

Scientific  
Journal of  
**Applied  
Social and  
Clinical  
Science**

**PEOPLE WITH  
DISABILITIES:  
PARTICIPATION  
AND POLITICAL  
REPRESENTATION**

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**Abstract:** This article deals with the conditions regarding the participation and political representation of people with disabilities; presenting the founding bases of Brazilian democracy, focusing on the structural and systemic dissonances that negatively impact the effectiveness of such popular representation. It also highlights the constitutional principles and ordinary legislation, specifically the Statute of Persons with Disabilities; and it presents a research through which people with disabilities themselves manifest themselves on the issues inherent to dealing with the problem, among which the theme linked to the concept of capacitation stands out.

**Keywords:** Disabled person, participation and political representation, Disabled Person Statute, capacity building

## **INITIAL CONSIDERATIONS ABOUT POLITICAL REPRESENTATION**

When dealing with the theme, in an article entitled “Representative Democracy in Brazil: brief reflections on the participation of the people as a political subject, Edson Fachin and Christiane da Silva (2017), in the title dedicated to analyzing what they define as “Brazilian-style democracy”, here they highlight “the importance given by the constituent legislator to popular sovereignty and equal opportunities in participating in the conduct of life in society as the maximum vectors of our Democratic Rule of Law”. And, in the same way, they affirm “the unequivocal ownership of power – by the people – its exercise formulas (representative and direct democracy), which direct the entire constitutional text towards an understanding that imposes a commitment linked to the will of the people and its various forms of manifestations”. (FACHIN, SILVA, 2017, page 06).

However, when analyzing the legal institutions that support the foundations of the democratic regime, the principle of participation in political decision-making was not always constituted as a premise for the inclusion of individuals. Thus, the conditions for the possibility of this inclusion to happen, regardless of social class, race and/or gender classifications, or any other discrimination, as in the case in question, of people with disabilities, it appears that this demanded a strong process of historical construction, which was deeply intertwined with the very conceptions of democracy. Furthermore, this process of building equal political participation is still ongoing. However, without this participation, there is no way for individuals or social action groups to succeed in influencing the political process itself. In this sense:

Political participation continues to be the main foundation of democratic life, and the instrument par excellence for the expansion of citizenship rights. (...) However, there is no consensual theory that explains it. It was only in the 20th century that the concept that each individual has an equal right to participate in the political process, regardless of social class, gender, race and ethnicity, spread (AVELAR, 2004, p. 225/231).

In our law, it must be reaffirmed, the foundation of this equality of all in the sense of effective participation in the political process stems from the rule inscribed in Article 5 of our Political Charter, whose caput and item I ensure: “All are equal before the law, without distinction of any kind, guaranteeing Brazilians and foreigners residing in the country the inviolability of the right to life, liberty, equality, security and property; I - men and women are equal in rights and obligations, under the terms of this Constitution”. (CF/88).

This is the fundamental norm that, when radiating to the entire system, serves as the basis for the laws of inclusion of this

participation of people with disabilities, such as the so-called Brazilian Law of Inclusion, Law No. 13.145/15, or the Statute of Persons with Disabilities, which was enacted because the legislator undoubtedly recognized the historical and structural exclusion of the process of political participation of people in these conditions. Without this fact, the laws would be meaningless to be instituted. However, neither the constitutional text nor the ordinary legislation proved to be sufficient to reach appropriate levels, for example, regarding the conditions for the possibility of making this political representation effective. As an answer to this problem, we can then bring the statements of Piovesan:

Indeed, equality and discrimination hover over the inclusion-exclusion binomial. While equality presupposes forms of social inclusion, discrimination implies violent exclusion and intolerance to difference and diversity. What can be seen is that the prohibition of exclusion, in itself, does not automatically result in inclusion. Therefore, it is not enough to prohibit exclusion, when what is intended is to guarantee de facto equality, with the effective social inclusion of groups that have suffered and suffer a consistent pattern of violence and discrimination. (PIOVESAN, 2008, p. 980).

