



Promising Practices on Support Models to Ensure the Right to Vote for All

Final Report



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List of Acronyms

ANCREAI	La Fédération des Centres Régionaux d'Etudes d'Actions et d'Informations
ANED	Academic Network of European Disability Experts
CIH	<i>Comité Interministériel du Handicap (FR)</i>
CNCPH	<i>Conseil National Consultatif des Personnes Handicapées (FR)</i>
CNDC	Czech National Disability Council
CSO	Civil society organisation
DPO	Disabled people's organisation
EASPD	European Association of Service Providers for Persons with Disabilities
EDF	European Disability Forum
EESC	European Economic and Social Committee
EP	European Parliament
ETR	Easy-to-Read
EU	European Union
FISH	<i>Federazione italiana per il superamento dell'handicap (IT)</i>
FRA	(European Union) Fundamental Rights Agency
MP	Member of Parliament
NGO	Non-governmental organisation
SPMP CR	<i>Společnost pro podporu lidí s mentálním postižením v České republice (CZ)</i>
UDAF	<i>Union départementale des associations familiales</i>
UK	United Kingdom
UN	United Nations
UNAPEI	<i>Union nationale des associations de parents, de personnes handicapées mentales et de leurs amis (FR)</i>
UNCRPD	United Nations Convention on the Rights of Persons with Disabilities

1. Introduction

Making choices about one's life and enjoying legal capacity are human rights which are protected by various international and regional human rights instruments. Article 29 of the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD)¹ protects the right of persons with disabilities to fully participate in political and public life on an equal basis with others; while Article 39 of the European Union (EU) Charter of Fundamental Rights² lays down the right of every EU citizen to vote and stand as a candidate at the European Parliament (EP) elections. As Dunja Mijatović, the Council of Europe Commissioner for Human Rights, stated in an intervention before the European Court of Human Rights, "states should be reminded of their positive obligations to ensure that persons with disabilities, including intellectual and psychosocial disabilities, can effectively exercise their right to vote" (p.9). The Commissioner also reiterates that depriving persons of their right to vote on the basis of a judge's decision is not compatible with a democratic system.³

The right to participate in politics and public life is often denied for persons with disabilities.⁴ The right to vote for persons with disabilities in Europe is often linked to **legal capacity** in national legislation. Thus, individuals (often **persons with psychosocial and intellectual disabilities**) who are deprived of their legal capacity, are barred from voting.⁵ In EU Member States such as Bulgaria, Greece and Lithuania, people under various protective measures (such as guardianship) are denied the right to vote;⁶ while Finland, which allows persons under guardianship to vote in all elections, bars the same persons from standing for national and EP elections. Other EU Member States like Belgium and the Czech Republic leave the decision up to an individual assessment by a judge or guardian.⁷ According to the European Economic and Social Committee (EESC) around 800,000 EU citizens from 16 Member States are deprived of the right to participate in European Parliament elections because of their disabilities, whether physical or mental.⁸ Besides the legal right to vote, persons with disabilities persons in the EU often encounter barriers to voting and standing for elections in terms of accessibility, whether this is physical or related to support. Thus, as confirmed by the interviewed EESC member, there is room for improvement in each EU country, whether it is related to legal restrictions or to independent voting.

Not much is known regarding how many members of parliament (MPs) with disabilities are elected in the national parliaments across the European Union.

¹ United Nations (UN). 2006. *Convention on the Rights of Persons with Disabilities*. Available at :

<https://www.un.org/development/desa/disabilities/convention-on-the-rights-of-persons-with-disabilities.html>

² European Union (EU). 2012. *Charter of Fundamental Rights of the European Union*. Available at: https://ec.europa.eu/info/aid-development-cooperation-fundamental-rights/your-rights-eu/eu-charter-fundamental-rights_en

³ Commissioner for Human Rights (Council of Europe). 2018. *Third party intervention by the Council of Europe Commissioner for Human Rights under Article 36, paragraph 3, of the European Convention on Human Rights*. Available at: <https://rm.coe.int/third-party-intervention-before-the-european-court-of-human-rights-cas/16808c3253>

⁴ Lord, J.E., Stein, M.A. and Fiala-Butora, J. 2014. *Facilitating an Equal Right to Vote for Persons with Disabilities*. *Journal of Human Rights Practice*, 6:1, p. 115–139. Available at: <https://doi.org/10.1093/jhuman/hut034>

⁵ European Union Agency for Fundamental Rights (FRA). 2014. *Can persons deprived of legal capacity vote?* Available at: <https://fra.europa.eu/en/publication/2014/indicators-right-political-participation-people-disabilities/legal-capacity>

⁶ European Economic and Social Committee (EESC). 2019. *The real right of persons with disabilities to vote in EP elections*. Available at: <https://www.eesc.europa.eu/en/our-work/opinions-information-reports/information-reports/real-right-persons-disabilities-vote-ep-elections>

⁷ The Parliament Magazine – Politics, Policy and People. 2019. *'Record number' of people with intellectual disabilities casting vote for first time*. May 21. Available at: <https://www.theparliamentmagazine.eu/articles/news/%E2%80%98record-number%E2%80%99-people-intellectual-disabilities-casting-vote-first-time>

⁸ European Economic and Social Committee (EESC). 2019. *The real right of persons with disabilities to vote in EP elections*.

Where such data exists, it indicates that there are very few MPs with disabilities. In countries such as **Malta**⁹ and **France**, some MPs have been identified as having a disability, while no official data exists for other Member States such as **Belgium** and the **Czech Republic**.¹⁰ In practice, as confirmed by an interviewed representative of Quip, an NGO working with persons with learning difficulties in the Czech Republic, there is at least one MP with physical disability.¹¹

Being recognised as a person who is able to make decisions is crucial to having control over one's life and in participating with others in society.¹² In light of this, it is important to investigate the avenues amenable to render electoral processes across Europe inclusive for all. One such possible avenue, co-production, is explored in this research study in order to identify the elements making up co-productive electoral processes, such processes which are already being put into practice, and whether this is the answer to rendering the electoral processes inclusive to persons with different disabilities.

1.1 What is Co-Production?

The term 'co-production' is defined by the European Commission as "a new and more inclusive way of developing and delivering public goods and services" (p.3).¹³ While the concept of co-production was not initiated by the disability movement, it certainly has significant implications for the empowerment of persons with disabilities in relation to the theme of "nothing about us without us".¹⁴ In the disability field, co-production is defined as an inclusive working practice between persons with disabilities (who are experts on their own lives), organisations supporting persons with disabilities, public authorities, families and other relevant stakeholders. All stakeholders involved are constantly involved in all stages of the process, whether it is the design, development or the delivery of a particular policy, activity or service. Co-production enables users to have control of their lives while also expressing their choices "through active and meaningful partnerships."¹⁵ The goal of this process is to ensure that the service, policy or activity in question meets the individual needs and preferences of the person with a disability.¹⁶

The European Association of Service Providers for Persons with Disabilities (EASPD) sets out three factors which characterise co-production within the disability field:

- i. Power imbalances between service providers and authorities, and service users (persons with disabilities / support needs) are redressed.

⁹ Dr Kevin Cutajar, who has a visual disability and identifies himself as a person with a disability, has been a member of the Maltese parliament since June 2019.

¹⁰ European Union Agency for Fundamental Rights (FRA). 2015. *Parliaments. How can you encourage more people with disabilities to vote?* Available at: <https://fra.europa.eu/en/project/2013/political-participation-persons-disabilities/infographics>

¹¹ Andrea Brzobohatá has been a member of parliament since 2017. In 2010 she was diagnosed with a serious case of meningitis and doctors had to amputate both of her legs. She is involved in the Committee on Social Policy, Committee on Healthcare and she is a vice-chairwoman for the Subcommittee on Social Services and Persons with Disabilities. More information can be found here: <https://www.psp.cz/sqw/detail.sqw?id=6434> and here: <https://www.novinky.cz/domaci/clanek/andrea-prezila-meningokok-lekari-ji-nedavali-temer-zadne-sance-308377>

¹² Council of Europe Commissioner for Human Rights. 2012. *Who Gets to Decide? Right to legal capacity for persons with intellectual and psychosocial disabilities*. Available at: <https://book.coe.int/en/commissioner-for-human-rights/7331-pdf-who-gets-to-decide-right-to-legal-capacity-for-persons-with-intellectual-and-psychosocial-disabilities.html>

¹³ European Commission. 2018. *Co-production: Enhancing the role of citizens in governance and service delivery. Technical dossier no. 4*. Available at: <https://ec.europa.eu/esf/transnationality/content/co-production-dossier-explains-co-trends>

¹⁴ Breakthrough UK. n.d. *Co-production Guidance*. Available at: <https://www.breakthrough-uk.co.uk/co-production>

¹⁵ Taskforce "Support Services of Tomorrow". 2016. *Joint Understanding of Co-Production*. Available at:

<https://www.easpd.eu/en/content/co-production-working-together-create-inclusive-employment-opportunities>

¹⁶ Ibid.

The latter are co-partners (and drivers) working in equal partnership throughout the co-production process.

- ii. Persons with disabilities are “fully, structurally, meaningfully and in an ongoing manner” involved in each and every stage of the process.
- iii. Dialogue, joint outcomes, inclusive environments and reasonable accommodation characterise co-production in which stakeholders rethink their operations.¹⁷

While the term ‘co-production’ has gathered importance in recent years, disabled people’s organisations like Breakthrough UK have been implementing co-production – in the sense of cultivating constructive relationships between persons with disabilities and key stakeholders – far before that.¹⁸

1.2 What does Co-Production mean for the Electoral Process?

Based on the discussion above, co-production with regard to disability inclusive electoral processes implies the involvement of persons with disabilities and DPOs in all stages of the electoral process:

- i. formulation and implementation of policies and legislation enabling persons with disabilities to fully participate in political and public life, including the right to vote and stand for elections. These include policies and legislation related to electoral processes, accessibility, guardianship, decision-making, incapacitation, independent living.
- ii. formulation and development of electoral campaigns, both in terms of content and accessibility.
- iii. standing for elections and facilitating this process through reasonable accommodation.
- iv. training of electoral officials and other stakeholders involved in the electoral process.
- v. rendering voting accessible in every aspect, including physical accessibility (e.g. mobile voting, electronic voting) and other types of accessibility (e.g. having a person of choice supporting the person with disability in voting).

