elections, as evidenced in relevant international events, mean credible elections that are conducted with integrity.

Migrant population is the umbrella term that includes three different categories: refugees, IDPs and the diaspora. The issue of their participation is of special importance and relevance to inclusive elections. Aside from the right to participate, the growing number of individuals falling under these categories further confirms the need to ensure proper treatment given the challenges encountered by many countries, especially developing democracies, to participation in their own countries' processes.

Internally Displaced Persons (IDPs)

Internally Displaced Persons, or IDPs, are commonly defined as 'persons who have been forced to flee their homes suddenly or unexpectedly in large numbers, as a result of armed conflict, internal strife, systematic violations of human rights or natural or man-made disasters, and who are within the territory of their own country'. The two key elements in this definition are firstly, that the person's movement is involuntary or coerced; and secondly that the movement is within national borders.

The definition of which persons fall within this category should be made on the basis of a wide interpretation of the concept, as careful consideration must always be given to the real reasons behind displacement. For example, development indicators in many countries show large differences in opportunity and levels of service delivery between urban and rural areas. It is a constant challenge to decide on the status of persons who find themselves forced to move temporarily towards urban areas or to the metropolis. These rural-urban migrants form many of the chaotic and poverty-stricken pockets frequently seen around cities, and may be considered as IDPs. This serves to illustrate that the discussion about IDPs should be approached with a wider perspective and should not be limited to the conventional view that IDPs are necessarily the result of conflict and violence, or mega-development projects.

The 1998 UN Guiding Principles on Internal Displacement defines the rights of IDPs as follows:

Principle 1(1) states that IDPs '...shall enjoy in full equality, the same rights and freedoms under international and domestic law as do other persons in their country. They shall not be discriminated against in the enjoyment of any rights and freedoms on the ground that they are internally displaced'. Principle 22 (1)(d) further confirms that 'Internally displaced persons, whether or not they are living in camps, shall not be discriminated against as a result of their displacement in the enjoyment of... [t]he right to vote and to participate in governmental and public affairs, including the right to have access to the means necessary to exercise this right'.

Principle 29(1) provides for the IDPs' right 'to participate fully and equally in public affairs at all levels'. Among the most important provisions for Africa is Article 8.2 of the African Charter on Democracy, Elections and Governance. This specifically refers to IDPs (as well as refugees), stating: 'State Parties shall adopt legislative and administrative measures to guarantee the rights of women, ethnic minorities, migrants, people with disabilities, refugees and displaced persons and other marginalized and vulnerable social groups'. In addition, Articles 3.7 and 4.2 may also be considered as important provisions that should apply to all vulnerable social groups, including IDPs.

Apart from generic references to electoral rights that apply to all, with no discrimination, it is hard to find specific references to the electoral rights of IDPs in national legislations. This could be due to the fact that in the best-intentioned interpretation, internal displacement is regarded as a temporary circumstance that should not affect individuals' electoral rights. This could be seen as neglecting the rights of a group such as IDPs which are clearly present in many countries in Africa and beyond.

Refugees

According to the United Nations 1951 Convention relating to the Status of Refugees, refugees are defined as anyone who '...owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership in a particular social group or political opinion, is outside the country of his nationality and is unable ... to avail himself to the protection of that country ... or is unable to return to it'.

However, since the 1960s a number of developing countries, including those in Africa and Latin America, have begun to argue that the very limited interpretation of this definition of the term refugee, which is mainly based on the concept of persecution, does not apply to the vast majority of persons displaced outside their own countries. Several regional instruments have thus attempted to expand the definition of refugee.

The Organisation of African Unity's (OAU) 1969 Convention Governing the Specific Aspects of Refugee Problems in Africa states that: 'The term "refugee" shall also apply to every person who, owing to external aggression, occupation, foreign domination or events seriously disturbing public order in either part or the whole of his country of origin or nationality, is compelled to leave his place of habitual residence in order to seek refuge in another place outside his country of origin or nationality'.

The key elements in this wider description of refugee are firstly, that the movement of the person is involuntary or coerced; and secondly, that the person moves outside the borders of his or her own country of origin or nationality.

There is no global instrument that directly addresses the rights of refugees to political participation in their home countries. The 1990 International Convention on the Protection of the Rights of all Migrant Workers and Members of their Families may be seen as relevant in this regard. Article 41 states that: 'Migrant workers and members of their families shall have the right to participate in public affairs of their State of origin and to vote and to be elected at elections of that State, in accordance with its legislation'. Despite the fact that this Convention specifically addresses 'migrant workers and members

of their families', there is obviously room to interpret its provisions to protect the rights of all migrants, including refugees and those who are in irregular situations. As it places binding obligations on states party to the Convention, this Convention could provide an avenue for migrants other than workers and their families, i.e. refugees, to challenge their exclusion from electoral/political processes in their country. Nevertheless, it is important to remember that there are many states that have not ratified this Convention, and many seem to have stated explicitly that they do not intend to sign or ratify the Convention. Such states argue that their legal frameworks on the treatment of migrant workers are already in compliance with the UDHR and ILO Conventions on Migrant Workers.

The guiding principle should be to ensure that no social groups are excluded or discriminated against in the exercise of their electoral rights due to situations that have coerced them into seeking refuge. Some countries and scholars use the plausible argument that the condition of refugees should be dealt with as a temporary situation, and that all efforts should be made to ensure their return in the shortest possible time. However, this argument should apply more to other aspects of relief and protection than to the recognition and application of political rights. Avoiding ethnic cleansing, for example, when used to advance the argument of temporality, does not seem to help preserve the rights of refugees to return home and end their displaced situation. This is especially so when it comes to exercising their electoral rights and thus participating in the political processes in their countries of origin, which may more directly certainly impact their condition and chances for return.

Diaspora

In a globalised world, large communities of citizens choose to move from their own country of origin to establish themselves in another state. With this move they become migrants who make their living in one country without becoming its citizens, thus preserving their original nationalities and ties to their home state. Such a person is simply using her or his right, as established in Article 13.2 of the UDHR that states: 'everyone has the right to leave a country, including his own, and to return to his country'.

The main element to be considered here is the voluntary act by the person who chooses to move for a variety of reasons. Nevertheless, many argue that such a choice is not always an expression of a free will, but is rather forced on migrants by the difficulties they endure in their own country, particularly economic conditions. Local realities prove that such an argument frequently merits careful consideration.

However, in order to make a distinction between this category and others, such as refugees, the key element of choice and of voluntarily moving to a different country seems to be the most relevant. Such a voluntary emigrant could have made a different choice to remain at home, if their own lives, personal security and integrity were not at risk. Unlike refugees, this type of migrant is free to return home at any time they choose.

Most countries give due importance to the diasporic population not only because of their numbers, but also their economic, cultural, social and even political contributions. In addition, they have the potential to enrich their own countries as a result of exposure to other cultures, experiences and practices. Most national electoral laws include specific provisions related to voting by, and at

times representing, citizens living outside the country. This is in line with and gives effect to the requirement to ensure universal suffrage, as stated by all relevant international and regional legal instruments such as those mentioned in this paper.

African countries are no exception. As indicated in the table in Annex A, in Africa the vast majority of national laws envisage the participation of the diaspora in their elections. A completely different question is the extent to which such provisions are rigorously observed and accompanied by efficient measures for implementation with no discrimination, whether intended or de facto.

Impediments: The regulatory framework and other barriers to inclusion

Having stated that migrants constitute vulnerable groups that are frequently excluded from effective participation in electoral and political processes, it is important to consider the main factors that impede their inclusion in order to explore possible solutions. There are four main groups of obstacles: political, legal, procedural, and other barriers. These may be structured differently to allow for varied viewpoints. However, this paper opts for this classification to stress the fact that it is not intended as a research document. It is rather a reflection aimed at adding to the growing discussion on the need to find solutions for the enfranchisement of the diaspora, IDPs and refugees and their inclusion in the electoral and political processes in their countries.

Political Barriers

Elections are political processes with high political impact. For this reason they are also directly impacted by politics, and are regularly subject to manipulation and bargaining among political forces with the aim of consolidating and perpetuating their electoral gains.

While wider inclusion should initially benefit bigger and more influential political forces and players in a country, it is also true that this does not necessarily best serve their interests at all times. This is especially true in the case of marginalised groups whose needs and aspirations either differ from political priorities and programmes, or are difficult to deal with. At the same time, when a decision is made by political players to exclude certain groups of potential voters, it is always easier to marginalise the vulnerable.

