

TRANSFORMING 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) election. The experience was a huge win 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. Persons with disabilities are among the most excluded in Nepal. In November 2013, along with Jhora, 1,051 persons with disability – across 120 VDCs of six districts – were able to register and vote for the first time with support from the USAID-funded Strengthening Political Parties, Electoral and Legislative Processes project.

Jhora was fortunate. There are still thousands of persons with disabilities who have no access to any form of government service. For them, exercising civic, electoral, and political rights is just a dream. Recognizing this, the project, implemented by the International Foundation for Electoral System (IFES), worked closely with the Election Commission Nepal to organize community-level voter education programs and targeted voter outreach and advocacy across the



A woman with disability is part of a mock polling exercise in the lead up to the November 19, 2013, Constituent Assembly. The exercise was part of the voter education and registration drive, targeted towards the most vulnerable and marginalized populations, conducted by the Election Commission Nepal with support from USAID's partners like IFES. Through the Strengthening Political Parties, Electoral and Legislative Processes (SPPELP) project, USAID strives to restore public confidence in democratic processes and institutions and to promote greater political participation of marginalized populations, like people living with disability.

country. The program identified the legal framework to target this population, shifted resources for outreach, and identified local partners representing people with disabilities. To fully internalize and integrate disability inclusion into its own operations, the project hired two persons with disabilities and asked their partners to do the same. Led by the project team, the staff helped add a new disability lens to project planning, outreach, and implementation in 32 districts. District-level government officials were trained to support the electoral, political participation of persons with disabilities and 120 disability inclusive groups were trained to promote their civic, political and electoral rights.

Jhora's case is an illustration of how one can overcome even the most difficult 'attitudinal' and 'environmental' barriers. Educating persons with disabilities, their families and the community as a

whole on disability issues and rights was crucial to changing attitudes, while facilitating access to key state services 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 by persons with disabilities: 50 polling locations – 49 across the country and one at the Election Commission Nepal – were made accessible; transportation services were provided; priority in queuing to vote was allowed, along with

using support from a trusted person to cast vote. The project disseminated disability-focused and friendly voter education materials, including braille leaflets, while the National Federation of the Disabled, Nepal, 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 of elections in Nepal 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 Officer at IFES Nepal, shared, "Mainstreaming disability is more about commitment and good planning than about costs. 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 such as women, Dalit, freed Kamiya, Muslim communities, and urban youth, as vehicles 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.

In Kathmandu, the Election Commission continues to display its commitment to gender and

social inclusion. The Commission's Gender Policy, implemented since September 2013, led to the establishment of a Gender and Social Inclusion Unit in March 2014. The GESI unit is represented by Tika Devi Dahal, an activist and a woman with disability. Speaking of the ECN's disability inclusive GESI initiatives, she remarked, "I look forward to putting my best effort to make the electoral process of Nepal disable friendly. It is my hope that other Nepalis with disabilities, currently deprived of their civic, political, and electoral rights, are sooner rather than later able to exercise their fundamental democratic voting rights." Joint Secretary of the Commission, Bir Bahadur Rai, echoed the Commission's commitment to make at least one polling station per electoral constituency disability friendly within the next five years and to reach out to more affected populations with disability focused voter education and information materials.

"As the country starts preparing for local elections, USAID and its partners will continue to work on disability inclusion with the Elections Commission, and can hopefully replicate these efforts with other Government and non-government actors," reinforced Director of the Democracy and Governance Office at USAID Nepal Maria Barron.

Meanwhile for 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 in the future," she said. Happiness aside, her newfound confidence is an inspiration for thousands of other Nepalis.

SNAPSHOT



PHOTO: THE ASIA FOUNDATION

Community orientation held under the Combating Trafficking in Persons Program

Fifteen years after being sold for sex work in India, Birani (pseudo name) returned home to Makwanpur district in November 2011. Birani found her freedom but, afraid of social stigma, she could neither share her story nor pursue a legal case against her traffickers. Three years on, in May 2013, she finally broke free from all chains as she watched her traffickers receive a 20-year prison sentence.

Birani's decision to speak up and file a case against her traffickers came in April 2012 after attending an orientation on Nepal's anti-human trafficking law and participating in a discourse on the stigma and discrimination associated with human trafficking. Empowered to challenge social values that stigmatize and blame the trafficking survivor, she found the strength to take action against her perpetrators. The orientation that Birani

JUSTICE AFTER TWO DECADES

attended was organized by the USAID-funded Combating Trafficking in Persons (CTIP) project, which, since 2010, has worked to prevent trafficking, protect victims, and prosecute human traffickers in six of Nepal's most trafficking-prone districts.

With support from the project, Birani filed a case under the 2007 Human Trafficking and Transportation Act at the District's police office. The project-supported district lawyers from two local NGOs – Forum for Protection of People's Rights Nepal and Legal Aid and Consultancy Center – helped strengthen Birani's legal case. They collected necessary testimonies and supported the district attorney in collecting the victim witness testimony and preparing and delivering the pleading note for the case. In May 2013, the District Court not only convicted the three traffickers, sentencing them each to a 20-year prison term, but also fined them \$200 each as compensation that will go to Birani. In a country with a per capita income of \$700 and where 25 percent of the population lives in extreme poverty, the \$600 Birani 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

USAID Support Leads to Landmark Judgment on Organ Trafficking

Kathmandu District Court passed a landmark judgment on organ trafficking under the Human Trafficking and Transportation (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 with Nepali Rupees 200,000. With support from the USAID-funded Combating Trafficking in Persons (CTIP) project, local NGO Forum for Protection of People's Rights Nepal provided legal counseling, legal aid, and court representation to the survivor since the case started in May 2013 when the project assisted the survivor to file a first information report. The judgment is a judicial milestone, using the existing anti-trafficking legal provisions and an expanded framework to establish a link between exploitation, deception, and human trafficking in acts to extract human organs. One of the perpetrators was also charged for a second kidney trafficking case in Kavre District Court filed in 2012. In a country where justice still eludes victims of sexual trafficking, this is an important conviction for a form of human trafficking that is still evolving and new to Nepal. The CTIP project, since 2010, has worked to prevent trafficking, protect victims, and prosecute human traffickers in six of Nepal's most trafficking-prone districts.

judgment in Nepal's judicial history, with the district judge upholding the victim's right to 'adequate compensation.' The judge also interpreted the rules of providing 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 remain challenged to exercise their right to justice 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.