The present research study was undertaken in order to explore the role of co-production and identify promising practices in rendering electoral processes inclusive to all, following the methodology described in the following section. The methodology section is then followed by a discussion of the opportunities and challenges encountered in ensuring the right to vote and the right to stand for elections for persons with all types of disabilities in different countries of the EU. Subsequently, a section is dedicated to various promising practices in the different regions of Europe. The report ends with a section offering conclusions drawn from the research findings as well as recommendations for more meaningful engagement of voters and candidates with disabilities and their families/organisations in how elections are designed and managed.

2. Methodology

The objective of the present study was to identify challenges and opportunities that the concept of co-production provides for the electoral process. It thus aims to explore promising practices on how persons with disabilities can be supported

¹⁷ Ibid.

¹⁸ Breakthrough UK. n.d. *Co-production Guidance*. Available at: <https://www.breakthrough-uk.co.uk/co-production>

in exercising their right to vote and standing for elections and provide recommendations on how electoral processes can be rendered more inclusive.

To meet the above objective, this study draws on a qualitative research approach. Data collection involved a review of relevant documentation, interviews with key stakeholders, and direct observation. We discuss each in turn below.

Desk research was the first step in this study, and one that informed both subsequent data collection tools (stakeholder interview questionnaires) and helped frame the research questions and design the methodology to answer them. We first consulted EU-level sources - documents, reports and websites by EU and other inter-governmental agencies, as well as EU level NGOs and DPOs. This was done in order to identify the different levels of participation of persons with disabilities in electoral processes across the EU. We followed up on this by conducting desk research on specific countries, with the aim of probing deeper into the aspects covered in this study at country level.

Country selection (see Figure 1). Once the first phase of the desk research was concluded, the research team identified the countries in which stakeholders were to be interviewed. The countries selected based on disability inclusive practices with regards to voting rights (rather than inclusive practices with regards to standing for elections, which, although explored in this report, are less advanced in EU countries than progress towards inclusion with regards to voting) include:

Countries which recently changed laws to include persons with disabilities:

1. France

Countries which have changed laws but still retain restrictions:

2. Belgium

Countries which have some inclusive practices but retain restrictions:

3. Malta
4. Czech Republic

In this manner, care was also taken to select countries which cover the three different voting systems in the EU:¹⁹ closed voting²⁰ (France), preferential voting (Czech Republic, Belgium), and single transferable vote (Malta). The selected countries also comprise a mix of countries where voting in European elections is compulsory (Belgium)²¹ and others where it is not (France, Malta, Czech Republic). Finally, care was also taken to cover different regions of Europe: Continental (Belgium, France), Central and Eastern Europe (Czech Republic) and Southern Europe (Malta).

¹⁹ Politico. 2016. *Voting systems across the EU*. January 15. Available at: <https://www.politico.eu/article/voting-systems-across-the-eu>

²⁰ The closed voting system entails voters ticking their preferred party list, from which candidates are then elected in a pre-determined order, based on the number of votes the list would have received. The preferential voting system, which is employed by the majority of countries in the EU, entails voters ranking candidates according to their preferences. The votes for candidates are then tallied with votes for party lists in order to calculate the final outcome. The single transferable vote (used only by Ireland and Malta) system is a sub-category of preferential voting. Voters rank individual candidates and if a voter's first choice is not elected, the vote goes to the second choice.

²¹ Your Europe: European Union. 2019. *European Elections*. Available at: https://europa.eu/youreurope/citizens/residence/elections-abroad/european-elections/index_en.htm

Figure 1: Country Selection

FR	BE	MT	CZ
FRANCE	BELGIUM	MALTA	CZECH REPUBLIC
<ul style="list-style-type: none">• Changed laws to include disabled people• Closed voting• Voting not compulsory• Continental Europe	<ul style="list-style-type: none">• Changed laws but still retains restrictions• Preferential voting• Compulsory voting• Continental Europe	<ul style="list-style-type: none">• Some inclusive practices but retains restrictions• Single transferable vote• Voting not compulsory• Southern Europe	<ul style="list-style-type: none">• Some inclusive practices but retains restrictions• Preferential voting• Voting not compulsory• Central and Eastern Europe

Source: authors

Selection of stakeholders for interviews. Upon identification of the countries, we selected stakeholders for interviews covering a range of entities who could shed light on issues relevant to the research aims. Interviewed stakeholders (see Annex 1) include electoral commissions, political party representatives, disability / human rights commissions / institutions, DPOs and NGOs working with persons with disabilities, research organisations, and political candidates with disabilities. Interviews were also conducted with disability and election experts at EU level, in order to obtain a more comprehensive and comparative view of inclusive electoral processes in different countries and regions of the EU. Other stakeholders, including members of the judiciary, political parties, ministry representatives and EU-level stakeholders were contacted but did not result in interviews.

Interviews. All interviewees received an information sheet and consent form (see Annex 2) prior to the interviews. Ethical procedures were followed in that potential interviewees were informed of their right to not participate, to stop the interview at any time, to remain anonymous if they wish. Permission was asked to record and transcribe the interviews, and the interviewees' wishes were respected. Interviewees were given the choice of date, time, language, as well as the means of conducting the interview (where these were held in the same country in which the researcher was based): face-to-face or via Skype/WhatsApp.

The interview format was a semi-structured one, in order to allow the interviewee to expand, or add, to the questions asked, while following a set of questions aimed at fulfilling the objectives of the research (see Annex 3). For each country and each stakeholder, questions were added or modified according to the context or the stakeholder remit. Interviews were held in three waves, with the second and third waves of interviews used to fill in gaps in information which were not filled in the first wave.

Once the interviews were finished, they were transcribed. The research team then analysed the data and identified the emerging themes through thematic coding and analysis. The findings from the interviews and the desk research were developed into the present report.

Finally, the conclusions and recommendations were assessed by a range of stakeholders, including a voter with a disability, a support person, a civil servant, a political party representative, an association (working with persons with disabilities) representative, and an EESC expert, whose feedback was then integrated in the report.

Direct observation was also conducted in two countries, the Czech Republic and Malta, during the EP elections of 2019, where two polling stations in the latter and one in the former were observed for additional insights into the accessibility of electoral processes there (see section 4).

Note on Terminology. In this report, 'electoral commission' or 'committee for elections' refers to the body charged with overseeing the implementation of electoral processes in a particular country. Temporary staff who work at the polling station on election day (or around it) are generally referred to as polling station staff.

3. Findings: Identifying Opportunities and Challenges to Inclusion in the Electoral Process

This section identifies the challenges, as well as the opportunities, encountered in various countries across the EU with regards to inclusive electoral processes.

3.1 Challenges to Inclusion and Stakeholder Resistance

Challenges to disability inclusion in voting and standing for elections take various forms: physical, legal and attitudinal (including resistance from various stakeholders) challenges, with the latter cutting across the first two. This subsection explores these three aspects around which challenges encountered by persons with disabilities revolve in relation to voting (on election day, rather than accessibility to the whole electoral process, which is discussed in subsequent sections) and standing for elections. The discussion is informed by desk research and the views of stakeholders, mainly representatives of electoral commissions, disability commissions, DPO and NGO (working with persons with disabilities) representatives, and candidates and voters with disabilities.

3.1.1 Voting

3.1.1.a Physical Accessibility Barriers

The majority of EU Member States including **Malta, France, Belgium** and the **Czech Republic** lack data on the number of accessible polling stations;²² and, according to an interviewed EESC member, very few EU countries have legislation requiring a specific percentage of polling stations to be accessible. Furthermore, accessibility is rarely defined by such legislation. Having said that, there is evidence that polling stations (including transport to reach them) in **Italy**,²³ **France**²⁴ and **Belgium** are not accessible to persons with various disabilities. For example, in the local elections held in the Flanders and Brussels regions in Belgium in 2018, voters with disabilities encountered problems in terms of **inaccessible polling stations and poorly designed touch-screen terminals**, which did not allow the user to increase the font size and be able to read out loud what appears on screen. The laws regulating accessibility of polling stations and polling booths

²² European Union Agency for Fundamental Rights (FRA). 2015. *Political Parties. The votes of people with disabilities count too*. Available at: <https://fra.europa.eu/en/project/2013/political-participation-persons-disabilities/infographics>

²³ Il Fatto Quotidiano.it. 2019. *Europee, l'odissea alle urne di milioni di disabili: tra barriere e poca assistenza. "Diritto di voto negato per 800mila"*. May 19. Available at: <https://www.ilfattoquotidiano.it/2019/05/19/europee-lodissea-alle-urne-di-milioni-di-disabili-tra-barriere-e-poca-assistenza-diritto-di-voto-negato-per-800mila/5189878>

²⁴ Devandas-Aguilar, C. 2017. *End of Mission Statement by the United Nations Special Rapporteur on the rights of persons with disabilities, Ms. Catalina Devandas-Aguilar, on her visit to France*. October 13. Available at: <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=22245&LangID=E>

in **Belgium** differ depending on the region. In Wallonia²⁵ and in Flanders,²⁶ one in five polling booths has to be accessible in every polling station; in Brussels,²⁷ every polling station has to be accessible for persons with limited mobility and has to contain at least one adapted polling booth. Overall, as a representative of *Inclusion*²⁸, a DPO working with persons with intellectual disabilities in Belgium concedes, the situation has been improving in terms of adapted polling stations and there are generally few complaints in this regard.