The vulnerability of these groups also makes them more easily influenced by political forces in an electoral contest. Their lack of access to information and facilities, as well as their pressing needs, make them easy prey for greedy political players. Empty stomachs seldom allow for free thinking and balanced judgement.

Legal Barriers

The rights of diaspora voters have received attention in both international legal instruments and national legal frameworks, but this is clearly not the case for IDPs and refugees. However, it is noticeable that even in the inclusion of diaspora rights, legal provisions have either not been developed to make them a reality, or are altogether limited and restrictive. This is significant not

only because of the growing numbers of diaspora voters, but also because this sets a precedent for the possible inclusion of the other two categories.

A conducive legal framework is a good starting point. This indicates the political will to find creative solutions to ensure that universal suffrage becomes a reality. A legal framework indicates that political players are forced to formulate and adopt enabling agreements. Nevertheless, legal frameworks should be understood in the widest possible sense. It is quite common to find that the talk about a legal framework is limited to references to the supreme norm, that is the constitution, and relevant national laws. In many cases these may lack necessary detail and include vague provisions that are open to manipulation through varying interpretations.

Based on the above understanding, it is obvious that little has been done thus far to ensure that legal frameworks are genuinely conducive to the inclusion of diaspora, IDPs and refugee voters in electoral and political processes. A legal provision guaranteeing their rights to participate, or even a legal commitment that is reflected in a global or regional instrument, can hardly be implemented unless such provisions and statements are further and properly developed with sine qua non legislative acts of secondary, even tertiary and further levels.

Procedural and technical barriers

Arguments that the exclusion of vulnerable groups is unintentional, and is due only to procedural or technical barriers, are unacceptable. While it is true that procedural and technical or operational challenges make it difficult, if not impossible, for most displaced persons to exercise their rights, it is also true that overcoming such barriers needs both the will and appropriate legal action.

However, it may be that barriers of this type include those of a purely procedural nature, such as the lack of administrative infrastructure for organising practical steps for participation such as registration, campaigning and voting. Additional barriers also include those of a logistical nature, such as the lack of access, or distance, and the onerous efforts that a potential voter needs to make in order to participate - efforts which are often beyond the reach of the vast majority. Another consideration is the technical barriers that stem from lack of capacity in countries, often due to agendas that priorities specific political interests rather than the need to advance the cause of democracy and ensure the rights of all. This lack or scarcity of capacity, resources and tools may affect relevant institutions, particularly electoral management bodies.

Other barriers

Challenges that impede effective inclusion and participation include barriers of a financial, cultural or social nature. Barriers that stem from difficult cross-border cooperation among countries are also an important element.

It may be costly to implement all the necessary facilities and measures to ensure that all displaced persons enjoy a real opportunity to participate. Even when such arrangements are possible, they need to take into account the associated costs for the displaced people themselves, costs that are they are unable to bridge on their own. Many countries may find it difficult to manage such high costs unless they introduce considerable reforms and concentrate their efforts on national

developmental needs. The review of priorities to ensure that public funds are used to serve the real public interest is another important measure to be considered in this regard.

Refugees who flee their places of residence are often viewed in a negative light, and some societies may stigmatise those who leave, give up or run away. In the case of IDPs, it is their own fellow citizens who may express such an attitude. Tribal, ethnic and other divisions may lead to the displaced person or persons being regarded as invaders who may threaten the interests of the local community. In the case of refugees and the diaspora, it is the host country's citizens who discriminate against them. Furthermore, the host societies themselves may not enjoy a democratic system of government, or may have deficiencies in the enfranchisement and participation of their own members. This may result in their hesitation, suspicion of, or even straightforward opposition to facilitating electoral rights for those seen as 'the other'.

The actual exercise of electoral rights by refugees and members of the diaspora is challenged by cross-border cooperation and difficulties. There are obstacles in enabling the citizens in a foreign country to exercise rights that directly relate to acts of national sovereignty. These stem mainly from the need to ensure that appropriate regulatory frameworks are in place, usually in the form of bilateral or multilateral agreements, conventions or other instruments that could be based on principles of reciprocity.

Finding solutions without compromising the integrity of elections

Giving effect to the principle of universal suffrage as the inalienable and equal right of all citizens requires tangible measures of effective enfranchisement and the efficient exercise of electoral and participation rights. The exclusion of vulnerable groups like those in the diaspora, IDPs, and refugees, is a direct violation of this principle, especially in light of the considerable growth of their numbers in recent times.

Having stated the problem of these vulnerable displaced groups and the barriers that prevent their legitimate inclusion in electoral and political processes, some courses of action are suggested. While individual countries have a prominent role in protecting and guaranteeing the rights of individuals, it should not be their sole responsibility. Global and regional intergovernmental organisations, together with specialised international institutions, civil society and other non-state actors, all have an important and decisive role to play in this regard, as with other aspects of democratic consolidation.

The following proposals are aware that the necessary balance between the integrity and credibility of elections may not be easy, but is critical.

At the political level:

- Political players should admit that the exclusion of the displaced acts as a perpetuating catalyst for conflict, and may even trigger new ones.

- Settlement of political differences and conflicts cannot be efficient when only responding to narrow political bargains and mutual accommodation. Acknowledging, guaranteeing and enabling the exercise of persons' rights, especially of vulnerable groups, greatly helps consolidate peace and stability. Political players need to absorb this and implement it every time there is a negotiated settlement of a conflict.
- Political will and good intentions are not enough, unless these are reflected in binding instruments, including policy and legal reforms as well as codes of conduct and breach of these carries clear and onerous consequences, important enough to deter possible infringements.
- Political agreements should be fostered to introduce incentives that encourage all political players to search for support outside their traditional constituency, and especially to include the needs of the diaspora, IDPs and refugees in their platforms and electoral programmes.
- Policies and priorities must be designed and established with the need either to ensure the right to return, or to apply efficient temporary remedies. At the same time they must respect the choice of individuals to leave (diaspora), re-establish themselves elsewhere (IDPs or, occasionally refugees) or simply alleviate their own conditions.
- Incumbent governments have a prominent role, but space for constructive and accountable opposition should also be created. In addition, opposition forces need to enhance their capacity to have a more positive approach. Shared political successes can have benefits for all. Similarly, failures can negatively affect all groups when people's rights and aspirations are at stake.

At the regulatory level:

- Legal frameworks that are conducive to including displaced persons are a good starting point. National laws, as well as secondary and lower level legislation need to be developed, reformed or amended in order to move from establishing the rights (where this is the case) to enabling their effective exercise.
- Giving electoral rights and institutions a constitutional status safeguards them from being tampered with by political majorities. Where essential aspects of elections and their management are established in the supreme norm of a country i.e. the constitution, the legislature finds itself bound to give effect to the relevant constitutional provisions through legislative acts that cannot contradict those provisions and require qualified majorities for possible amendments.
- The design of electoral systems directly impacts effective franchise. This is especially true in the case of minorities and vulnerable groups. Legal reforms should take this into consideration in order to ensure the application of systems that are more conducive to the inclusion of vulnerable groups.
- The inclusion of vulnerable groups is easier in certain types of elections □ mainly presidential where these exist, or where the entire country forms a single constituency in parliamentary elections, or in referenda processes. National laws should ensure that these are used to enfranchise the displaced, as well as setting an example by extending the relevant procedures to other types of elections.
- Where national laws envisage out-of-country voting (OCV), these should be revised in order to ensure that they do not restrict specific categories of voters only. In this regard, considerations specially related to residency should not be a reason to disenfranchise potential voters and/or candidates.
- The lack of specific references to IDPs and refugees should be addressed, even where they do not

currently exist, and legal texts should be reformed to ensure the rights of these categories of voters are provided for unambiguously.

- Democratic countries should be encouraged to introduce reforms that improve not only the inclusion of their own citizens, but also third country citizens, that is foreign nationals who are within their territory. This would reinforce an example of good practice.
- International legal instruments, especially regional ones, urgently require a thorough revision to ensure that they address displaced electoral and political rights in a clear, direct and unambiguous manner. Regional organisations like the AU in particular should play a leading role in this regard, using existing binding provisions for their member-states.
- Existing research and studies related to the electoral legal framework and its reform developed by specialised international organisations should be used to support the efforts of regional and global organisations. The way in which the principles for the international observation of elections were conceptualised and effected could serve as a good example.

