

The Committee on the Rights of Persons with Disabilities

32nd Session

Day of General Discussion

The International Commission of Jurists' statement on the participation of persons with disabilities in public office during the Committee on the Rights of Persons with Disabilities' Day of General discussion on the right of persons with disabilities to participate in political and public life

Geneva, 20 March 2025

Madame Chairperson, members of the Committee, distinguished delegates and dear civil society colleagues,

I am Livio Zilli, the Deputy Programme Director of the Legal & Policy Office at the International Commission of Jurists. Composed of 60 eminent judges and lawyers from all regions of the world, the International Commission of Jurists promotes and protects human rights through the Rule of Law, by using its unique legal expertise to develop and strengthen national and international justice systems. The International Commission of Jurists is committed to securing the realization of *all* human rights for *all* people, and in particular the rights of marginalized and disadvantaged individuals and groups.

The International Commission of Jurists commends this Committee's decision to develop a General Comment on Article 29 of the Convention on the Rights of Persons with Disabilities, which guarantees the rights of persons with disabilities to political and public life, and this Committee's continuing efforts in promoting the full participation of persons with disabilities in political and public life.

Historically and presently, many States have barred or restricted persons with disabilities from participating in public office on the basis of their disabilities. These exclusions are based on a number of factors, including:

- Attitudinal barriers, evident in societal stereotypes or stigma about persons with disabilities;
- Communication barriers, manifesting when formats or methods of sharing information are not accessible to persons with disabilities;
- Physical barriers, such as narrow doorways or stairs in registration centres and polling stations, and signage that is inaccessible for people with various disabilities;
- Institutional barriers, such as laws and policies that are not inclusive of persons with disabilities, including disability-based voting restrictions that assume that persons with disabilities, and in particular persons with psychosocial and/or intellectual disabilities, do

not have the requisite legal capacity to vote, stand or hold public office or otherwise participate on an equal basis with others in public life.¹

The International Commission of Jurists and its partners have supported Zambian organizations of persons with disabilities with drafting [a joint Submission](#) to this Committee in respect of Zambia's compliance with the Convention on the Rights of Persons with Disabilities, including with respect to Article 29. Electoral laws in Zambia disqualify any person who is "adjudged or otherwise declared to be of unsound mind" from registering to vote. The Zambian Constitution itself disqualifies individuals from holding various public offices on the grounds of "a mental or physical disability that would make the person incapable" of performing the functions of their office. Moreover, various constitutional provisions indicate that public offices "become vacant" if the incumbent has "a mental or physical disability that would make the person incapable". In addition, persons with disabilities identified political violence and unreasonably high candidacy fees as factors affecting their ability to participate in elections.

The International Commission of Jurists is currently undertaking a study on the progress made by nine African States in complying with their legal obligations to secure the human rights of persons with disabilities through legislative, administrative, policy and other measures. Drawing from this on-going work, including through engagements with persons with disabilities around the world, the International Commission of Jurists' preliminary findings include:

- The Constitutions and national laws of most State parties treat persons with psychosocial disabilities and persons with intellectual disabilities differentially, often by preventing them from standing in parliamentary or presidential elections.
- The Constitutions and national laws of some State parties prescribe the removal of individuals from public office on the basis of disability, especially psychosocial and intellectual disabilities. Electoral laws also often prevent some persons with disabilities from registering to vote or from voting on the basis of their disabilities.
- Representation of persons with disabilities in parliaments remains low. In Africa, for example, the International Commission of Jurists' research finds that Ghana, Nigeria and Sierra Leone do not have any parliamentarians with disabilities.
- Candidates with disabilities still face stigma from the electorate, who feel that persons with disabilities cannot represent them. In addition, political parties in States such as Nigeria do not make concerted efforts to support candidates with disabilities since they focus on candidates' abilities to mobilize financial resources.
- Conversely, some State parties have established specific measures to enhance the inclusion of persons with disabilities in their legislatures. These specific measures include establishing specific legal frameworks to ensure that persons with disabilities have parliamentary representation, as is the case in Kenya, Rwanda, Uganda and Zimbabwe.

Based on its experience of engaging with judiciaries in Africa, the International Commission of Jurists also notes, in general, that there is an extremely small number of judges appointed to the bench who are persons with disabilities, and that judicial officers tend to report limited knowledge and understanding of disability rights and disability more generally.

¹ International Foundation for Electoral Systems, Election Access Observation Toolkit (2018) <https://www.ifes.org/publications/election-access-observation-toolkit> accessed 15 May 2024. Also see Helene Conbrinck "Everybody Counts: the Right to Vote of Persons with Psychosocial Disabilities in South Africa" (2014 *African Disability Rights Yearbook* 4) <http://www.saflii.org/za/journals/ADRY/2014/4.html> accessed 15 May 2024.

In light of the above, and to conclude, the International Commission of Jurists urges the Committee to ensure that its forthcoming General Comment on Article 29 provide guidance on States' obligations under the Convention on the Rights of Persons with Disabilities to:

- Respect, protect and promote the right of persons with disabilities to stand for elections, and to effectively hold office and perform all public functions at all levels of government, including through the deployment of specific support and reasonable accommodation measures.
- Guarantee the right of women with disabilities to hold public office and to perform all public functions, including across all branches of government, in which women with disabilities remain largely underrepresented.
- Review their Constitutions and laws and amend them to repeal all disability-based restrictions on holding public office.
- Take all necessary measures to ensure the inclusion of persons with disabilities in all legislatures and other public offices, including executive and judicial offices, whether at national, provincial or local levels.
- Ensure that persons with disabilities have barrier-free access to forums and platforms where public participation takes place.
- Provide persons with disabilities with information and communication material necessary to participate in elections on an equal basis with others in accessible formats.

I thank you.

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