Persons with intellectual disabilities however face specific issues related to access to polling stations in **Belgium**. The interviewed DPO representative notes that unlike with physical disability, there is no law covering this area and so access is generally much more challenging. For persons with intellectual disabilities, existing solutions include clear guidelines and/or signs to show the exact location of polling stations and clear instructions about the voting steps among others. The representative notes that while the S3A pictogram,²⁹ which is used to identify spaces accessible for persons with intellectual disabilities, has had success in France, it is practically unknown in Belgium. In fact, when the DPO ran a survey to see if candidates are familiar with the S3A and Easy-to-Read (ETR)³⁰ pictograms, none of the participants knew what these meant. The DPO representative stresses that, to their knowledge, no party had ever translated their materials into ETR in Belgium. The same absence is also found in **Malta**, according to the interviewed disability commissioner³¹.

Visual inaccessibility is also an issue in **Belgium**, where a representative of a DPO (of persons with intellectual disabilities) notes that persons with disabilities generally prefer independence over assistance in the context of accessing information at the polling stations. In view of the physical accessibility barriers described above, in **Malta**, many **persons with visual and intellectual disabilities** are obliged to ask the electoral staff in the polling stations to assist them with voting. They are thus unable to keep their vote secret.³² As confirmed by representatives from the electoral and disability commissions (the latter of whom is lobbying to introduce the person of trust³³ option), this creates a sense of frustration and humiliation for many persons with disabilities who are unable to vote independently, and many opt not to vote in silent protest.

This situation stands in contrast to that of the **Czech Republic**, where Braille templates are not available at all (and voting by proxy / postal system is not

²⁵ Collectif Accessibilité Wallonie Bruxelles (CAWaB). 2019. *Accessibilité des élections communales*. Available at: <https://cawab.be/Accessibilite-des-elections-communales.html>

²⁶ European Union Agency for Fundamental Rights (FRA). 2014. *Accessibility standards for polling stations*. Available at: <https://fra.europa.eu/en/publication/2014/indicators-right-political-participation-people-disabilities/polling-standards>

²⁷ Collectif Accessibilité Wallonie Bruxelles (CAWaB). 2019. *Accessibilité des élections communales*. Available at: <https://cawab.be/Accessibilite-des-elections-communales.html>

²⁸ <https://www.inclusion-asbl.be>

²⁹ The S3A pictogram was created in 1998 by the French organisation of families of persons with disabilities, UNAPEI. It stands for welcome, support and accessibility (in French *Accueil, Accompagnement, Accessibilité*) and is used to easily localise places, services and products accessible to persons with intellectual disabilities. Available at: <https://www.unapei.org/article/le-s3a-symbole-daccessibilite-au-handicap-intellectuel/>

³⁰ Easy-to-Read information is information presented in a manner accessible to persons with intellectual disabilities. More information can be found here: <https://www.inclusion-europe.eu/easy-to-read>

³¹ The disability commissioner is the commissioner for the rights of persons with disabilities, who is appointed by the Prime Minister and heads the Commission of Persons with Disability set up by the Equal Opportunities (Persons with Disability) Act: <http://www.justiceservices.gov.mt/DownloadDocument.aspx?app=lom&itemid=8879&l=1>

³² Commission for the Rights of Persons with Disability Malta. 2018. *Submission to the Committee on the Rights of Persons with Disabilities in Advance of its Consideration of Malta's 1st Periodic Report*. Available at: <https://crpd.org.mt/un-convention>

³³ The person of trust option refers to the process whereby a person who needs support to vote is accompanied by a person of his/her choice, trusted by the voter.

available either).³⁴ According to DPOs working with blind people, however, blind people often find a way to take part in elections. The chairperson of the Governmental Board for Persons with Disabilities notes that the visual accessibility of elections has been improved in the past years, mainly thanks to a number of technical tools that voters have learned to use. For instance, voters with visual disabilities can scan the ballot papers and have them read out by a special application³⁵. The chairperson defends the absence of Braille template ballot papers, pointing out the various technical and administrative complications involved: the Braille template requires thicker and more expensive ballot papers, which would then need to be handed out to all voters in order to ensure the vote of persons with visual disabilities remains secret even at the polling stations where there is only one such voter (and the only Braille template ballot in the ballot box could therefore be easily traced back to them). Conversely, the chairperson concedes that the situation is even less favourable to persons with hearing disabilities as there is little awareness about their specific needs. **Polling station staff are not allowed to assist voters with disabilities with the vote (in contrast to France**, as described further below), and it is therefore necessary that they are accompanied by someone who can assist them with selecting the ballot of the party of their choice and with indicating the preferred candidates, which is done by circling the candidate's number.³⁶ The option of having a person of choice accompanying a voter with a disability is not seen positively in every country, however. In **Italy**, (where Braille templates are also not an option), it is seen as forcing blind voters to trust another person with voting, and discussions about future alternative options seem to lie in new technologies.³⁷

Meanwhile, a representative of the Office of the Defender of Rights (Ombudsperson) of the **Czech Republic** notes that due to the multitude of opinions on electronic voting in the country, co-productive efforts are, at the time of drafting this report in the summer of 2019, absent in this regard. While the representative thinks that persons with disabilities would appreciate such a solution, they emphasise that some NGOs are concerned about the possible abuse, and themselves raise the potential issue of abuse in care homes, which are notoriously prone to manipulation of the voters. According to a chairperson of the Governmental Board for Persons with Disabilities, the same argument is often heard from the Ministry of Interior and from society in general. Notwithstanding, as the representative of the Office of the Defender of Rights notes, should electronic voting be implemented, this solution would not necessarily render elections inclusive to everyone. Ministry of Interior representatives state that the Czech Republic is not ready for electronic voting and it is not a priority at this moment. However, the new legislation that is, at the time of drafting this report in the summer of 2019, being drafted plans to digitalise parts of the electoral process, such as having the information on the accessibility of all polling stations available online so that each voter can decide which polling station to go to, or to order a mobile ballot box in advance. The director of the Governmental Committee

³⁴ BBC News. 2019. *European elections 2019: How does voting work?* May 24. Available at: <https://www.bbc.com/news/world-europe-48198648>

³⁵ More information can be found here: <https://ct24.ceskatelevize.cz/domaci/2275744-jak-vybrat-listek-poslepu-nevidomivolici-celi-mnoha-prekazkam>

³⁶ Poslepu.cz. 2019. *Volby poslepu: jak volit, když vidím špatně, nebo vůbec*. May 24. Available at: <https://poslepu.cz/volby-poslepu-jak-volit-kdyz-vidim-spatne-nebo-vubec>

³⁷ Il Fatto Quotidiano.it. 2019. *Europee, l'odissea alle urne di milioni di disabili: tra barriere e poca assistenza. "Diritto di voto negato per 800mila."* May 19. Available at: <https://www.ilfattoquotidiano.it/2019/05/19/europee-lodissea-alle-urne-di-milioni-di-disabilitra-barriere-e-poca-assistenza-diritto-di-voto-negato-per-800mila/5189878>

for Governance Accessibility nonetheless notes that this legislation was intended to be finished by the end of 2012, when the new legislation 89/2012³⁸ regarding the limitation of legal capacity entered into force.

3.1.1.b Attitudinal Challenges

Lack of accessibility for persons with visual and intellectual disabilities in **Malta** is also due to the fact that few alternative voting mechanisms exist in the country. According to the electoral commissioner, **without the backing of parliament members, little can be changed in the electoral process**. This is crucial because the major barrier to alternative voting systems in Malta is **resistance from the two major political parties** who dominate the political system in the country. As indicated by representatives of an NGO of parents of persons with severe disabilities, the electoral commissioner and the disability commissioner, these parties resist the introduction of the person of trust and other voting options such as electronic voting, as they are wary of **abuse (such as voters' influencing by their entourage)** of such mechanisms.³⁹ Unless these two parties, whose representatives make up the electoral commission, agree to alternative voting options, efforts to change this will remain at an impasse.

Furthermore, in countries such as **France**, as evidenced by interviewed representatives of UNAPEI⁴⁰, an organisation of families of persons with disabilities, and ANCREAI⁴¹, a federation of information studies for vulnerable persons, **public prejudice about disability** is another barrier. The public often views persons with disabilities as unable to formulate their independent political opinion. This relates once again to the fact that persons with disabilities are perceived as being **easily influenced** and thus more vulnerable in their electoral choices. According to the chairperson of the Governmental Board of Persons with Disabilities in the **Czech Republic**, this argumentation is sometimes used even by other public bodies in the country. Several stakeholders, including representatives of an association working with persons with intellectual disabilities, an organisation of families of persons with disabilities and a federation of information studies for vulnerable persons representatives from **France**, confirm that they have come across this argument often and have responded to it by pointing out that politics is essentially a game of influence in which all citizens are vulnerable. The representative of the Office of the Defender of Rights as well as the chairperson of the Governmental Board for Persons with Disabilities in the **Czech Republic** note that an extensive awareness-raising campaign is needed to shift the attitude of the government, politicians and society as a whole towards persons with disabilities and to overcome stereotypes. While these initiatives are, at the time of drafting this report in the summer of 2019, coming from civil society, the representative of the Office of the Defender of Rights notes that to be efficient, they need to be backed by state support, either by direct initiatives or by increased funding. Finally, the representative adds that the entire system of civil society organisation (CSO) funding needs to be changed as NGOs and DPOs have limited capacities and struggle to fund even the day-to-day administration:

³⁸ Czech Civil Code, Law 89/2012, Available at: <https://www.zakonyprolidi.cz/cs/2012-89>