At the educational level:

- Given the cultural and social nature of barriers, special educational programmes need to be developed to help both the displaced and others in joint efforts to overcome such barriers.
- More specifically, civil society, supported by state actors and political parties, needs to concentrate its resources in explaining the rights of the displaced. Educational initiatives should target the displaced themselves in order to make them aware of their rights and the procedural aspects for their exercise. They should also target all other groups in the country, especially those who may question the rights of the displaced, for example local communities versus IDPs, residents versus diaspora and/or refugees, with the aim of emphasising that democracy applies to all, and that tolerance is a fundamental characteristic of democracy.
- Empowerment starts with access to information and knowledge. The displaced often contribute to their exclusion out of ignorance about their own rights and obligations. Civic education campaigns should be the responsibility of all to ensure that all categories of migrants have proper access to information, in a language and style that they can understand, internalise and use.
- The potential and skills of community-based organisations and community leaders in particular should be used in all educational efforts.
- The many good examples of traditional and social media used in civic and voter education campaigns by EMBs and others, could serve as a model to develop and implement campaigns that target migrant groups.
- The international community and international organisations should support initiatives to meet the educational needs of the displaced, mainly those outside their countries, and should dedicate resources to this end. This may be more efficient when done under the umbrella of regional bodies that can ensure cooperation by the host countries.
- Local, national as well as global media should have a clear responsibility to support and contribute to educational programmes in this area.
- Programmes targeting the more susceptible among the vulnerable, especially women and youth, should constitute an integral element of all educational programmes. This is mainly to alleviate the discrimination that is aggravated in conditions of displacement, but also to ensure sustainability.

Procedural, technical and operational levels

This section looks at creative solutions that could and should be implemented in order to address the voting rights of the displaced more realistically and efficiently. These include but are not limited to the following:

Voter registration

This is usually one of the biggest challenges faced by electoral authorities when including displaced persons. Regardless of whether registration is automatic or voluntary, solutions have been found, mainly for diaspora voters, and these could be extended to IDPs and refugees. These solutions may include:

- Electronic distance registration using new technologies supported by an additional measure to provide a paper-trail for possible verification;
- The use of mobile registration centres and teams;
- Postal facilities, where available;
- A system of online registration could also be very useful, provided that resources are available to ensure that the operation is fully automated and linked to a single database to avoid double registration;
- Proxy registration for the displaced, provided that clear conditions are established and identities can be verified.

Considering the complexities in the registration process, sufficient time needs to be allowed ahead of elections to complete the registration of the displaced.

However, it is important to stress that displaced persons are often undocumented, which further complicates their identification and registration. Following the principle that one person should not be punished because of ten guilty people, identification and registration systems should not be restrictive and should combine, in such cases, efficient ways to identify and subsequently register affected voters. Identity verification through witnesses, community leaders and a set of indicative documentary tools other than IDs are examples of such tools. In addition, the databases that can be provided by specialised international organisations and bodies, such as the UNHCR or the IOM, are a solid basis for the identification of displaced voters. However, these measures should not excuse states from their responsibility to properly identify and document all their citizens, including migrants (in this last case, both their own and foreign).

Polling procedures

Much has been said about the pros and cons of certain polling methods, especially absentee and proxy voting. However, since they are used by democratic societies in elections that produce credible results, they should not be simply tagged as unacceptable. Rather they merit being regarded as creative solutions. Absentee voting could well take different shapes. This includes postal voting, electronic distant voting, and early voting in special polling centres, including mobile centres. In this regard it is more important to ensure aspects that refer to the secrecy of the vote, the verification of the voter's identity, as well as the need to ensure that the voting trends of small groups cannot be easily revealed.

The use of new technologies and e-voting systems could provide efficient solutions to allowing migrant voters to vote more easily. The need for some kind of paper-trail verification tool may well be an important requirement in this regard. Nevertheless, the most prominent question is a trustworthy management of the entire voting system and results databases. This should be directly linked to the will of the people to accept the results, and thus confirm the credibility and integrity of the elections.

Boundary delimitation and representation

Where a boundary delimitation is mandated by law at national and lower levels, linking migrant voters to a specific electoral division is not easy. This also presents important logistical complexities in terms of polling and counting.

A nationwide constituency would be the ideal solution for national level legislative elections; when combined with proportional representation it also ensures a much fairer translation of votes into elected seats. Nevertheless, this is quite difficult for many reasons, even in relatively small countries (geographically speaking). Regional as well as societal divisions further complicate this option. Constituencies could in principle be established not only on the basis of geographic areas, but also on a demographic basis. This means that in addition to maintaining the existing links to geographically defined districts, it would be possible to introduce new constituencies or districts for specific groups of displaced voters, mainly when their displacement is lengthy. As with certain electoral systems that allow parliamentary elections with varying numbers of elected representatives, this would be another measure operating under the same principle. Its effects may be more easily controlled with a compensatory element that affects the original constituencies of the displaced, whose representative seats would fluctuate accordingly.

There are examples of countries that have considered the representation of their diaspora voters by combining them into special constituencies, and this should be equally possible for IDPs and refugees. The temporary nature of forced displacement cannot be used here as an argument to dismiss this possibility, because such measures could also be temporary, to be revised for each election, and because the diasporic population and its location also fluctuates quite regularly.

Electoral information and campaigns

Access to information is empowering. The more displaced communities are informed, the more included they feel and the more encouraged they are to participate, and this in turn makes their inclusion much easier.

EMBs should make sure they target migrant voters in their information and education campaigns. This extends to language considerations but also to logistical aspects, in order to find efficient channels to transmit information. It is not enough to claim that the necessary information is available on-line or at electoral facilities and centres, given that these are not always accessible to these groups. Special information and education material in the appropriate language(s) and an easily accessible style need to be developed, including generic as well as specific details relevant to displaced voters. Such information needs to be disseminated efficiently through cooperative efforts with CSOs, other state agencies and actors (including diplomatic missions), and possibly with relevant third country sister organisations like EMBs.

Civil society, together with and supported by international donors and specialised organisations, need to bring the displaced into their priority lists in order to support the efforts of EMBs and others to properly inform migrant voters. While this is more easily done in the case of IDPs, it should not be dismissed as costly or impossible in the case of the diaspora and of refugees. Cooperation with sister organisations on a reciprocal basis should be seriously considered.

Planning and logistical arrangements

EMBs and all other stakeholders in elections need to ensure the inclusion of displaced voters as part of their planning processes and logistical arrangements. Shortage of materials or the lack of proper arrangements that impede the effective exercise of the right to vote should not be acceptable excuses.

In the case of EMBs, this also affects their own internal structuring and the need to plan for these necessary dedicated functions. It is common to find that migrant voters are neglected in EMBs' strategic and logistical plans and organisational charts. This would also be the case with other state functions, such as external relations, diplomatic and consular services, or postal services. Resorting to bilateral cooperation agreements with the private sector would also ease some logistical arrangements.

Without overlooking the responsibilities of their country of origin, cross-border cooperation is a critical element for diaspora and refugee voters. Indeed, as constantly highlighted throughout this paper, third country governments must seriously consider the fact that enabling the displaced to exercise their political rights should become part of their existing obligations, whether or not this is on a reciprocal basis. This would enable the implementation of many measures suggested above, including registration, polling, and access to information.

The need for this type of cooperation also extends to actors other than governments. It is important to emphasise again that it is the responsibility of the migrant voters' country of origin to take the initiative to foster cooperative arrangements. These same countries may set the example by envisaging enabling environments for their 'guests'. Regional organisations have a privileged position in influencing the adoption of conducive policies and practices by their member states, and should act accordingly.

International levels: bilateral, multilateral, global and regional

International instruments, especially at the regional level, have increasingly been referred to as a good starting point but that is not enough. It is highly unlikely that a country would uphold its obligations and provide displaced persons outside its borders with the opportunity to exercise their political rights if third countries were not ready to cooperate. Such cooperation is more realistic when it is not left to individual bilateral agreements among countries. Cooperation in this regard needs to be regarded as an intrinsic value and an essential principle that should be reflected in international and regional instruments.

EMBs are among the institutions that all democratic countries have, regardless of their model. At the same time, all regions around the world have been making efforts to maintain EMB networks and

forums with the aim of cooperating through an exchange of experiences. Constantly improving their practices would thus contribute to building better and more sustainable democracies. Therefore, it is suggested that such regional EMB networks could also help facilitate the inclusion of migrant voters. Given that there are appropriate measures to cater for the associated costs, not least through reciprocal support mechanisms, EMBs should be able to discharge their usual functions in favour of voters who are displaced from third countries. If the tendency worldwide is to establish independent and permanent EMBs, there should, in principle, be no impediment to such functions. Individual EMBs would undertake tasks for their sister bodies, while regional network structures would serve as the liaison and coordination body to ensure the effectiveness of the entire cooperative operation.

