**TRANSMFORMING LIVES**

**ACCESS TO CITIZENSHIP AND VOTING RIGHTS**

**KEY TO EMPOWERING THE MOST VULNERABLE NEPALIS**

Bhagirathi Jhora, 37, of Shreepur village in Kailali district, one of the shortest women in Nepal, was among the 80 percent Nepalis who voted in the historic 2013 Constituent Assembly (CA) elections. The experience was huge for Jhora: it was the first time she had exercised her democratic voting rights as a citizen and also her first self-led venture out of home for any kind of civic participation—a drastic change from being confined at home due to her physical disability and inaccessible environment.

Today, Jhora is an active member of a community group advocating for disability rights. She recently also received her citizenship certificate and disability ID card. These cards give her the legal grounds to finally seek and receive disability allowance from her Village Development Committee (VDC).

**Justice After Twenty Decades**

It is a whole on disability issues and rights was crucial to changing attitudes, while facilitating access to key state services more such as citizenship card and voter registration was important to break environmental hurdles. To fully mainstream persons with disabilities into political and social life, the State, however, would need to show greater commitment. Sustained advocacy was therefore key, and the project formed community-based advocacy forums and lobbied with the local state structures and the Election Commission.

The Election Commission rose to the challenge. During the 2013 CA election, the Commission made important provisions to facilitate voting for persons with disabilities: 50 polling locations—49 across the country and one at the Election Commission office—were made accessible: transportation services were provided; priority in queuing to vote was allowed, along with support from a trusted person to cast vote. The project disseminated messages through focused and friendly voter education materials, including braille leaflets, while the National Federation of the Disabled (NFD), one of the project’s sub-grantees, deployed 125 persons with disabilities across 17 districts to monitor access to elections for persons with disabilities. This was the first ever monitoring exercise from the disability perspective.

On Election Day, a total of 5,714 persons with disabilities from project districts (120 VDCs) cast their vote—a number previously unheard of.

Highlighting the project’s best practices and lessons learned at a recent event in Kathmandu organized by USAID’s Democracy and Governance Office for other development partners, Suraj Sigdel, Project Director for I-CPES at the USAID-Nepal mission, shared, “Mainstreaming disability is more about commitment and good planning rather than output. Conscious efforts will go a long way in empowering the most marginalized community in Nepal.”

The project even roped in its existing partner civil society organizations (CSOs), working to promote civic, political and electoral participation of other marginalized communities, like women, Dalit, Madhesis, small communities, and youth. As a result, the project was able to promote disability inclusion. The CSOs were trained on disability issues and motivated to mainstream disability into their existing operations, with data on persons with disabilities made an integral part of their monitoring and evaluation framework.

In Kathmandu, the Election Commission continues to display its commitment to gender and social inclusion. The Commission’s Gender Policy, implemented since September 2012, resulted in the establishment of a Gender and Social Inclusion Unit in March 2014. The GSI unit is represented by Tista Devi Dahal, an activist and a woman with disability. Speaking of the ECN’s disability inclusive GSI initiatives, she remarked, “I look forward to putting my best effort to make the electoral participation of people with disabilities a reality. It is my hope that other Nepalis with disabilities, currently deprived of these democratic rights, are sooner rather than later able to exercise their fundamental democratic voting rights.”

Just as the first step towards preparing for local elections, USAID and its partners will continue to work on disability inclusion with the Elections Commission, and will continue to replicate these efforts with other Government and non-government agencies and organizations such as the Nepal Democracy and Governance Office at USAID Nepal Maria Barron. This has been over people like Jhora, being able to vote in the CA election of November 2013 was a huge win for more reasons than one. “I want to run my own business, be financially independent and contribute to my family income, as is the wish of all,” she said. Happiness aside, her newfound confidence is an inspiration for thousands of other Nepalis.

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USAID Support Leads to Landmark Judgment on Organ Trafficking

Kathmandu District Court passed a landmark judgment on organ trafficking under the Human Trafficking and Organ Transplantation (Control) Act, 2007. The district court convicted two perpetrators with ten years of imprisonment and a fine of Nepali Rupees 200,000 each (about US$2,100). The court further decided to compensate the survivor since the case started in May 2013 when the project assisted the survivor and where 25 percent of the population live in extreme poverty, the $600 Jhora will receive is almost a year’s income.

One year later, in May 2014, the Appellate Court of Makwanpur upheld the district court’s decision. This was a landmark judgment in Nepal’s judicial history, with the district court judges upholding the victim’s right to ‘adequate compensation.’ The judge also interpreted the rules of ‘adequate compensation’ to include support from the government’s victim assistance Rehabilitation Fund. In a country where state funds are rarely offered as compensation to victims of human trafficking, this case has set a new precedent in Nepal.

Since 2011, USAID trainings have directly contributed to 48 convictions—and 3 landmark cases. Despite this success, many survivors still remain challenged to exercise their rights due to social and financial barriers, lack of legal knowledge, and fear of the justice system. The USAID-funded project aims to reduce these barriers by increasing survivors’ awareness and access to legal services and improving the justice sector’s application of rights-based and victim-centered jurisprudence through trainings.