³⁹ MaltaToday. 2019. *Political parties not keen on disability NGOs' call for person of trust with voters: Major parties wary of person of trust in polling booth for disabled people*. March 22. Available at: https://www.maltatoday.com.mt/news/europe-2019/93721/political_parties_not_keen_on_disability_ngos_call_for_person_of_trust_with_voters

⁴⁰ *Union nationale des associations de parents, de personnes handicapées mentales et de leurs amis*

⁴¹ *La Fédération des Centres Régionaux d'Etudes d'Actions et d'Informations*

The overall attitude of society towards persons with disabilities must change, because people still view persons with disabilities as incompetent to make decisions for themselves. There is a historical stereotype... where a person with a disability is misrepresented, and the majority of people... think that persons with disabilities do not vote 'right.' But what does it mean to vote 'right?' What is missing is the systemic raising of awareness, and the NGOs are doing what they can; but the raising of awareness needs to come from the state as well, or at least to be more supported by the state.⁴² (Office of the Defender of Rights representative, CZ)

The director of the Governmental Committee for Governance Accessibility, who is also an e-government and digitalisation expert and is himself blind, notes that while officially all relevant stakeholders are trying to find a solution for the problem of voting rights for all, in reality there is still very little motivation to change anything. While the Ministry of Interior blames the judiciary for the issues associated with the right to vote for all, the judiciary blames the legislation; thus the process of change is very slow and it is almost impossible to identify with whom accountability lies, according to the director, "there is a collective irresponsibility taking place". The main barrier to the right to vote for all identified by the director is the overall reluctance to follow the existing legislation, which, in its essence, is not discriminatory.

Moreover, a representative of a DPO of persons with intellectual disabilities from **Belgium** highlights that public prejudice about disability is a barrier to co-production as the opinion of persons with disabilities tends to be disregarded. They note that the general public should be exposed to stories of persons with disabilities as they are often surprised by the stories that they hear from them. Conversely, the fact of being heard empowers persons with disabilities themselves.

Attitudinal challenges are also related, as is discussed subsequently, to resistance to legal change. In **Italy**, the president of the *Federazione italiana per il superamento dell'handicap (Fish)*,⁴³ Vincenzo Falabella, insists that persons with disabilities are not treated like other citizens and Italy is still far away from the full implementation of the UNCRPD. He argues that this is part of a cultural problem due to a medical approach to disability, considering people as disabled by their impairments or differences, rather than by the barriers present in society. It spans from the (in)accessibility of political information to persons with disabilities barred from participating in electoral campaign events because they are inaccessible. Even if the UNCRPD was ratified,⁴⁴ there are at present no rules and practices produced to apply it concretely.⁴⁵

3.1.1.c Legal Challenges

⁴² Quotations have been translated, where necessary, from the language used in the interview to English.

⁴³ <http://www.fishonlus.it>

⁴⁴ Italy ratified the UNCRPD in 2009.

⁴⁵ Agenzia S.I.R. (Servizio Informazione Religiosa). 2018. *Verso il 4 Marzo: Le persone disabili al voto tra diritti (poco) garantiti e seggi inaccessibili*. February 26. <https://www.agensir.it/italia/2018/02/26/le-persone-disabili-al-voto-tra-diritti-poco-garantiti-e-seggi-inaccessibili>

As mentioned earlier, persons with disabilities, especially those with intellectual disabilities and mental health problems, face several legal challenges in exercising their right to vote. Five EU Member States still deny the right to vote and ten leave the decision up to an individual assessment by a judge or guardian.⁴⁶ For example, in **Malta**, those who are **interdicted or legally incapacitated cannot vote (nor stand for elections)**,⁴⁷ a measure which has been used to deny persons with intellectual disabilities and mental health problems the right to vote on the basis that they are not capable of making rational decisions.⁴⁸ Meanwhile, while the right to vote in **France** has legally opened up (see section 4), **the corresponding education of relevant stakeholders has not taken place**. In this context, DPOs and NGOs work on the aspect of support to persons with disabilities and also on advocacy aimed at politicians. Interviewed representatives of UNAPEI and ANCREAI insist that the **end result should not simply be opening the right to vote for everyone**: tools also need to be introduced in order to facilitate the enjoyment of this right, from understanding of political messages of candidates to understanding the electoral process itself, including registration on the electoral roll and other steps which, in France, are fairly complex. An interviewed representative of the Office of the Defender of Rights which acts in France as the body overseeing the implementation of the UNCRPD notes that their office contacted various stakeholders after the EP elections in May 2019 to learn from this first experience. They point to the municipal elections in France in 2020 as the opportunity to implement further accessibility projects built on this knowledge. Furthermore, in **France**, at the time of drafting this report in the summer of 2019, there exists a contradictory situation: since March 2019, when the right to vote was legally opened up to everyone,⁴⁹ 'co-construction'⁵⁰ (a term describing assistance to persons with disabilities) is now limited, the argument being the risk of undue influence. Thus, as interviewed organisation of families of persons with disabilities and the federation of information studies for vulnerable persons representatives explain, the person with disability's entourage is allowed to assist the person with such aspects as explaining the manifestos and accessing the polling station, but not with the voting itself (that is, selecting the preferred party ballot, selecting the candidates on the ballot, inserting the ballot into the envelope and putting the envelope in the ballot box). In this sense, **legal changes have partly worsened the situation for persons with disabilities** (although members of the polling station committee are still allowed to help and are, in fact, the only ones to do so, as opposed to the Czech Republic, where, as detailed above, polling station staff are not allowed to help voters).

⁴⁶ Social Platform. 2019. *Inclusion Europe: About 250,000 people with intellectual disabilities will be voting for the first time at European Elections*. May 22. Available at: <https://www.socialplatform.org/news/inclusion-europe-about-250000-people-with-intellectual-disabilities-will-be-voting-for-the-first-time-at-european-elections>

⁴⁷ Laws of Malta. 1964. *Constitution of Malta*. Available at: <http://justiceservices.gov.mt/DownloadDocument.aspx?app=lom&itemid=8566>

⁴⁸ European Union Agency for Fundamental Rights (FRA). 2014. *Can persons deprived of legal capacity vote?* Available at: <https://fra.europa.eu/en/publication/2014/indicators-right-political-participation-people-disabilities/legal-capacity>

⁴⁹ Article 11 of the law of 23rd March 2019 repeals Article L. 5 of the Electoral Code which states that the judge deciding about the guardianship of a person decides whether to deprive the said person of their right to vote. Article L. 72-1 of the same code states that adults under protective measures exercise their right to vote personally and that they cannot be represented by the person identified by the protective measures as their representative. See <https://www.editions-legislatives.fr/actualite/majeurs-sous-tutelle-retablissement-du-droit-de-vote> for an overview of this topic.

⁵⁰ The interviewee used the term *co-construction* in French.

In **Belgium**, electoral **legislation prohibits voting** to persons declared **incapable by a court order**.⁵¹ However, from September 2019, those who have 'prolonged minority' status will not be automatically deprived of voting rights. The judge who makes a decision on whether someone should retain their legal capacity or otherwise also decides on whether this prohibits them from voting (in all types of elections).⁵²

In the **Czech Republic**, according to the new Civil Code of 2014,⁵³ it is possible to limit a person's legal capacity only when the person is at risk of serious harm (that is, harming him/herself) and when there is no less restrictive measure available. Although the UN Committee on the Rights of Persons with Disabilities recommended that the Czech Civil Code is amended to ensure that all persons with disabilities can enjoy the right to vote and to stand for election,⁵⁴ the Supreme Court in the Czech Republic upheld the existing legislation, stating that lack of legal capacity is a legitimate ground to restrict a person's voting right. Any decision removing the right to vote for a person under guardianship is taken on an individual basis. In 2017, before the Supreme Court ruling, six NGOs submitted an open letter criticising arbitrary decisions, which also cannot be challenged, on the voting right of persons under guardianship. The letter pointed at several problematic areas. Firstly, it highlighted that limiting the right to vote of persons with disabilities is undemocratic and against the UNCRPD. Secondly, it pointed at the mechanism of assessment of the voting capability of a person, noting that it is arbitrary, as the decision is largely influenced by an opinion of an expert who often relies on a superficial analysis of the person's familiarity with the political system, rather than on a respected scientific method. Thirdly, it noted that the Civil Code only allows the judge to limit a person's right when the person is posing a threat to themselves, a condition that can hardly be met during the exercise of the voting right (in the sense that a person cannot pose a threat to themselves by voting).⁵⁵ An interviewed representative of the Office of the Defender of Rights notes that the courts present the most significant resistance to inclusion. They believe that awareness-raising activities should therefore also target judges. Ministry of Interior representatives state that the Ministry has asked the Supreme Court to unify the legal practice regarding this issue, in the sense of ensuring that all judges of the Supreme Court follow the same procedures. After the new Civil Code came into practice in 2014, the Ministry of Interior gave judges three years to re-evaluate the situation of every case of persons whose legal capacity is limited. However, to date, there are around 10,000 people deprived of their right to vote due to having limited legal capacity. In practice, the persons who are stripped of their right to vote for mental health reasons are marked accordingly in the polling station's voter list. However, if, on election day, the person goes to the polling station with a court judgment on their legal capacity stating that they are

⁵¹ Article 7 1° of the Belgian Electoral Code. Available at:

[http://www.ejustice.just.fgov.be/cgi_loi/loi_a1.pl?language=fr&la=F&cn=1894041230&table_name=loi&&caller=list&F&fromtab=loi&tri=dd+AS+RANK&rech=1&numero=1&sql=\(text+contains+\(%27%27\)\)#Art.6](http://www.ejustice.just.fgov.be/cgi_loi/loi_a1.pl?language=fr&la=F&cn=1894041230&table_name=loi&&caller=list&F&fromtab=loi&tri=dd+AS+RANK&rech=1&numero=1&sql=(text+contains+(%27%27))#Art.6)

⁵² European Union Agency for Fundamental Rights (FRA). 2019. *Who will (not) get to vote in the 2019 European Parliament elections? Developments in the right to vote of people deprived of legal capacity in EU Member States*. Available at:

<https://fra.europa.eu/en/publication/2019/disability-voting-rights>

⁵³ Czech Civil Code, § 55, para 2. Available at: <https://zakony.kurzy.cz/89-2012-obcansky-zakonik/paragraf-55/>

⁵⁴ Committee on the Rights of Persons with Disabilities. 2015. *Concluding observations on the initial report of the Czech Republic*.