This form of cooperation could also extend to regional and even international networks of CSOs, who could support each other in a more cost-effective inclusion of the displaced. In a globalised world, cognate organisations that share similar values and concerns should mutually reinforce each other by rendering their local capacities to help implement educational, observation and similar related functions.

Collaboration with specialised international organisations would also constitute a resourceful measure. A good example is the role played by the IOM on a number of occasions in implementing many of the main electoral tasks in different countries. These included the organisation and conduct of voter registration and polling. But other organisations, such as the UNHCR, in cooperation with other agencies inside and outside the UN system, could also consider using their own resources to extend their support beyond the basic humanitarian needs of the displaced.

Overall, regional organisations like the AU are expected to increase their efforts and assume a more effective role in fostering agreements among their member states. This should include revising relevant regional instruments, liaison and coordination among countries, together with a dedicated support to individual countries. This is to ensure compliance and also to provide them with the necessary help to meet their commitments and obligations. Given their intergovernmental nature, regional organisations can also play an important role inside their member states, such as cooperating technically and financially in the identification and registration of IDPs. They may also need to consider establishing dedicated teams, or review the mandate and enhance the capacities of existing ones, in order to prove their ability to help at all times.

Much has been said about effective electoral assistance, where the real impact of support provided over the last few decades by the international and donor community has been questioned. It is hoped that these reflections could help add to the debate about where and how to allocate resources, and under which conditions, in order to ensure the desired result.

These suggestions do not prescribe solutions; rather, they are intended to trigger discussions and reflections aiming at exploring, tailoring and applying creative solutions. This is motivated by the belief that in an ideal world universal suffrage should be exactly that: universal. This means ending all cases of exclusion.

Conclusion and Recommendations

Ensuring that electoral and political processes are genuinely inclusive requires determined endeavours to remove all barriers that impede universal suffrage. This is increasingly true in the case of vulnerable groups that have been historically excluded, whether intentionally or simply as a result of failures to find and apply efficient solutions to include them and ensure their rights.

Diaspora, IDPs and refugees, generally referred to as migrant populations, are vulnerable groups of displaced people whose rights to participate in politics have usually been neglected. While they share significant common ground, there are differences between the three categories and it is important to address these in order to ensure that efficient solutions can be explored for all to enjoy effective inclusion.

The need to ensure a conducive legal framework is the starting point for the inclusion of migrant voters. This would be easier to achieve if international legal instruments, including global and more specifically regional ones, were clearer. National laws could build on precedent and use good examples from existing provisions for the diaspora, and arrangements for out-of-country voting, and extend these to IDPs and refugees.

Some of the main recommendations for action include:

- The concept of migrants, including diaspora, IDPs and refugees, should have the widest possible definition. The exclusion of individuals for administrative or procedural reasons is not acceptable, and usually adds to the vulnerability of those persons.
- Political goodwill must be translated into useful agreements, policies and practices as good intentions are not enough. In addition, political players should create their own medium- to long-term interest in addressing and ending the exclusion of the displaced, not least as a stabilising solution that helps mitigate conflict and build social peace.
- Legal frameworks should have an encompassing vision to include the entire regulatory body, and not be limited to constitutions and national laws. They should also include international instruments, both global and regional.
- Existing provisions, regulations and practices, especially in the case of diaspora and OCV, can be useful as a way of introducing new methodologies and extending their benefits to IDPs and refugees as well.
- Legal frameworks should be revisited and amended with a view to going beyond the mere recognition of rights. They should also create a more enabling environment for the effective inclusion of migrant voters and the exercise of their rights.
- The design of electoral systems should include the need to grant all citizens, especially marginalised and vulnerable groups, real opportunities of representation and participation.
- Tolerance and acceptance need to be enshrined in all policies and programmes to ensure that cultural and social barriers can be minimised, through educational efforts, both within national borders and outside.
- The more susceptible among the vulnerable, especially women and youth, need to be given special attention in all measures and arrangements that are adopted.
- National priorities, especially developmental and economic ones, must be revisited with a view

to serving the general interest of all, and at all times.

- Financial resources should be made available and the necessary skills and human resources provided, mainly to EMBs, to ensure their capacity to cater for all who have the right to participate, including diaspora, IDPs and refugees.
- Creative solutions for technical and operational aspects must be explored. In many cases they may only need be revived and applied.
- All technical possibilities in terms of identification and documentation, voter registration, boundary delimitation and representation, polling, access to information, campaigning and other aspects should be seriously studied, adapted and applied.
- Cross-border cooperation, with the aim of enabling migrants to exercise their rights, is essential. In addition to bilateral agreements and international instruments, regional organisations have a critical role to play in this regard.
- Cooperation among EMBs in democratic countries should be seriously explored as a measure to introduce cost-efficient solutions, mainly in terms of addressing operational barriers.
- Cooperation among cognate organisations can greatly contribute to enabling conditions for migrants to participate in electoral and political processes in their countries. This is particularly true of CSOs, as well as specialised international organisations such as UNHCR or IOM
- The donor community needs to evaluate the effectiveness and impact of its assistance. This may result in a thorough revision of priorities, policies, programmes and methodologies.

In addition to idealistic suggestions such as these, efforts need to be made to ensure the full franchise of all those who have the right to vote. Universally accepted values and principles, enshrined in important global and regional instruments, must be given effect in national laws, regulations and practice. Increasing numbers of marginalised individuals are vulnerable, with complex rights that indicate the need for creative and revised priorities.

The recommendations presented here attempt to contribute to the ongoing debate and possible solutions. The main question remains: how to sustain genuine inclusive democracy as a fundamental right for all. Protecting and enabling the rights of forced migrants, whether as a result of conflict or otherwise, is a critical condition.

ANNEX A

Out-of-country voting in African countries:

SN	Country	Out-of-Country Voting (OCV)
1	Algeria	Citizens residing outside the country
2	Angola	Armed forces, Students, Diplomats & Others
3	Benin	Citizens residing outside the country
4	Botswana	Citizens residing outside the country
5	Burkina Faso	Citizens residing outside the country & Others
6	Burundi	Citizens residing outside the country (incl. Vacations)
7	Cabo Verde	Citizens residing outside the country
8	Cameroon	Citizens residing outside the country
9	Central African Republic	Citizens residing outside the country
10	Chad	Citizens residing outside the country
11	Comoros	Citizens residing outside the country
12	Democratic Republic of the Congo	OCV not permitted
13	Republic of the Congo	OCV not permitted
14	Cote d'Ivoire	Citizens residing outside the country
15	Djibouti	Citizens residing outside the country (incl. Vacations)
16	Egypt	Citizens residing outside the country
17	Equatorial Guinea	OCV not permitted
18	Eritrea	Citizens residing outside the country (incl. Vacations, Armed Forces and Diplomats)
19	Ethiopia	No Info
20	Gabon	Citizens residing outside the country
21	Gambia	OCV not implemented although law provides for it
22	Ghana	Citizens residing outside the country (incl. Vacations, Students and Diplomats)
23	Guinea	Citizens residing outside the country
24	Guinea-Bissau	Citizens residing outside the country
25	Kenya	Citizens residing outside the country, Armed Forces & Diplomats
26	Lesotho	Diplomats
27	Liberia	OCV not permitted
28	Libya	Citizens residing outside the country
29	Madagascar	OCV not permitted
30	Malawi	No Info
31	Mali	Citizens residing outside the country
32	Mauritania	Citizens residing outside the country
33	Mauritius	Diplomats and Others
34	Morocco	Citizens residing outside the country
35	Mozambique	Citizens residing outside the country

SN	Country	Out-of-Country Voting (OCV)
36	Namibia	Citizens residing outside the country (incl. Vacations, Students, Armed Forces and Diplomats)
37	Niger	Citizens residing outside the country
38	Nigeria	OCV not permitted
39	Rwanda	Citizens residing outside the country (incl. Vacations)
40	Sao Tome and Principe	Citizens residing outside the country (incl. Vacations)
41	Senegal	Citizens residing outside the country
42	Seychelles	OCV not permitted
43	Sierra Leone	OCV not permitted
44	Somalia	No Info
45	South Africa	Citizens residing outside the country (incl. Vacations, Students, Armed Forces, Diplomats and Others)
46	South Sudan	Citizens residing outside the country
47	Sudan	Citizens residing outside the country
48	Swaziland	Citizens residing outside the country
49	Tanzania	OCV not permitted
50	Togo	OCV not permitted
51	Tunisia	Citizens residing outside the country
52	Uganda	OCV not permitted
53	Zambia	No Information available
54	Zimbabwe	Diplomats and Others

Source: aceproject.org

African continent vs worldwide figures (excluding the four countries for which no information is available)

Topic	African Countries	Worldwide
Citizens Residing Outside the Country	68%	51%
Include those on vacation	16%	28%
Include Armed forces	10%	17%
Include Students	8%	16%
Include Diplomats	16%	22%
OCV Not Permitted	24%	25%

Source for worldwide data: aceproject.org

About the Author

A Spanish lawyer from Syrian origin, Ayman Ayoub is the former regional director for West Asia and North Africa at the International Institute for Democracy and Electoral Assistance (IDEA). Mr Ayoub has more than 23 years of experience in democracy building and rule of law support. In addition to working for over 10 years for International IDEA in different capacities, he has served as senior expert and adviser for the UN system, the European Union and a large number of international organisations specialised in elections and democracy development support. He provided his services in numerous countries in the Middle East and North Africa, East Europe, Africa and Asia. Since early 2011 he assisted and acted as adviser for most transitional and electoral/constitutional reform processes across the Middle East. Mr Ayoub is currently an independent adviser in elections, constitutional reform and related democracy development fields.