Here, therefore, is one of the biggest challenges when it comes to expanding the political participation of people with disabilities, since, as Miguel (2014) assures us, the most appropriate way to achieve effective equality is through the process. electoral process, since in a “representative democracy, the main instrument of formal transfer of power is the election” (MIGUEL, 2014, p. 116). However, even if constitutional norms and ordinary laws ensure and strive to eliminate, or at least minimize the historical processes of exclusion of people with disabilities from electoral processes, such determinations, notably regarding the rites of elections, were not sufficient for the concreteness of such

effectiveness of political representation. Hence, the same need arises for organized groups in civil society to seek, in every way, to transform such claims for effective participation into public policies of inclusion, activating all legal mechanisms so that this realization becomes a political agenda of the State itself, denouncing, exhaustively, all the forms of distortion that they identify in these processes. Corroborating these assertions, Almeida (2018) takes this position:

There are two forms of political participation through individuals: formal, through the capture of votes and the exercise of parliamentary representation, in which the population qualified to vote elects their representatives to take political decisions, using the process as an instrument. electoral. The other is informal, which takes place through social and professional movements and organizations. (ALMEIDA, 2018, p. 31).

When presenting his comments on the founding principle of democratic regimes, based on the conceptions of sovereignty of the popular will, via electoral processes, Bonavides (2015) highlights that, in such regimes, the presumption is formed that the will of the elected and those who elected them, is the same, from which it can be inferred that, without effective representation, these dissonances of political representation call into question these foundations. Because of this:

In representative democracy, everything happens as if the people actually govern; there is, therefore, the presumption or the fiction that the representative will is the same as the popular will, that is, what the representatives want it to be is, legitimately, what the people would want, if they could govern themselves, materially, with their own hands. (BONAVIDES, 2015, p. 295).

Constitutional norms and principles, as well as ordinary legislation, prohibit the exclusion and/or discrimination of any member of the Brazilian people, as political

agents who are, once established in parity and equality, prohibiting any discrimination, in a manner that this political participation, through the mechanisms of measurement of the popular will, both directly and indirectly, is shown to be formally established. Here, then, is the challenge, that is, to make such normative provisions leave the sphere of formal enunciation and, effectively, enter the level of true social concreteness, given that there is no other way to seek, for example, the expansion of citizenship rights, in all senses, which obviously include people with disabilities. This questioning becomes necessary when it is proposed that a de facto representation must be reached.

## **SURVEY RESEARCH**

To illustrate the perception of people with disabilities about some of the circumstances linked to the issue of their political representation, a survey was carried out available on the social networks of the Disability in Focus page <sup>1</sup>, from September 30th to November 15th, 2020, from the creation of the following categories: candidates with and without disabilities; the occurrence or not of disability as a voting directive; ideological framework; concrete proposals for inclusion; accessibility in polling stations; sexual orientation; candidates' ethnicity and the role of parliamentarians with disabilities in the Federal Chamber and Senate. For the construction of such categories, the content analysis method, by Laurence Bardin, was used. (BARDIN, 1970).

And also regarding its methodology, this work is developed through an exploratory research, regarding the theme of the work and also regarding the contents offered in the initial object of study. It makes use of this instrument, since exploratory research

enables the appropriation of the investigated object, in order to facilitate the delimitation of the research theme, setting of objectives and formulation of hypotheses. Secondary data from the bibliographic research itself are also used, which are documents that, in some way, have already been analyzed, such as literary works, publications and works related to the theme of the work. (PRODANOV AND FREITAS, 2009).

The questions asked and the results obtained in the survey are transcribed below: Do you have a disability? This initial question was necessary, since the survey was open to all followers of the page, thus, it had the participation of people with and without disabilities. However, the percentage of people with disabilities was 75.4%, demonstrating that the target audience was reached.

1. If yes, would you vote for a candidate with a disability? In this question, the objective was to ask whether the 75.4% who declared having a disability would vote or not for a candidate in the same condition, and 100% of them answered yes. Therefore, people with disabilities are predisposed to vote for their peers.

2. Do you know politicians with disabilities in your city or region? The purpose of this question was to take the questioning from a general level, like the one in the previous question, to one closer to each person, thus targeting candidates with disabilities in the region where the people lived; and 59.6% of them said they knew of a candidate with a disability, against 40.4% who said they did not know.

3. Do you believe that having politicians with disabilities would be the fastest way to advance in inclusion public policies? The objective here was to verify whether people with disabilities recognize the need to be represented, in political spheres, by people

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1. The Disability in Focus page was created by the author of the research for publications with journalistic and legislative content about the rights of people with disabilities.

in the same conditions, as a way that, in this case, in addition to feeling represented, they would recognize in this situation a way better to develop truly inclusive public policies. For 91.2% of participants the answer was yes, while for 8.8% it was no.