Available at:

https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRPD/C/CZE/CO/1&Lang=En

⁵⁵ Liga lidských práv. 2017. *Otevřený dopis nevládních organizací k přijímanému stanovisku Občanskoprávního a obchodního kolegia Nejvyššího soudu ČR*. January 10. Available at: <http://lp.cz/2017/01/volebni-pravo-pro-vsechny/>

allowed to vote, the polling station committee is obliged to let them vote.⁵⁶ Experience has shown that blind people often do not use the possibility to request a mobile ballot box visit to their domicile as they are concerned about letting strangers into their homes. However, visiting the polling station can be a challenge as it is often in a location that blind or visually impaired voters are not familiar with from their day to day lives. Electronic voting is a solution that has been suggested by DPOs working specifically with blind voters as it would ensure their votes are indeed anonymous,⁵⁷ but, as discussed above, it has been rejected by others.

Despite the letter from NGOs mentioned above and other initiatives of the civil society, an interviewed chairperson of the Governmental Board of Persons with Disabilities does not believe that the right to vote will open to all citizens in the country in the near future, given the current reserved stance of the public bodies who argue that society is not yet prepared for this step. The chairperson of the Czech Governmental Board of Persons with Disabilities expressed his worry that legal challenges for everyone to exercise their right to vote will remain in place for years to come, but he thinks that an action coming from the European Union could improve the situation:

Right for all probably won't be even in the next National Plan 2020-2025, but inclusiveness of persons with disabilities in the voting and electoral process is an important topic. The main obstacle is the societal understanding of this topic, with people being prejudiced and worrying about manipulation. People think that persons with disabilities need to be protected from themselves and that society needs to be protected from them. What could help is action from the EU that would force its Member States to make voting inclusive for all, but this could further negatively affect sentiments towards the EU in the Czech Republic. (Governmental Board of Persons with Disabilities Chairperson, CZ)

3.1.1.d Challenges to Voting: Final Reflections

Evidently, persons with different types of disabilities experience different types of challenges to inclusion with regards to voting. As reiterated by various stakeholders in different countries, there is a **whole spectrum of disabilities**, including persons with **severe intellectual disabilities**, who encounter **different barriers** than those with other, less severe ones. Challenges to inclusion also differ according to the involvement of persons with disabilities in their communities. As argued by an interviewed Academic Network of European Disability Experts (ANED) expert, one of the biggest predictors as to whether people vote is whether they intermingle with other people (not only persons with disabilities) who vote or not: for example, people who live in households where there are people who vote are more likely to vote than those who live in institutions or are segregated from the community. These predictors evidently then differ according to the country and different electoral procedures, such as variations between countries where voting is obligatory and others where it is not.

⁵⁶ Společnost na podporu lidí s mentálním postižením v České republice (SPMP CR). 2017. *Elections 2017 and restricting the legal capacity*. Available at: <http://www.smpcr.cz/volby-2017-a-omezeni-svepravnosti>.

⁵⁷ Czech Television. 2017. *Jak vybrat lístek poslepu? Nevidomí voliči čelí mnoha překážkám*. October 17. Available at: <https://ct24.ceskatelevize.cz/domaci/2275744-jak-vybrat-listek-poslepu-nevidomi-volicci-celi-mnoha-prekazkam>

3.1.2 Standing for Elections

Persons with disabilities also encounter barriers in standing for elections in various countries in the EU, ranging from legal to physical accessibility. Once again, attitudes towards persons with disabilities are also a key in this aspect of the electoral process. Public prejudice, for example, also affects persons with disabilities (especially persons with intellectual disabilities) in **standing for elections** in the **Czech Republic**, according to an interviewed Quip – an NGO working with persons with learning difficulties – representative, who argues that society is not ready for this step since many think persons with disabilities are incapable of being actively involved in politics. Representatives of the Ministry of Interior state that for the National Plan for the Promotion of Equal Opportunities for Persons with Disabilities,⁵⁸ the Ministry conducted an analysis which mapped the legal landscape of the right to vote and to stand for elections in other EU Member States. Based on this analysis, the Ministry of Interior proposed to abolish the barrier to the right to vote but decided to keep the barrier to the right to stand for elections for persons with intellectual disabilities. The Ministry representatives argue that this is to protect the potential candidates, since standing for elections or holding an elected post could be too stressful for them and they could be exposed to too much responsibility. The director of the Governmental Committee for Governance Accessibility emphasises the crucial role of co-production in this case, as he believes that it was thanks to the pressure from him and other stakeholders that the Ministry of Interior started to differentiate between the right to vote and the right to stand for elections when dealing with the question of rights of persons with intellectual disabilities.

In **Belgium**, according to a representative of *Inclusion*, while there have been some politicians with physical disabilities in the past, intellectual disability remains a taboo in this context. A representative of an umbrella DPO notes that standing for elections has not been identified as a priority by their members at this stage.

In **Malta**, the outlook is more positive in 2019 than it has been in previous years. For the first time, a person who identifies himself as a person with a disability (blind) became a Member of Parliament and has been provided with the necessary support to follow parliament speeches. In the May 2019 local council elections, 10 persons with disabilities (once again, who identify themselves as persons with disabilities, since there may be others who have a disability but do not identify themselves as such) stood for elections, and three were elected. As acknowledged by the disability commissioner, while this is a small number, it is a positive outcome. However, persons with disabilities are not represented enough in Parliament⁵⁹ and political candidates encounter their share of barriers. For example, in the electoral campaign, a **candidate with physical disability for the local council elections could not, like other candidates, visit the electorate door-to-door**, as is the custom in Malta, due to a **lack of accessible infrastructure**. They also encountered **patronising attitudes and prejudices, and increased expenses**.⁶⁰ Furthermore, an interviewed candidate's **party does**

⁵⁸ Secretariat of the Government Board for Persons with Disabilities. 2015. *National plan for the promotion of equal opportunities for persons with disabilities 2015-2020*. Available at: www.vlada.cz/en/urad-vlady/vydavatelstvi/vydane-publicace/nationa-plan-for-the-promotion-of-equal-opportunities-for-persons-with-disabilities-2015-2020-136179

⁵⁹ Commission for the Rights of Persons with Disability (Malta). 2018. *Submission to the Committee on the Rights of Persons with Disabilities in Advance of its Consideration of Malta's 1st Periodic Report*. Available at: <https://crpd.org.mt/un-convention>

⁶⁰ MaltaToday. 2019. *I want to see disabled people in parliament to change society's mentality': Disability rights commissioner Oliver Scicluna says Malta needs more politicians with a disability*. April 17. Available at:

not provide funds to accommodate persons with disabilities in any expenses they might incur in their campaign. The party rather deals with difficulties faced by candidates on a case-by-case basis.⁶¹

Furthermore, as indicated by both the Maltese disability commissioner and a representative of *Passe Muraille*,⁶² a Belgian research and training organisation working on disability rights, there is the possibility that political parties use candidates with disabilities as tokens, that is, to give the impression that they are inclusive while it is not necessarily in their interest that these candidates with disabilities are elected. A representative of *Onze Nieuwe Toekomst*,⁶³ a DPO (of persons with intellectual disabilities) in **Belgium** notes that when one of the organisation's members stood for local election, the political party did not provide him with any additional support during the campaign period. In none of the countries considered in-depth in this study (Belgium, Malta, France and the Czech Republic) are there any real measures to enable persons with disabilities to stand for elections. A research and training organisation representative in **Belgium**, for example, points out that, unlike gender equality measures, there are **no measures such as quotas for candidates with disabilities**. Furthermore, in **France**, persons under protective measures such as legal guardianship cannot hold political office.⁶⁴ That said, a representative of the Inter-Ministerial Committee on Disability (CIH)⁶⁵ notes that while, at the time of drafting this report in the summer of 2019, the priority lies with rendering participation in voting accessible, it is only a question of time as to when the debate shifts towards standing for office. In **Malta** and **France**, as evidenced by electoral stakeholders and NGOs working with persons with disabilities, there are also **no statistics available as to how many persons with disabilities stand for elections**, which makes it difficult to get a clear picture on the number of persons with disabilities interested in running for office as well as their support needs. On the other hand, as a representative of the CIH points out, information about the disabilities of political candidates is not collected in order to prevent discrimination. Often, candidates do not disclose that they have a disability, as they are concerned that being branded as disabled might limit their public messages to this topic, even if they prefer to focus on other areas in their politics.

3.2 Awareness raising and training of civil servants and candidates

Overall, only a few countries have co-productive initiatives in place that ensure that multiple stakeholders, and notably persons with disabilities themselves, participate directly in training of civil servants and candidates. In the Czech Republic, for instance, a societal resistance against trainings led by DPOs has been noted by a representative of Quip, as will be discussed below. This section therefore explores both activities undertaken by persons with disabilities and by

https://www.maltatoday.com.mt/news/national/94404/i_want_to_see_disabled_people_in_parliament_to_change_societys_mentality?fbclid=IwAR17RLf7-KX2L4Exk30BFDgVb5jPFe3ZBWNXkFFors9vhCtFzTB6oBMQB

⁶¹ Ibid.