Pathways to Inclusive Electoral Participation of African Citizens with Disabilities

By
Michael Svetlik¹
Rebecca Aaberg
Virginia Atkinson

Introduction

While persons with disabilities are physically present in the community, the biggest obstacle is that they are often judged on the basis of their disability. In addition, the lack of means to implement initiatives and the poor appreciation of persons with disabilities by communities and electoral authorities are big obstacles.

Fatoumata Camara, Deputy Coordinator
for the Association of Persons Living with a Disability, Guinea

Persons with disabilities encompass approximately 15% of the world's population, the World Health Organization (WHO 2011, p.29) estimates (WHO 2011 p.29). Many countries in Africa report higher rates of disability than the world average – 20% in Chad, 32% in Morocco, and 35.9% in Swaziland (WHO 2011, pp. 271-276). In sub-Saharan Africa alone, the World Health Organization estimates that there are 780 million Africans with disabilities (WHO 2011, pp.108). In many countries across Africa, and across the globe, persons with disabilities are marginalised and restricted from participating fully in political life. Barriers can relate to physical access, stigma, lack of accessible information, insecurity and legal provisions that restrict participation.

The UN Convention on the Rights of Persons with Disabilities (CRPD), which came into force in 2007, has become the international standard for disability inclusion in political life. It has been signed or ratified by all but five states on the African continent. This treaty has provided an opening for disabled persons' organisations (DPOs) to advocate for political rights; however, much work remains on implementation and enforcement of the treaty's standards on the continent. The International Foundation for Electoral Systems (IFES) has found that the CRPD also provides an opportunity for governments to demonstrate positive state action on a non-controversial human rights issue.

¹ EISA acknowledges Michael Svetlik's presentation of this paper at its 20th Anniversary Symposium as part of the panel titled 'Addressing Marginalisation in Political Processes'.

In closed states, collaboration with election management bodies on the inclusion of people with disabilities can serve as a 'wedge' issue. IFES has been able to establish trusted relationships with government officials on disability rights, and these have led to an opening for engagement on other topics such as voter registration and complaints adjudication.

When people with disabilities actively participate in political life, particularly in elections, it reinforces the general public perception that people with disabilities are equal citizens. Through elections, persons with disabilities have a voice with which to advocate for issues of interest to them. At the same time, empowering marginalised communities, including Africans with disabilities, consolidates inclusive policymaking and other democratic practices. DPOs can utilise international and regional agreements to which their governments have made a commitment in order to improve access to political rights. This paper outlines these commitments, highlights obstacles that exist to civic engagement throughout the election cycle, and provides good practice examples from IFES' comparative experience.

Normative Framework

At each level of governance, legal frameworks protect the rights of persons with disabilities to engage in the electoral process. This normative framework, consisting of international conventions, regional charters, and national level legislation, can often provide leverage for advocates when encouraging greater inclusion and access. Understanding these various foundational documents, and how the framework functions as a whole, is critical to successful advocacy in this area. The CRPD is almost universally adopted in Africa and there are several regional frameworks that can be used to complement its provisions; but for the most part, regional and national-level laws and policies do not yet support equal access to the political process for persons with disabilities.

International

The CRPD is the international standard for disability rights and has been ratified by over 80% of UN member states. For those countries that have ratified the CRPD, not only does the treaty contain articles that expressly protect political rights but it is monitored by the UN Committee on the Convention on the Rights of Persons with Disabilities (CRPD Committee), a body of experts elected to monitor implementation of treaty provisions.

Article 29 of the CRPD, on 'Participation in political and public life', provides clear guidelines on the equal access of persons with disabilities to elections. It calls on states to ensure 'that persons with disabilities can effectively and fully participate in political and public life on an equal basis with others, directly or through freely chosen representatives, including the right and opportunity for persons with disabilities to vote and be elected'. In order to make this a reality, states should ensure 'voting procedures, facilities and materials are appropriate, accessible and easy to understand and use' and persons must be able to vote independently and in secret or with an assistant of their choice'. Article 29 is a primary tool for DPOs when advocating improved access to elections, and has been utilised both in international and domestic courts as a benchmark for the inclusion of voters with disabilities.

In order to guarantee that persons with disabilities have access to the right to vote and be elected, it is incumbent upon the state to make modifications or adjustments to any part of the process in which voters encounter barriers. This concept, described in Article 2 of the CRPD, is called reasonable accommodation, which means 'necessary and appropriate modification and adjustments not imposing a disproportionate or undue burden, where needed in a particular case, to ensure to persons with disabilities the enjoyment or exercise on an equal basis with others of all human rights and fundamental freedoms.' Some EMBs provide resources to voters with disabilities to ensure that they vote alongside their peers. Examples of reasonable accommodations for elections may include adapted entryways to polling stations, accessible formats such as audio or braille, sign language interpretation for Deaf voters, quiet waiting areas for voters with psychosocial disabilities, easy-to-understand instructions for voters who have intellectual disabilities, and low voting booths for wheelchair-users.

Rights of persons with intellectual or psychosocial disabilities, including the right to legal capacity – the ability to make decisions such as to vote – are also protected under the CRPD. Article 12, 'Equal recognition before the law', calls on governments to 'recognize that persons with disabilities enjoy legal capacity on an equal basis with others in all aspects of life'. It also obligates states to 'take appropriate measures to provide access by persons with disabilities to the support they may require in exercising their legal capacity'. The majority of election laws contain clauses that disenfranchise voters who are under guardianship, thereby not complying with this CRPD provision.² When Article 12 and Article 29 are taken into consideration together, they underscore that states parties must provide support to all persons with disabilities to participate in political life equally with others, even if they are under guardianship or in a supported decision-making arrangement. As many people with intellectual or psychosocial disabilities are under guardianship, lack of implementation of Article 12 constitutes a major barrier to the electoral participation of these citizens.

The CRPD Committee, the body responsible for monitoring the implementation of the convention, collects reports both from states parties and from civil society ('shadow reports'). States parties submit their reports every four years, and the CRPD Committee provides recommendations for remediation to states parties in order to harmonise local practices with CRPD standards. Shadow reports provide an opportunity for DPOs and other civil society organisations to comment on the gaps that exist in access to electoral and political rights. They can be a powerful tool in highlighting on an international stage both the progress that has been made on disability rights and the challenges that continue to exist. Since the CRPD Committee relies on shadow reports to provide local expertise on CRPD's implementation, the conversations sparked by shadow reporting and official CRPD responses are a method through which citizens can engage in peaceful, productive dialogue on disability rights, thereby strengthening a country's commitment to democratic practices. The actions taken on the part of states parties that have reported on CRPD implementation can show if a country is backsliding in its consolidation of democracy.

² Reports from the CRPD Committee can be found on its website.

Regional

Although support for more inclusive democratic practices is mentioned throughout regional frameworks, only the African Charter on Democracy, Governance and Elections directly addresses discrimination against persons with disabilities. Neither the African Charter on Human and People's Rights (Banjul Charter) nor Agenda 2063 name persons with disabilities as a marginalised group.

African Charter on Democracy, Governance and Elections

In 2013, the African Charter on Democracy, Governance and Elections went into effect for member states of the African Union (AU) of which all countries on the African continent, with the exception of Morocco,³ are members. Several references throughout the charter provide the basis for an analysis of electoral rights of African men and women with disabilities.