4. Would you vote for a candidate just because he has a disability? The objective was centered on the perspective of verifying some kind of corporatism in the answer, that is, that only the condition of a person with a disability would be enough, without having demonstrated any other characteristic necessary to deserve the vote. When asked, then, about voting for a candidate just because he has a disability, 82.5% said they would not vote, against 17.5% who said they would; in other words, the condition of a person with a disability is not enough in itself, from which it can be inferred that other conditions and/or values would be necessary to obtain the vote.

5. In your opinion, can the type of disability that the person has influence the voter's choice? When asking whether the type of disability can influence the voter's choice, the objective was to verify if there was a more capacitive view, since the correct thing would be not to have this relationship between disability and ability, among people with disabilities themselves. But according to voters, 59.6% believe it interferes, against 40.4% who believe it does not. Here, however, two hypotheses seem to be formed to be verified later: either people with disabilities have already internalized, in the formation of their subjectivity, this capacitive focus that, due to their disability, they cannot dedicate themselves to certain tasks, thus assuming, for themselves this reductionism of their own capacities; or, perhaps, they are more aware that, due to this condition, they could not effectively

perform certain tasks. A finding of this type can also be seen in people without disabilities, who do not want to, or do not feel capable of performing some tasks, to the detriment of others, for which they are qualified. Furthermore, as it was asked in relation to the voter, in general, not only focused on the voter as a person with a disability, it may have been revealed that the person with a disability believes that this voter, in general, already fits people with disabilities into this sense of having their capacities reduced, due to their deficiencies.

6. To have concrete proposals present in the government plan important to demonstrate that the candidate really supports inclusion? This is a complementary question to those previously asked, in the sense that the condition of a person with a disability would be enough to deserve the vote, which has already been answered in the negative sense, as well as the perception that a person with a disability, due to the intrinsic experience this condition would know, more than others, without disability, to propose truly inclusive measures. So, as for having concrete proposals present in the government plan to be important for the candidate to demonstrate that they support inclusion, 96.5% said it is, yes, important against 3.5%, who said no. Here, it is also possible to gain a degree of greater political awareness, in the sense that voting would be conditioned to the presentation of concrete proposals for inclusion and effective inclusion.

7. To be left or right, it is important when choosing a candidate? The objective here was to verify whether among people with disabilities there would be the same ideological polarization that we are experiencing in the current phase of Brazilian politics; and when the subject

was about this ideological orientation, for 56.1% of the respondents it is important to know if the candidate is from the left or from the right, whereas for 43.9% this information is irrelevant. It was verified, then, that for a majority, although not significant, the ideological orientation is important, without, here, yet, a definition between one posture and another. A significant percentage, however, complain that this is not important. This could indicate either a posture that does not value this ideological definition as defining the vote, or a more pragmatic posture, that is, independent of the candidate's ideological posture and more focused on the previous answer, that is, a presentation of proposals concrete measures of inclusion.

8. And do you consider yourself left or right? This question has a direct connection with the previous one, as voters are asked about their ideological orientation and 64.9% said they were on the left, with 35.1% who declared themselves to be on the right. Thus, comparing one answer and the other, it can be seen that among those who define themselves in a certain ideological stance, such as on the left, there are those who do not think that this would be important to define the vote and, similarly, among those who if they declared themselves right-wing, the ideological definition does not matter either, as it is smaller than those for whom it does not matter.

9. There is lack of accessibility already prevented you from voting? Regarding accessibility, 84.2% of respondents reported that the lack of access did not prevent them from exercising the right to vote, while 15.8% said that, yes, the lack of adequate access did not prevent them from voting. One of the consequences here, to be verified, may also indicate that the conditions for accessibility to polling places

do not exist and that, therefore, people with disabilities managed to overcome such obstacles, such as the most common, such as absence ramp or ladder without adequate handrail; or they were able to overcome the difficulties of getting to the polling stations by means of inadequate transport, that is, without proper accessibility. Here, there is a risk of reaching the other side of the perspective of capacitation, which can be referred to overcoming, that is, even in unfavorable conditions, the person with a disability makes an effort to overcome such obstacles. Unfortunately, however, this stance of overcoming difficulties masks the real needs to promote adequate means of accessibility.