⁶² <http://www.passe-muraille.be>

⁶³ <https://www.ont.be>

⁶⁴ Legifrance.gouv.fr. 2019. *Code Electoral*. Available at:

https://www.legifrance.gouv.fr/affichCode.do?sessionId=A78DE843F53202BCDBC140C1293C4700.tplgfr22s_2?idSectionTA=LEGISCTA000006148478&cidTexte=LEGITEXT000006070239&dateTexte=20190823

⁶⁵ The Inter-Ministerial Committee on Handicap (in French: *Comité Interministériel du Handicap*) is a governmental body that is tasked with defining, coordinating and evaluating the public policy towards persons with disabilities.

other stakeholders active in this area, as these insights can serve as an inspiration for future projects led by persons with disabilities.

3.2.1 Training

In order for electoral processes to be truly inclusive, civil servants working in elections as well as political candidates need to be cognisant of the barriers that persons with disabilities encounter when voting, as well as the means through which they can be included. Despite this, in 2015, only one EU Member State (Croatia) had legislation requiring training for election officials on disability issues (which would then help persons with disabilities to vote). In 15 Member States, including **Belgium, Czech Republic** and **France**, some relevant training is available, but is not required by law.⁶⁶

Malta is one of the 12 EU Member States where no such training is required by law⁶⁷ and, as confirmed by the disability commissioner, **no training on disability issues is given to electoral officials**. While some training does take place in the **Czech Republic**, according to an interviewed representative of Quip, there is a huge need for more training for civil servants, especially for the polling station staff. The chairperson of the Czech Governmental Board of Persons with Disabilities notes that training of the polling station staff and public sector in general is crucial to ensure that civil servants approach disability issues effectively. They add that in the country, the participation of DPOs in the training of civil servants and polling station staff is almost non-existent. While the polling station staff training is implemented by the Ministry of Interior (precisely by the Czech Statistical Office in collaboration with the municipalities), it is not clear whether it is sufficient and whether it properly equips polling station staff with the skills necessary for facilitating access of persons with disabilities to elections. Notwithstanding, such training can likely only be delivered by public authorities since **civil servants tend to not respect training or guidance developed by other entities (such as NGOs)** unless endorsed by the same ministry:

"We wanted to create a manual for the polling station staff to inform them about the best practices when dealing with persons with disabilities. But then we realised that [...] if our document is not endorsed by the Ministry of Interior, they would not read it. Because if they don't have it from the electoral commission, written down black on white, they would not use it. And it's no wonder. They would need to verify the information themselves by calling the headquarters to make sure that everything is in order." (Quip representative, CZ)

The representative of the Office of the Defender of Rights in the Czech Republic confirms that DPOs do not participate in the polling station staff trainings organised by the Ministry of Interior. The representative shares their account from one such session and points out that neither the polling station staff, nor the trainers considered the possibility that persons with intellectual disabilities could vote, and therefore were incapable of dealing with such a situation. The representative therefore believes that appropriate training of polling station staff is a crucial step in making elections more inclusive and accessible.

⁶⁶ European Agency for Fundamental Rights (FRA). 2015. *Election Authorities. What can you do to get more people with disabilities to vote?* Available at: <https://fra.europa.eu/en/project/2013/political-participation-persons-disabilities/infographics>

⁶⁷ Ibid.

The representatives of the Electoral Section at the Ministry of Interior in the Czech Republic confirm that they have been discussing the issue of improving the training for the polling station staff with the Public Defender of Rights, who brought up this issue with the Ministry of Interior after meeting with several NGOs working with persons with visual, hearing and intellectual disabilities. According to the representatives, these meetings are irregular but there has been an increase in their number and their activity. The representatives highlight that the improvement of training for the polling station staff is one of their priorities and it will be included in the new proposed legislation that is, at the time of drafting this report in the summer of 2019, being drafted (see 3.1). The director of the Governmental Committee for Governance Accessibility states that while the training is well designed and follows the necessary norms and methodology, the problem is that people who join the polling station staff choose not to pay attention to the training or to read the materials they receive during the training. According to the director, the biggest problem of polling station staff is that the municipalities underfund them to save as much as money as possible, and hire the minimum number of polling station staff necessary. This can lead to the polling station staff not having enough members to go with the mobile ballot box or, if they do, the lack of staff might compromise the secrecy of the vote since there might not be enough staff to ensure that the person using the mobile ballot box has enough privacy to cast their ballot. Thus additional funding might improve the overall performance of polling station staff and also motivate better-qualified people to apply for the job.

In **Belgium**, too, there is **very little such training** given. A representative of an umbrella DPO notes that there are trainings of polling station presidents and there was also a governmental directive reminding the polling station staff what needs to be done to accommodate the electoral processes to persons with disabilities. However, the representative notes that while the umbrella DPO contributed to the training with a brochure, the public administration preferred the training to be done in-house. This indirect interaction (in the sense of only contributing training material rather than actually giving / participating in the training) therefore limited co-productive possibilities. However, the research and training organisation *Passe Muraille* produced a **guide**, in 2018, 'From the Citizen of Brussels to Polling Station',⁶⁸ which outlines **what electoral civil servants** who organise elections **need to know in order to accommodate the process for persons with disabilities**. This includes pre-election meetings with polling station committee members, establishing a telephone number that can be called to request information during election day, and training other personnel working around elections (such as stewards who accompany people to the polling booth). Another part of the guide targets polling station staff and the need to educate the president of the polling station staff, thus fulfilling Article 143 of the Federal Electoral Code which states that if needed, the president should provide assistance to the person in need. According to representatives of a DPO working with persons with intellectual disabilities and of an umbrella DPO, the addition of this provision in 2018 was warmly welcomed by DPOs and their members. As the latter representative notes, this achievement was reached through a chain of communication between persons with disabilities, DPOs, the umbrella DPO and

⁶⁸ The guide can be found here: <http://www.passe-muraille.be/fr/nos-axes/accessibilite/du-citoyen-bruxellois-a-l-isoloir-version-2018-fr-ndls.html>

finally the government: an advocacy letter to the government was submitted by the umbrella DPO along with Unia⁶⁹, the centre for equal opportunities.

In **France**, a representative of the CIH mentions initiatives by individual ministries. With regards to training and educating political candidates, according to the representative, there is no public oversight or input and any such initiatives therefore would have to come from the political parties directly.

3.2.2 Awareness Raising

According to the chairperson of the Governmental Board of Persons with Disabilities in the **Czech Republic**, raising awareness is the most important thing that can be done to address resistance to inclusiveness and to promote everyone's right to vote. Generally, awareness raising on disability issues and on how persons with disabilities can be included in electoral processes (in terms of voting) is more widespread than formal training, as findings from interviews with NGOs working with persons with disabilities, disability commissions and DPOs reveal. At the same time, **awareness raising** can at times take the form of training, albeit in a more informal manner (such as lobbying and advocacy campaigns) or **through the publication of guidebooks**. For example, in **France**, in 2019, the *Handéo*⁷⁰, an association working with persons with disabilities, published a guide on how to promote access for persons with disabilities to vote.⁷¹ The French public administration decided to support the creation of this guide to elections targeted at audiences with disabilities: the funding came from the governmental Directorate-General for Social Cohesion. Representatives of the Office of the Defender of Rights and of the CIH describes the process of creating this guide as co-productive, and states that the responsibility of the actors on such a project did not end with the creation of the guide, but also extended to the distribution of the resulting material. The guide (of which 10,000 copies were printed), was disseminated to workers on the ground, including civil servants and associations. The CIH representative notes that it was distributed through the network of *Handéo*. Furthermore, the CIH contacted the local authorities and the Association of French Mayors to distribute it to the local actors, and it was also provided to the CNCPH (National Consultative Council of Persons with Disabilities) and to various ministries to educate them about these issues, notably the Ministry of Interior and the Ministry of Education. The guide helps persons with disabilities identify how to efficiently use the help of a third person to exercise the right to vote and explains the difficulties that persons with disabilities might encounter. The guide also helps raise awareness among electoral services staff on the role they can play in the context of assistance with elections and access to vote for persons with disabilities. At the time of drafting this report in the summer of 2019, *Handéo*, together with the CIH, is developing another part of the guide, directed at raising awareness on disability issues with those who help prepare and manage polling stations.

An example of a direct involvement of DPOs in awareness raising in France was the November 2018 congress of the DPO *Nous Aussi*,⁷² which represents, and is directed by, persons with intellectual disabilities. A representative of the CIH highlights the importance of this congress for future co-productive opportunities,

⁶⁹ UNIA is an independent public institution which combats discrimination and promotes equal opportunities. More information can be found here: <https://www.unia.be/en>

⁷⁰ <http://handeo.fr/handeo>

⁷¹ The guide can be found here: <http://www.handeo.fr/actualites/guide-handeo-vote-handicap>

⁷² <http://www.nousaussi.org>

as it brought together mayors, regional authority representatives, other NGOs and DPOs, as well as the Secretary of State in charge of Persons with Disabilities, who was one of the speakers. The event helped the participants better understand the range of voting-related issues faced by persons with disabilities.

In **Belgium**, Unia launched the campaign “I have a disability and I have the right to vote like everyone else” in 2017.⁷³ The campaign aimed at raising awareness with all citizens on the right to vote for all and encourage persons with disabilities to vote.