Article 3 of the charter obligates States Parties to 'respect human rights and democratic principles' and to maintain 'effective participation of citizens in democratic and development processes and in governance of public affairs.'

Article 31 of the charter calls on governments to 'promote participation of social groups with special needs, including the Youth and people with disabilities, in the governance process' and use civic education 'to encourage full participation of social groups with special needs in democracy and development processes'. However, unlike the CRPD, the Charter neither calls for accommodations to be made nor provides a mechanism for the enforcement of its provisions.

African Charter on Human and Peoples' Rights (Banjul Charter)

The 1986 Banjul Charter does not explicitly protect the rights of persons with disabilities to participate in public life, but the charter does outline in Article 13 that 'every citizen shall have the right to participate freely in the government of his country...in accordance with the provisions of the law'(AU 1986, p.5). However, the phrase 'in accordance with the provisions of the law' does not protect all citizens with disabilities, as domestic laws can limit access, particularly for persons with intellectual or psychosocial disabilities. The CRPD and the African Charter on Democracy, Governance and Elections have since superseded the Banjul Charter and reflect more modern international standards.

Agenda 2063

Agenda 2063, described by the AU as 'a strategic framework' for development, includes goals on economic, social, and political changes for the continent. Aspiration 3 calls for 'an Africa of good governance, democracy, respect for human rights, justice and the rule of law.' The African Union Human Rights Strategy, adopted in 2011 as part of Agenda 2063, also does not explicitly mention the elimination of discrimination against persons with disabilities nor their integration into political life. The strategy reflects the goals of Aspiration 3; Strategy point 27(f) calls for 'effective participation of citizens in governance and development,' and principle 27(h) requires 'non-discrimination on the grounds of race, ethnic group, colour, sex, language, religion, political or any other opinion, national

³ It was reported in July 2016 that Moroccan authorities have initiated talks with the AU to rejoin. See: <http://www.bbc.com/news/world-africa-36822240>

and social origin, fortune, birth or other status' (AU, 2011:9). Disability could be captured in the 'other status' category described in 27(h).

National

While all but four countries in Africa (Libya, Republic of Congo, Seychelles, and Sierra Leone) include constitutional language that generally protects citizens' right to vote, every country includes some restrictions on the right of persons with disabilities to participate in elections. Persons with intellectual or psychosocial disabilities are often impacted by legal provisions that bar persons of 'unsound mind', such as those in Chad, The Gambia, Kenya, Lesotho, Malawi, Mauritius, Namibia, Seychelles, Sierra Leone, Somalia, South Africa, South Sudan, Tanzania, Togo, and Zimbabwe. In addition to the language in constitutions, electoral codes from countries across the continent also either support or deny, to varying degrees, the right of citizens with disabilities to vote and be elected.

Nondiscrimination clauses within constitutions and separate disability rights laws can be useful tools for EMBs in supporting voters with disabilities, as well as for advocates pushing for implementation. Angola, Egypt, Madagascar, Malawi, Rwanda, Tanzania, Tunisia, and Uganda have either integrated nondiscrimination of persons with disabilities into their constitutions or adopted separate legislation to protect the rights of persons with disabilities. In the case of Kenya, the Persons with Disabilities Act Article 29 protects the right of persons with disabilities to choose an assistant when voting, thereby protecting their access to elections.

Frameworks for Multiple Forms of Marginalisation

Persons with disabilities may identify not only as having a disability but also as women, indigenous people or ethnic minorities, LGBTQIA, and/or as members of other marginalised communities. Recognising that overlapping identities affect persons with disabilities is critical to the discussion of political participation of persons who are members of marginalised groups.

CRPD Article 6 recognizes that women with disabilities face additional barriers because of their gender. It calls on countries to take necessary steps to guarantee that women and girls with disabilities retain access to their rights, including rights in the CRPD such as taking part in political life. Article 6 '[recognizes] that women and girls with disabilities are subject to multiple discrimination, and in this regard shall take measures to ensure the full and equal enjoyment by them of all human rights and fundamental freedoms.' (United Nations, 2006) The UN Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), which includes Article 7 guaranteeing the rights of women to participate in political life (United Nations, 1979), has been criticised for failing to integrate disability. Women Enabled International, an organisation working to support the rights of women with disabilities, has issued numerous statements on this policy gap.⁴

⁴ For more information, see <http://www.womenenabled.org/cedaw.html>

The UN Declaration on the Rights of Indigenous Peoples recognises both indigenous peoples with disabilities and political participation. Article 18 says that 'indigenous peoples have the right to participate in decision-making in matters which would affect their rights....'(United Nations 2007, p.8). Article 21.2 calls on governments to ensure that indigenous persons with disabilities have access to their rights: 'Particular attention shall be paid to the rights and special needs of indigenous elders, women, youth, children and persons with disabilities'(United Nations 2007, p.9).

On the regional level, the AU's African Youth Charter recognizes in Article 11 that 'every young person shall have the right to participate in all spheres of society', however, the document neglects to integrate disability specifically (AU 2006, p.17).

Reasons for Exclusion of Persons with Disabilities

In comparison, other regions have made more progress integrating persons with disabilities into political life by deliberately collaborating on the regional level. Regional groups of EMBs such as the Forum for Election Management Bodies of South Asia (FEMBoSA) and the Pacific Islands, Australia and New Zealand Election Administrator's (PIANZEA) network have participated in regional dialogues with disability rights advocates, resulting in the adoption of recommendations to make elections in the regions more inclusive. In addition to a lack of regional-level collaboration, Africans with disabilities face discrimination as a result of societal barriers. Discriminatory legal frameworks, attitudinal barriers, inaccessible information, lack of resources and insecurity hinder the continent's inclusive democratic development.

Discriminatory Legal Frameworks

While normative legal frameworks serve to uphold rights of both women and men with disabilities to engage meaningfully in political life, in practice limits exist to the access afforded to persons with disabilities. In some instances, local legislation contradicts international standards. In other cases, there are not effective implementation and enforcement mechanisms.

International

On the African continent, the CRPD has been signed or ratified by all countries with the exception of five: Botswana, Eritrea, Equatorial Guinea, Somalia, and South Sudan (UNHCR, 2016). Ratifying the CRPD obligates governments to follow the treaty's standards. Persons with disabilities who live in countries that have not ratified the CRPD cannot rely on the CRPD Committee to illuminate challenges to their rights.

Through periodic reports, the CRPD Committee assesses access to disability rights in each member state. In many countries, the CRPD has not been fully realised, including through harmonising domestic legislation. The CRPD Committee, in its review of the implementation of Article 29 in Gabon, noted its '[concern] that the Electoral Code contains restrictions on the right of persons with disabilities to vote, including those subjected to "interdiction" or any other kind of deprivation of legal capacity', as well as 'the physical and informational barriers in the voting process.'(CRPD

Committee 2015, p.9). In its recommendations for improving access to the right to vote, the CRPD Committee recommended 'that the State party repeal the relevant provisions in the Electoral Code in order to enable all persons with disabilities to vote, including restoring legal capacity as required, and to ensure that all stages of an election are made fully accessible' (ibid.). This example illustrates the lack of implementation of electoral rights for persons with disabilities who are under guardianship, as established by Article 12 of the CRPD.

Many countries also neglect to implement fully provisions for voting accommodations. Reasonable accommodations may include the use of assistive devices, such as magnifying glasses for those with low vision, braille ballot guides, which allow persons who are blind to vote independently and in secret, ramps for persons with physical disabilities, and signs that make it easy for persons who have intellectual disabilities to find their polling place. In Kenya, the CRPD Committee noted 'the lack of measures to ensure the secret vote', as well as 'the lack of information on accessible information [sic] on voting procedures.' (CRPD Committee 2015a, p.11) These reasonable accommodations remove barriers to voting for persons with disabilities, as called for in CRPD Articles 2 and 29. In order to remedy this obstacle to inclusion, the CRPD Committee recommended that Kenya ensure available accommodations in order to 'guarantee full accessibility to polling stations throughout the country in election processes and design and develop election-related information on accessible formats for persons with disabilities.' (CRPD Committee 2015a, p.11)

The CRPD Committee, through decisions such as those mentioned above, sets precedents for how the treaty should be implemented in order to realise disability rights in political life. In addition to Gabon and Kenya, Mauritius, Tunisia, and Uganda have also submitted reports and received recommendations from the CRPD Committee on their implementation of voting rights.