10. Do you support "special polling stations" for people with disabilities? About supporting or not the "special sessions", 50.9% say they are against the practice, while 49.1% say they are in favor. Here there is a controversy, as the Superior Electoral Court (TSE/2020) allows voters with disabilities to switch sessions if theirs of origin is not accessible, however, the Brazilian Inclusion Law, Law No. 13.146/2015 of 06 July 2015, in its article No. 76, § 1, prohibits this practice, as it defends that all sessions must be accessible. Furthermore, another important issue underlies here, which also refers to the segregation of people with disabilities in places exclusively dedicated to them, which presents this polarization of positions, between those who agree and those who deny this possibility; where, probably, are included those who intend to avoid this other form of greater stigmatization, carried out by the designation of these special places.

11. Does gender and sexual orientation interfere when choosing? Controversial points were left on the issues of gender,

sexuality and sexual orientation, as 80.7% said that these factors interfere when voting, while 19.3% said no. The question here also indicates a greater specificity to be investigated later, given that the answers may imply the following doubt: or the disabled person voter, when voting, states that issues related to gender and sexual orientation matter when of their choice of vote, or even that this voter, as a person with a disability, recognizes that, at a general level, in society as a whole, these factors also matter when the voter, in a broad sense, indicates the vote for the candidate.

12. Does skin color affect your choice of candidates? The question here was direct, that is, I wanted to know about the choice of vote made specifically by the person with a disability, which was made clear by the use of the expression “in your choice”. So, in relation to ethnicity, 93% said that skin color is considered when choosing a candidate, against only 7% who said they did not take this into account. This demonstrates, once comparing both answers, that in addition to capacity building, people with disabilities also face issues related to racism and homophobia, which makes it even more difficult for them to seek space in politics.

13. How do you evaluate the performance of congressmen with disabilities, in the Federal Chamber and in the Senate? The objective here was to assess how people with disabilities assess their peers who hold parliamentary mandates, in the sense of recognizing that such representatives effectively reflect the significant demands of those they propose to represent. And on the evaluation of congressmen with disabilities in the Chamber and the Federal Senate, 56.1% is bad against 43.9% who consider it good. There is also a significant

division of opinions, leaving, however, the warning, in the sense of a negative assessment, indicating, before any other considerations, that this action does not correspond to the expectations of attention or facing the specific demands that they must attend, as their performance was considered poor.

## **FINAL CONSIDERATIONS: THE VOICE OF PEOPLE WITH DISABILITIES THEMSELVES**

Therefore, there is no way to influence, politically, in the making of any decisions without actually effecting this participation and, therefore, reaching satisfactory levels of political representation, from which it appears that the search for representativeness is natural in any group of people. Thus, as people with disabilities, we want to be represented, we want to be sure that people like us, with similar values and identity, will be in a Chamber of Councilors, City Halls, Chamber of Deputies, Senate or even in the Presidency of the Republic. Having a representation makes us safe, since we assume that someone will be directly interested in our problems and aspirations, especially with regard to the expansion or realization of rights.

However, when we think about political representation, we rarely think of people with disabilities, but if we are 24.5%, or 45 million Brazilians, why are we not yet elected to public office?

If we do a quick search, we will soon find parliamentarians who raise the flag of people with disabilities, such as Senator Mara Gabrilli (PSDB), Federal Deputy Felipe Rigoni (PSB,) the first blind deputy in the history of Brazil. However, in other instances, representation is made by people without disabilities, but who have some relationship with the cause, as is the case with the Senator: Romário Faria (We can), who has a daughter with Down

syndrome; and also names like Paulo Paim (PT) who has a long trajectory in the struggle for Human Rights.

However, we are still far from being actually representative, as according to a BBC Brasil report, only 1% of the candidates in the 2020 municipal elections had some kind of disability. The aforementioned article shows that there were 6,952 candidacies, among which 6,104 were for councilors, 247 for mayors, and 241 for deputy mayors. As for the type of disability, the predominant one was physical, with 47, 3%, in addition to that, 31% declared to have other disabilities, 15.4% declared to have visual impairment, 6% hearing impairment and 0.3% as Autistic Spectrum Disorder. In terms of demographic distribution, the regions with the most candidates were the Southeast with 2,317, Northeast with 1,543, South with 1,143, North with 902 and Midwest with 687. (BBC News, 2020, pg. 01).