Co-production between DPOs/NGOs and Electoral Commissions. In the **UK**, the electoral commission worked with Mencap,⁷⁴ a charity organisation for persons with learning disabilities, to produce an ETR guide for voters with learning disabilities for the May 2019 EP elections. On a website run by the electoral commission outlining the support available to persons with disabilities to vote, they publish the views of persons with learning disabilities on how voting can be made easier for persons with such disabilities.⁷⁵ Mencap also worked with the main political parties to produce their manifestos in ETR versions.⁷⁶

In certain cases, DPOs have taken the initiative of developing or proposing alternative voting mechanisms themselves. In **France**, the DPO *Nous Aussi* is developing a mobile application so that people who are ‘prevented from voting’ can train and find any useful information. The DPO also proposes measures such as putting a picture of the candidates in front of the ballots, the translation of electoral programs in ETR⁷⁷, and the development of educational videos. Another measure is the *Vot'Matic*, which was tested before the May 2019 elections. This electronic voting device makes it possible to display the photos of candidates, to be guided by an audio message, and use a suitable keyboard. This was intended to be used by the participant town councils in the May 2019 elections.⁷⁸

Lobbying. In certain aspects related to the electoral process, lobbying is the most useful tool to bring about change. In **Spain**, the campaign “My vote counts”, led by the DPO *Plena Inclusión*⁷⁹, **successfully pushed for an amendment to the law**,⁸⁰ which was approved in October 2018.⁸¹ In **Croatia**, according to an EESC member, legal reforms⁸² abolishing the removal of voting rights to persons who have had their legal capacity removed, were the result of huge pressure from NGOs as well as the Ombudsperson for Persons with Disabilities. A representative of the association *Handéo* in France also relates how **a lobby of CSOs**, including *Handéo*, *UNAPEI* and others, **raised awareness about the issue of accessible manifestos**, which **resulted in a government initiative** (see 3.3) and the

⁷³ Unia. n.d. *Unia lance une campagne sur le droit de vote*. Available at: <https://www.unia.be/fr/sensibilisation-et-prevention/campagnes/le-vote-des-personnes-handicapees-compte-pendant-les-elections>

⁷⁴ <https://www.mencap.org.uk>

⁷⁵ The Electoral Commission (UK). 2019. *Your Vote Matters – Don't Lose It: Accessibility At Elections*. Available at: <https://www.yourvotematters.co.uk/how-do-i-vote/accessibility-at-elections>

⁷⁶ Mencap – The voice of learning disability. n.d. *Elections*. Available at: <https://www.mencap.org.uk/get-involved/campaign-mencap/elections>

⁷⁷ In France, the term used is ‘*Facile à lire et à comprendre*’, meaning ‘Easy to read and understand’.

⁷⁸ Handicap.fr. 2018. *Voter avec un handicap mental, un droit non négociable*. November 13. Available at: <https://informations.handicap.fr/a-droit-vote-11286.php>

⁷⁹ <http://www.plenainclusion.org>

⁸⁰ Organic law 2/2018 of 5th December for the amendment of the Organic law 5/1985 of 19th June of the General Electoral Regime for the guarantee of the right to vote of all persons with disabilities. Available at: https://www.boe.es/diario_boe/txt.php?id=BOE-A-2018-16672

⁸¹ The Parliament Magazine – Politics, Policy and People. 2019. ‘*Record number*’ of people with intellectual disabilities casting vote for first time. May 21. Available at: <https://www.theparliamentmagazine.eu/articles/news/%E2%80%98record-number%E2%80%99-people-intellectual-disabilities-casting-vote-first-time>

⁸² Register of Voters Act, Article 64. Available at: <https://www.zakon.hr/z/558/Zakon-o-registru-bira%C4%8Da>

opening up of the government to CSOs on the subject of inclusive electoral processes. More informal lobbying activities have been taking place in **Belgium**, where a representative of the DPO *Inclusion* describes that during election periods, they organise encounters with civil servants and political party candidates in order to highlight the importance of working on disability issues. They remark that despite these efforts, disability is generally not at all an integral part of the discussion within political parties, not only in the political manifestos but also in relation to the internal functioning of the parties. According to the representative, the reality is still very far from having political parties include persons with disabilities in their internal teams so that they represent the voice of their community. A representative of an umbrella DPO organisation working in Brussels and Wallonia regions speaks of lobbying which took place ahead of both municipal elections in 2018 and those in 2019, comprising regional, federal and European elections. They contacted politicians to tell them that they wish to have an inclusive process where everyone can vote and understand the political communication. While they managed to cooperate on a co-productive basis and organise regular meetings with the candidates and municipalities ahead of the municipal elections, they noted limited interest of public institutions ahead of the electoral events of 2019. What did materialise in 2019 was a series of meetings where political party representatives responded to the various questions on accessibility for persons with disabilities. The objectives were to force parties to ask themselves questions about disability and accessibility of elections; to encourage the parties to make concrete engagements; and to help persons with disabilities to find out about the political positions of the various parties. As the representative notes, this will now help them to hold the politicians accountable.

In the **Czech Republic**, a similar meeting organised by *Skok do zivota*,⁸³ an NGO providing services in an eastern region of the country, provided a platform for persons with intellectual disabilities and politicians to discuss disability issues in the context of politics and elections. This meeting was mentioned as a successful example of this strategy by both an interviewed representative of Quip, an NGO working with persons with learning difficulties, and the representative of the Office of the Defender of Rights. A similar example was cited by a representative of the CIH in **France**. It was organised by UDAF⁸⁴ de l'Yonne, the departmental union of family associations in the Yonne department, and it was successful in terms of exchanging information between political party candidates and persons with disabilities.

Consultation. The UNCRPD requires states which have ratified the Convention to establish **consultation mechanisms** to involve DPOs when developing laws and policies that concern them. While systematic consultation does take place in 11 EU Member States (including **Belgium** and **Czech Republic**), it is not established by law. Meanwhile, in 13 EU Member States (including **France** and **Malta**⁸⁵), such mechanisms are established by law.⁸⁶ The **Malta**, the National Disability Strategy

⁸³ For more information about the organisation, see <http://www.skokdozivota.cz/>

⁸⁴ *Union départementale des associations familiales*

⁸⁵ The Equal Opportunities (Persons with Disability) Act, Chapter 413 of the Laws of Malta, 10 February 2000 contains several relevant provisions. Article 21 provides for the establishment of the National Commission Persons with Disability, while Article 22 outlines its specific functions which include consulting and overseeing the work of the government in relation to persons with disabilities.

⁸⁶ European Union Agency for Fundamental Rights (FRA). 2015. *Parliaments. How can you encourage more people with disabilities to vote?* Available at: <https://fra.europa.eu/en/project/2013/political-participation-persons-disabilities/infographics>

Consultation Document of 2015⁸⁷ states that one of its initiatives is discussions between political parties on new and inclusive voting mechanisms.⁸⁸ However, the electoral and disability commissioners confirm that no such discussions are taking place.

France's National Consultative Council of Persons with Disabilities is the body on the governmental level which is consulted each time there is a draft law that concerns persons with disabilities.⁸⁹ A representative of the CIH notes that the CIH often organises exchanges between public administration and DPOs, thus improving awareness and generally establishing the consideration of the topic of disability within the work of the public administration. They also point out that the aim of the CIH is to shift the mindset further and to ensure that co-production takes place in the early decision stages rather than during the drafting of relevant legislation and regulations at the end.

In **Belgium**, a representative of a DPO (of persons with intellectual disabilities) notes that while they are occasionally contacted by the government to provide advice, they are often requested to do so in a short time frame that is challenging for them to follow. However, the representative emphasises that there is potential for a positive change as the nation-wide project Nothing About Us Without Us (abbreviated as NOOZO in Flemish)⁹⁰ is planning to formulate its first advice to the government. This project brings together organisations working with persons with a range of disabilities (physical, intellectual, visual and hearing disabilities), sometimes involving directly persons with disabilities themselves who act as experience experts.

The Commission for the Rights of Persons with Disability in **Malta** organises awareness raising sessions, including ones held with EP candidates, issues press releases and organises meetings with stakeholders. However, similar to what is observed in the Czech Republic (see below) and France (where interviewed representatives of *Nous Aussi* [a DPO of persons with intellectual disabilities], UNAPEI and ANCREAI talk about the fact that organisations working on the theme of disability often work on their own projects and rarely share best practices and cooperate on projects), the **lack of a coherent and united disability movement** in Malta results in sporadic lobbying on disability issues. DPOs, of which there are almost 80 in a country with a population of just over 450,000, are instead looking to serve their own interests rather than providing a united front to represent the rights of persons with disabilities. Furthermore, according to an interviewed representative of an NGO of parents of persons with severe disabilities, **many DPOs are voluntary organisations and lack resources**, thus their participation in awareness raising is not as substantial as they would like. Nonetheless, small DPOs' independence from state funding also means that they can be more outspoken than larger disability organisations, which depend on

⁸⁷ Parliamentary Secretariat for Rights of Persons with Disability and Active Ageing, National Commission Persons with Disability and The Focal Point Office (Malta). 2015. *Consultation Document: The Malta National Disability Strategy*. Available at: <https://activeageing.gov.mt/en/Pages/Malta-National-Disability-Strategy.aspx>

⁸⁸ Parliamentary Secretariat for Rights of Persons with Disability and Active Ageing. 2015. *Consultation Document: The Malta National Disability Strategy*. Available at: <https://activeageing.gov.mt/en/Pages/Malta-National-Disability-Strategy.aspx>

⁸⁹ The law of 30th June 1975 created the National Consultative Council of Persons with Disabilities (CNCPH). The law of 11th February 2005 generally awarded the Council the role of evaluating the situation of persons with handicap and of the governmental and parliamentary initiatives in this area. Lastly, the Prime Minister's circular of 4th September 2012 states that every draft law has to take into account the issue of disabilities. For more information, see: <https://www.gouvernement.fr/conseil-national-consultatif-des-personnes-handicapees-cncph>

⁹⁰ More information about the project available at: <https://nietsoveronzonderons.nl>

the state to function. There are also few persons with disabilities who are disability activists and are continuously working to improve persons with disabilities' lives.