Domestic

Countries across the African continent include electoral legislation that limits access of persons with disabilities from voting and running for office. A few examples include:

- Algeria – Article 7 of the Electoral Code: 'May not be registered on voter rolls...People who are committed to an institution and people who are barred.'
- Lesotho – Article 5 of the Electoral Code (2011, p.576): '(2) A person is not qualified to register as an elector if that person... (d) is declared to be of unsound mind under the laws of Lesotho.'
- Mali – Article 27 of the Portant Loi Electorale: 'Those people deprived of their right to vote by a judicial decision and those who are severely incompetent should not be registered to a voter list.'
- Tanzania – Article 5, subsection 2 of the Constitution: 'Parliament may enact a law imposing conditions restricting a citizen from exercising the right to vote by reason of any of the following grounds:... (b) being mentally infirm...'

In each case above, the government has imposed a restriction on persons with disabilities from voting, running for office, or both. It is critical to acknowledge that these laws disproportionately affect persons with intellectual and psychosocial disabilities, and who are more likely than others to live in institutions or to lose their legal capacity due to a court decision.

Attitudinal Barriers

Stigma against having a disability, and stereotypes about the ability of persons with disabilities to participate as full citizens, restrict their access to political rights. The National Movement of Disabled Persons Uganda has been advocating for disability rights since 1987. Even after nearly three decades, 'community advocacy to change societal and cultural negative attitudes towards PWDs [sic]' is needed to ensure that men and women with disabilities have access to their rights (Abimanyi-Ochom & Mannan 2014, p.5). Persons with different types of disabilities face stigma as a result of misunderstanding and cultural beliefs. In some instances, children born with a disability are not given a birth certificate or national identification documents because it is assumed they will not need them. When these youth come of age, they then do not have the appropriate documentation to register to vote. Additionally, in some countries it is believed that having sexual intercourse with a woman with a disability will provide a cure for the AIDS virus, and this increases the level of violence against women with disabilities. These practices challenge full inclusion in political and public life. Stigma not only impacts persons with disabilities directly but also affects their families, which discourages them from participating together in local public life. For example, when a child is born with a disability, communities may assume that the disability was caused by the mother's behavior (Koszela 2013, p.8). One man with a physical disability in Zambia shared the following story in a focus group session (Banda-Chalwe, Nitz & de Jong, 2014, p.8):

I crawl up and down stairs of buildings when I want to buy school requirements for my children and the shop where I can find what my children need is upstairs at a shopping complex. I feel embarrassed crawling and my children also feel embarrassed. My wife does not usually accompany me when I am with the children in the city, she feels embarrassed too.'

These barriers may prohibit persons with disabilities from voting in elections in public. Women and men with disabilities and their families may not feel comfortable going to the polling place and may even face repercussions as a result of their public participation.

Barriers to the electoral participation of persons with disabilities, created by stigma, not only directly affect their inclusion in public and political life but also influence the aforementioned legal framework, particularly the participation of persons with intellectual or psychosocial disabilities. Lawmakers, who may not have interacted with persons with disabilities previously, have often not received education on the rights afforded to persons with disabilities through the CRPD. Language such as 'unsound mind' and 'incompetent' are commonly used when restricting the rights of persons with intellectual or psychosocial disabilities to take part in elections. The use of this terminology can be attributed to generations of stigma surrounding disability and misunderstanding of how the right to vote should be applied to all persons with disabilities.

Inaccessible Information

Persons with disabilities are more likely to have low literacy as a result of their marginalisation in society. Deaf citizens in particular have low rates of literacy, and persons with intellectual disabilities

may benefit from easy-to-read text, a format that uses simple language and pictures to convey messages. Alternate formats such as braille or audio and accessible websites are critical in order to engage persons who are blind or have low vision. In some countries, debates and election results are shared only via radio, which is inaccessible to voters who are deaf or hard-of-hearing. Providing televised coverage with a sign language interpreter and captions better serves these voters.

EMBs and political parties often fail to conduct targeted outreach to voters with disabilities. In Botswana, political parties used Facebook as a low cost method of communicating with voters during campaigns. This move was hailed as a method for 'democratizing media access' by researchers at the University of Botswana (Masilo & Seabo 2015, pp.110-129). Yet this failed to acknowledge the accessibility gap for voters with disabilities who are less likely to have access to the Internet. The article also does not discuss how inaccessibility of information through Facebook impacts the consolidation of inclusive democracy.

Furthermore, when media sources share information on the participation of persons with disabilities, it often uses a charity-based perspective in which voters with disabilities are seen as objects of pity or as 'heroes' for completing an ordinary task such as casting a ballot. This perpetuates pervasive stereotypes about the capabilities of persons with disabilities and strips them of dignity.

Communication barriers also hinder participation on election day. In Zambia in 2016, services were not provided on site to persons who use sign language. *Selah Brotherson v. ECZ* established the discrimination of the Electoral Commission of Zambia (ECZ) against persons with disabilities. A representative from Zambia Deaf Women and Youth noted that Deaf women and men in the country are less likely to vote as a result:

I feel deaf [sic] issues still remain under or misrepresented. There is neither activity nor a budget for sign language interpreters during the course of the entire electoral process, for example the ECZ announcements/advertisement on TV. For too long, people with disabilities have been in the shadows in exercising this basic civil right. The causes of voter disenfranchisement are myriad, but they include physical inaccessibility, a failure to provide registration and voting materials in accessible formats, a lack of private and independent voting for many citizens, and the denial of the right to vote on the basis of erroneous assumptions about a person's capability because of his or her disability.' (Chooma, 2016)

Not only were voters disenfranchised by the system's failure to provide services but Deaf voters lacked the vocabulary needed to discuss elections and political participation.

Lack of Resources for Access

Accommodations such as the physical adaptation of polling stations or providing sign language interpreters require resources. Some voting accommodations can be implemented with little or no cost, such as allowing a voter to choose an assistant, or printing some ballots in large font for voters with low vision, with limited budgets. However, election officials may choose not to invest in costlier assistive devices for polling places or in training polling station staff on how to include voters with disabilities.

Providing alternatives so that persons with disabilities can vote alongside their peers is important not only to strengthen democratic practices in the country but also to demonstrate citizenship. When buildings and pathways cannot be used by persons with physical disabilities, for example, those voters are less likely to take part in the election. As one man with a disability in Zambia recalled, 'It is too far to wheel myself to and from town on gravel rough pathways and it is also difficult to cross the roads because of high pavements. Too much to think about, so I just stay at home!' (Banda-Chalwe, Nitz & de Jonge, 2014, p.7)

Insecurity

Persons with disabilities are at higher risk of violence, and women with disabilities are subject to additional security concerns. In the context of elections, men and women with disabilities may not feel safe going to the polling place to vote for reasons such as a lack of sidewalks, so that they have to travel on the side of the road, and also the threat of election-related violence. One young woman with a disability in the Dominican Republic reported: 'I did not vote because my family did not feel comfortable letting me go since in that location there was a gun shooting and a deaf person could be in larger risk.' (IFES 2014, p. 63)

Security concerns surrounding elections in African countries are amplified for persons with disabilities. In the Democratic Republic of Congo (DRC), SMS services were turned off during the disputed 2011 election as part of a 'public order'. This action directly affected the 1.4 million Deaf persons living in the country for whom text messages are often a primary form of communication (Hubert, 2011). Those voters were then unable to communicate amid election-related violence.

In Tanzania, persons with albinism are at risk of violence because of the belief that their body parts are good luck charms. As reported in The Guardian in 2015, elections increase the risk of abductions and killings for persons with albinism. 'As the country gears up for the elections, the demand for good luck charms goes up. Sacrifices during this time are thought by some to be a sure way of guaranteeing victory in the polls.' (Wesangula, 2015)

Remedies for Equal Opportunities

While there is not yet a comprehensive approach to enhancing electoral access at the regional level, there have been successes at the national level in Africa. The key lesson learned from successful initiatives is the importance of active engagement with the disability rights community. Election stakeholders that collaborate directly with DPOs have more impactful programmes.

Inclusive Voter Education

In order to build an engaged electorate, voter education should include targeted messages toward the disability community, and disability rights should be integrated into mainstream messages. Voter education materials should also be produced in accessible formats, such as braille, sign language and large font. Including a model with a disability in a poster campaign or an actress

with a disability in a TV spot does not require additional funding and can be very impactful in terms of encouraging turn-out among citizens with disabilities.

In 2011, the Election Commission of Cameroon (ELECAM) created a series of videos to provide electoral information to persons with disabilities. The videos, which included sign language interpretation, framed political inclusion as a human rights issue and demonstrated an accessible polling station while providing additional information on where and how to vote. Making the video available not only in English and French but also in sign language made it accessible to Deaf voters in Cameroon, and showing sign language in official messages destigmatised its use by voters.