Therefore, we can once again question the importance of political representation, as only with people with disabilities can we, in fact, seek to meet the specific demands that affect us as members of this group of people. We need to go beyond ramps, handrails, Libras and Braille, as inclusive accessibility measures, which are indeed very important actions, but we need to discuss, with quality, public policies for access to the labor market, education, health, as well as of a whole set of rights that guarantee people with disabilities a parity, or equality of conditions for people without disabilities.

Although we have a coefficient for electing representatives at the national level, various types of capacitation still hover over us, expressed by questions such as: “Is this person capable?”; “Is he really going to make it?”; “Will he really be accepted?”. These myths are fueled by the fact that, for many, the physical body is the reason for being and acting.

However, not walking, seeing, listening, etc., does not prevent anyone from conquering their space. In addition, the presence of people with disabilities in political debate spaces allows us to broaden the vision of us, it allows us to build affirmative actions aimed at the well-being of all, because when a sidewalk is accessible, it does not only improve life of a person with a disability, but also of an elderly person, a mother with a baby carriage, a person with a fracture, among others.

There are already moves for this to happen on the part of those in the Legislative Houses, since, according to O Portal Câmara de Notícias/2018, the pioneer Bill of Law, no. 6313/2002, was approved by means of a substitute proposed by Rep. Marcelo Aro, Rapporteur of the Commission on Human Rights of Persons with Disabilities, of the Federal Chamber, which appended two other bills, PL n° 3368/08, as well as PL n° 7371/17, which establishes at least one vacancy for people with disabilities among candidates for the Chamber of Deputies, State Legislative Assemblies and Municipal Chambers. Unfortunately, even with the first bill being proposed in 2002 and, now, with the replacement in process of priority, having to be analyzed by the Constitution and Justice and Citizenship Commission, it has not yet been taken to a vote in the Plenary. Therefore, if we take into account the proposal of the first PL, 19 years have already passed; and from the last PL, proposed under a priority regime, three years. In this regard, it must be noted that in this last Bill:

The proposal recognizes that the full integration of people with disabilities into society involves guaranteeing opportunities to exercise political rights under equal conditions. The substitute also ensures the participation of candidates with disabilities in free electoral advertising on radio and television. According to the approved text, at least 2% of the Party Fund resources must



be used in the creation and maintenance of programs to promote and disseminate the political participation of people with disabilities. (MARCELO ARO, Câmara de Notícias Agency/2018, page 01).

There is no way not to consider a real deficiency in the structure of our representative democracy, when we consider a population of about 24% (IBGE – Senso/2010) of the population that is included in the condition of people with disabilities and that has a paltry 1% of parliamentary representation, considering all the levels in which such representation is structured. In the same way, the delay of the Legislative Power in paying attention to the specific demands of this population, demonstrates that the confrontation of these issues has not yet managed to be inserted in the political agenda of the State. Here is a kind of vicious circle, of a system that has effectively jettisoned these people with disabilities from the process of political participation and, therefore, from obtaining satisfactory political representation in parliaments, so that, thus, their specific demands pass not to be treated with due importance, relegating them to the condition of an apparent minority without a voice.

It must be considered here that the capacitating vision of people with disabilities can also come from them for themselves, as it is common not to think we are capable, or to doubt the capacity of our peers, as there is a “naturalization” of the disability of people with disabilities. In this sense, the statements of Vitória Bernardes (2019) stand out, as a psychologist and member of the Collective Feminist Hellen Keller, who is National Councilor for Health and quadriplegic, according to which:

Capacitism is to people with disabilities what racism is to black people and sexism is to women; and dress up in the premise of the incapacity and unproductiveness of the person with a disability. Capacitism

is the structure that prevents us from being at the center of decisions, occupying spaces of power or at least feeling represented in these spaces, in addition to preventing social access, as it distorts the capacity of people with disabilities, disregarding plurality and differences in disability and overvalues abilities that are often not even necessary for certain activities. (BERNARDES, 2019, page 01).

Here, then, the two levels that are intertwined regarding the theme of political representation of people with disabilities are evident, given that we are facing the double scope of naturalization of the problem, regarding the issue of capacity applied to the person with disability, socially questioned, as well as the internalization of these issues by the person with disability, who, this way, taking into account the process of formation of their subjectivity, starts to admit itself as what the social environment starts to affirm about it. It is, therefore, impossible to disregard the entire cultural construction established around people with disabilities, with regard to the systematic social questioning of their capacities, which certainly influences any political proposals that may be presented, even more when it comes to candidacies for elective positions.

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