In Mali and the DRC, boîte à image tools, a series of pictures detailing the government structure and the process for voting, were impactful as the materials integrated images of voters with disabilities along their fellow citizens (PAPEM, 2016). Similarly, a series of images produced in the DRC by IFES in advance of the 2014 elections includes depictions of voters with physical and visual disabilities (International Foundation for Electoral Systems, 2014). Voter education of this nature, produced in picture format, is accessible to citizens with low literacy. Persons with disabilities often have lower rates of literacy than others because of a lack of access to education, so they also benefit from this type of voter education.

In Nigeria, the Independent National Electoral Commission (INEC), IFES and DPOs collaborated to implement a series of voter education training workshops in order to build the capacity of DPOs to conduct targeted voter outreach within their communities. One of the workshop beneficiaries, Rotimi Babatunde, developed a TV program targeting Nigerians with disabilities which was broadcast weekly before the elections. He said the workshops inspired him to vote for the first time in a decade (IFES).

Awareness around how messages reach voters makes a significant difference in which voters can receive information from EMBs and governments. When designing programmes to include all voters, taking into account the dissemination method can impact who participates on election day.

In Guinea in 2014 and in Libya in 2015, IFES worked with local Deaf communities and interpreters to build a lexicon of election-related terminology. The Libya project included development of a mobile app to be used by Deaf Libyans and poll workers to facilitate communication during the elections. Trainings were then delivered to ensure awareness of the lexicon and to improve its reach among the Deaf community. As one Deaf voter noted, 'Every Libyan has the right to this information, and all Libyans have the right to raise their voices, even if they are Deaf.' (IFES, 2016)

Standardised Data on Political Participation

Improving national statistics on disability is an important first step to understanding how many citizens with disabilities may be served by accommodations and updated policies (WHO 2011, pp. 45,263). Many countries on the African continent use different definitions of disability, so data is

not comparable. Collecting data on participation is critical in order to design interventions that will produce more engaged voters. The Washington City Group⁵ has developed a set of standardised questions on disability to better collect comparative data. Representatives from the national statistical authorities from Botswana, Kenya, South Africa and Uganda attended the last meeting and South Africa will be hosting the next gathering. Active involvement of African stakeholders in this initiative will better support EMBs in targeting assistive devices and developing inclusive voter education.

Assistive Devices and Accessible Polling Stations

On election day, voters who are blind or have low vision should have the option to use assistive devices such as tactile ballot guides (TBGs) to mark their ballot independently. Liberia and Sierra Leone have developed TBGs (ElectionAccess.org, 2014). These guides can be placed over a ballot, making them reusable and maintaining the secrecy of the vote for persons who use the tool. Other assistive devices that can increase polling station accessibility include magnifying glasses and pencil grips or large pens.

Empowering local DPOs to take part in the electoral process is one way of increasing sustainable initiatives to improve polling station accessibility. In 2012, IFES trained the National Association of Societies for the Care of the Handicapped (NASCOH) in Zimbabwe to conduct polling station audits after a NASCOH survey indicated that polling station inaccessibility kept over 20% of persons with disabilities from voting in the 2008 elections. Using a 14-point checklist, NASCOH measured physical accessibility of over 1 600 polling stations. Over the course of six months, teams that included persons with disabilities went to Harare, Bulawayo and other districts to conduct the assessment (IFES, 2012). This information was then available to NASCOH for future advocacy efforts.

Poll Worker Training

Poll worker training is critical for ensuring that persons with disabilities have access to the enfranchisement guaranteed by the CRPD. In some countries, untrained poll workers may turn away registered voters with intellectual or psychosocial disabilities. Poll workers may also provide direct assistance in the voting booth, rather than allowing persons with disabilities to vote independently or choose their own assistant. Supporting voters with disabilities means empowering them to vote independently and in secret, providing a pathway for access to their rights. Training poll workers in etiquette for supporting voters with disabilities enables them to be confident that their actions uphold the rights of all voters. Ahead of the October 2016 election in Morocco, IFES developed the first poll worker guide for supporting voters with different types of disabilities.

⁵ http://www.cdc.gov/nchs/data/washington_group/wg_short_measure_on_disability.pdf

Inclusive Stakeholder Collaboration and Engagement

In order to understand the accommodations and policies that work best for persons with disabilities in a country, EMBs and election officials should collaborate with local DPOs.

The creation of an Election Access Working Group in Libya produced the first-ever campaign on awareness of the right to vote of persons with disabilities. Zaykom Zayna ('We Are As You Are'), a collaboration of election officials, DPOs, and other civil society organisations, emphasised access to rights outlined in the CRPD. Because of its successful media campaign, Zaykom Zayna became an organisation in its own right and continues to provide inputs to the High National Election Commission (HNEC) (IFES 2015a).

In South Africa, the Ubuntu Centre, an organisation of self-advocates with intellectual and psychosocial disabilities, recognised that many persons in South Africa are denied the right to vote as a result of their disability. The organisation advocates on behalf of these rights and has provided recommendations to the government, such as increasing voter awareness programs, training polling station staff to support reasonable accommodations, and adopting guidelines that secure voting rights for all (Ubuntu Centre, 2015). Groups like the Ubuntu Centre provide a valuable resource to EMBs that could facilitate updates to procedures and policies. Connecting with DPOs, and particularly with self-advocates, exposes election officials to the citizens who are working to secure access to the rights afforded to them by the CRPD.

Conclusion

Marginalisation, discrimination and exclusion present formidable obstacles across Africa for persons with disabilities. Discriminatory legal frameworks, attitudinal barriers, lack of accessible information, and lack of resources prevent the full participation of person with disabilities in elections and public life.

Participation in elections empowers persons with disabilities to have a voice with which to advocate for issues of interest and also leverage access to other rights, such as education, healthcare, and employment. Disability rights groups can utilise the legal framework, including international and regional agreements to which their governments have made a commitment, in order to improve the accessibility of elections and participate more fully in political life.

Successful advocacy is buttressed by proven efforts by election management bodies to expand electoral participation and access for persons with disabilities. These efforts include inclusive voter education, stakeholder communication, and more accessible polling stations. In addition, increased data on political participation and enhanced stakeholder collaboration and engagement permit election practitioners to build a body of evidence. This can be used to adapt and improve processes and practices that continue to expand the inclusivity and accessibility of elections and political processes for persons with disabilities, and other marginalised groups.

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About EISA

Since its inception in July 1996 EISA has established itself as a leading institution and influential player dealing with elections and democracy related issues on the African continent. The organisation's Strategic Goals are:

- Electoral processes are inclusive, transparent, peaceful and well-managed;
- Citizens participate effectively in the democratic process;
- Political institutions and processes are democratic and function effectively; and
- EISA is a stronger and more influential organisation

The vision of EISA is "an African continent where democratic governance, human rights and citizen participation are upheld in a peaceful environment". This vision is executed through the organisational mission of "striving for excellence in the promotion of credible elections, participatory democracy, a human rights culture, and the strengthening of governance institutions for the consolidation of democracy in Africa".

Having supported and/or observed over 100 electoral processes in Africa, EISA has extensive experience in formulating, structuring and implementing democratic and electoral initiatives. It has built an internationally recognised centre for policy, research and information and provides this service to electoral management bodies, political parties, parliaments, national and local governments and civil society organisations in a variety of areas, such as voter and civic education and electoral assistance and observation. Besides its expanded geographical scope, the Institute has, for the past several years, been increasingly working in new in-between election areas along the electoral and parliamentary cycle, including constitution building processes, legislative strengthening, conflict management and transformation, political party development, the African Peer Review Mechanism (APRM) and local governance and decentralisation.

EISA provides technical assistance to inter-governmental institutions, such as the African Union, the Pan-African Parliament and Regional Economic Communities (RECs), to reinforce their capacity in the elections and democracy field. The Institute has signed Memoranda of Understanding with the African Union (AU), the Economic Community of Central African States (CEEAC); the East African Community (EAC); and the Common Market for East and Southern Africa (COMESA). EISA also works on an ad hoc basis with the Southern African Development Community (SADC) and the Economic Community of West African States (ECOWAS).

EISA has current and former field offices in Angola, Burundi, Central African Republic, Chad, Côte d'Ivoire, Democratic Republic of Congo, Egypt, Gabon, Kenya, Madagascar, Mali, Mozambique, Rwanda, Somalia, Sudan, Zambia and Zimbabwe.

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