In the **Czech Republic**, an interviewed representative of Quip argues that there is no interest from the general public – and no media coverage – on the inclusion of persons with disabilities in the electoral process, and thus it is quite hard to convince citizens and politicians that this is an issue. Furthermore, the Czech National Disability Council (CNDC)⁹¹ is very little engaged with the issue of the right to vote, thus undermining efforts in this area. The reason for this lack of engagement is the fact that the Council is not united but rather made up of different groups representing different types of disabilities. These groups often have competing interests and thus focus on their own projects rather than working together to demand the best solution for all. The lack of cooperation between different DPOs is confirmed by the interviewed representative of the Office of the Defender of Rights, who identifies the need for a wide platform consisting of all NGOs and DPOs in the country. It is also confirmed by the director of the Governmental Committee for Governance Accessibility, who believes that the main reason for different groups not being unified is the insufficient funding in the field, resulting in organisations (and even parts of an organisation) competing for the funding rather than working together. Another important issue identified by the same representative is the lack of political experts and analysts in the NGO sector in general, resulting in the inability of NGOs and DPOs to work as equal partners in any kind of negotiations or lobbying.

Efforts have also been made in the **Czech Republic**, by NGOs and DPOs, to engage candidates with persons with disabilities, including one organisation in the city of Hradec Králové, which organised a meeting with local politicians before the communal elections in 2018.⁹² While this meeting was mentioned by the representatives of the Office of the Defender of Rights as well as that of a representative of an NGO working with persons with learning difficulties, the latter argues there is still very little effort from the political parties themselves to engage with persons with disabilities.

Discussions between relevant stakeholders take on a more organised shape in **Belgium**, at least on the local level, where, as a representative of a research and training organisation (working on disability rights) confirms, in some municipalities, there is a Consultative Council of Persons with Disability that assists the municipal council. These are there for the duration of the mandate of the municipal councils, and bring local issues of persons with disabilities to the table (including electoral issues when the time comes). These councils comprise persons with disabilities, representatives of organisations, and disability experts. On the regional level, there is the Accessibility Collective Wallonia-Brussels,⁹³ which represents a number of DPOs and NGOs. Since September 2018, this Collective has been approaching ministers concerned to remind them of their obligations, which are either concerned with disability in general or related to a particular disabilities. Sometimes, persons with disabilities themselves sit around the negotiation table. *Passe Muraille* also organised a debate and an awareness raising campaign on the street during election campaign meetings; however persons with disabilities often do not participate in such events as they find these campaigns

⁹¹ <http://www.nrzp.cz/czech-national-disability-council.html>

⁹² It was organised by an NGO called *Skok do Zivota* (Jump to Life). The report from this event can be found here: http://www.skokdozivota.cz/37/Co_se_deje/6/Setkani_kandidatu_do_zastupitelstva_mesta_Hradce_Kralove_s_nasimi_uzivateli/

⁹³ *Le Collectif Accessibilité Wallonie-Bruxelles*, CAWaB: <https://cawab.be>

often do not result in action. During such meetings, some politicians were open while others were not; however, this at least helped create a dialogue between these stakeholders. A representative of a DPO of persons with intellectual disabilities points out that stories of persons with disabilities participating in public debate through various channels, for instance as members of a municipal environmental council, have a strong inspirational effect.

3.3 Activities of political parties and media channels to make campaigns accessible to all

As mentioned earlier, including persons with disabilities in the electoral process (in terms of voting) reaches much farther than doing that only on the election day: persons with disabilities, like others, need to be informed and have access to political debates, manifestos and programmes in order to make their decision. Despite this, lack of accessibility of activities of political parties and media channels is widespread across various countries in the EU. As argued by various interviewed stakeholders, this means that a segment of the population is marginalised in that it does not have access to such information which is crucial to decision-making in the electoral process. As a DPO (of persons with intellectual disabilities) representative in France argues, the current situation prevents persons with intellectual disabilities to understand the politics and be independent enough to vote. They are not equipped with the right tools to understand political debates and thus they cannot act as full citizens. As the discussion in this section shows, however, it is not only persons with intellectual disabilities who are excluded from this part of the electoral process, but persons with other types of disabilities as well.

Since political parties in EU Member States are independent, they do not necessarily ensure that their manifestos are accessible to persons with various types of disabilities (such as providing them in **large print, Braille, audio or Easy-to-Read**) unless national legislation which obliges them to do so is in place. Countries like Bulgaria, Greece, Italy, Lithuania and Poland did **not** have any **political parties producing manifestos in accessible formats** in the last elections before 2014;⁹⁴ while countries like **Malta, Belgium** and **France** had some political parties providing accessible manifestos.⁹⁵ In **Spain**, in the general elections held before 2014, several political parties offered electoral programmes adapted to persons with intellectual disabilities.⁹⁶

The chairperson of the Governmental Board of Persons with Disabilities in the **Czech Republic** notes that political parties should take into account that voters with disabilities are also *their* potential voters and thus they should make their manifestos and other materials accessible to all. This is especially the case with regard to translation to sign language: while this exercise is often costly, it remains necessary. As the chairperson notes, a common misconception is that all deaf people can easily read written text, while there is little awareness about the fact that persons with hearing impairments, especially those with serious hearing disability from an early childhood, struggle with understanding written text. The representative of the Office of the Defender of Rights gives an example of a time

⁹⁴ European Union Agency for Fundamental Rights (FRA). 2014. *Accessible election manifestos: Indicators on political participation of persons with disabilities*. Available at: <https://fra.europa.eu/en/publication/2014/indicators-right-political-participation-people-disabilities/accessible-manifestos>

⁹⁵ European Union Agency for Fundamental Rights (FRA). 2015. *Political Parties. The votes of people with disabilities count too*. Available at: <https://fra.europa.eu/en/project/2013/political-participation-persons-disabilities/infographics>

⁹⁶ European Union Agency for Fundamental Rights (FRA). 2014. *Accessible election manifestos: Indicators on political participation of persons with disabilities*. Available at: <https://fra.europa.eu/en/publication/2014/indicators-right-political-participation-people-disabilities/accessible-manifestos>

when the Ministry of Interior approached several NGOs working with persons with hearing disabilities to engage them before elections. However, they did not provide any funding that would enable the organisations to translate electoral information sheets and programmes into sign language as they thought that having the written information was sufficient. This example also partly relates to the issue of funding (see 3.1 and 3.2). According to the director of the Governmental Committee for Governance Accessibility, the general logistical information about elections that is produced by the Statistical Office is accessible to all because this is a legal obligation. However, there is no legal obligation for political parties to make their activities accessible to all and he partially blames the fact that there is practically no lobbying coming from the persons with disabilities or NGOs in the Czech Republic.

According to the chairperson of the Governmental Board of Persons with Disabilities and a representative of the Office of the Defender of Rights in the **Czech Republic**, there has been progress mainly on the front of visual accessibility, due to high public awareness of these issues. The former notes that a number of political parties' websites are already accessible to persons with visual disabilities; however, they add that this progress is due to the initiative of website developers rather than to political parties themselves, as these days, the practice is to add the accessibility features automatically. With regards to the ETR format, the chairperson notes that it has recently begun to spread in the country and that it was only in 2018 that a central methodology on creating ETR texts was published for the public administration. According to a representative of an NGO working with persons with learning difficulties representative, while there is a huge need for universal and accessible design in this area, **such initiatives need to come from the political parties themselves**. Should another entity take on the interpretation of their activities and programmes, they could be accused of manipulation and misinterpretation of the same programmes:

"Before the European elections [in spring 2019], we thought of asking some intellectually persons with disabilities what they are interested in and to go through all the political parties' programmes and to give them the relevant information. But this is treading on very thin ice in terms of perceived manipulation, so we didn't do it in the end. The only one who can say that it is valid, that you have not altered the political programme, is the political party itself when they do it themselves."
(Quip representative, CZ)

In **Malta**, the Office of the Electoral Commission also confirms that there are **no set rules for political parties to make their campaigns accessible**. While reports can be filed with the same Commission with regards to this, there have never been such complaints officially made. Meanwhile, **political party manifestos remain inaccessible to persons with intellectual disabilities** and no political party invites persons with disabilities to explain their manifestos to them.

In countries like **France** and **Czech Republic**, some key television programmes (providing instructions for voting and information on candidates standing for elections) in TV election broadcasts are accessible in terms of providing subtitles, offering national sign language interpretation, and use of audio-description.

Meanwhile, in countries like **Malta** key programmes are not subtitled,⁹⁷ nor are parliamentary debates broadcasted in sign language.⁹⁸ Furthermore, as the disability commissioner in Malta argues, while some political debates broadcasted by the Malta Broadcasting Authority are accessible, access for persons with disabilities should be considered even during the pre-campaign stage. **Debate programmes that often invite political leaders or candidates to debate political issues are not accessible to persons with hearing or intellectual disabilities.** While there might be other means of following political debates, such as through newspapers, there are **persons with sensory and intellectual disabilities who are not literate.**

Similarly, **Belgian** representatives of Unia and *Passe Muraille* confirm that **no political party ensures the accessibility of its political programs to persons with intellectual disabilities** and there are no efforts to simplify political debates to render them easier to follow. The guide produced by *Passe Muraille* (see 3.2) guides politicians in adapting their programmes, debates and other means of communication with the public in a way that is accessible to persons with all types of disabilities, including sign language, Braille, simplified text, ETR and subtitles. A representative of a DPO (of persons with intellectual disabilities) states that, in 2019, they were contacted by a political party to help make their campaign accessible. The representative notes that this initiative is an exception rather than the rule in the Belgian political landscape, and notes that it came from a member of the party who has been working with the theme of inclusion for several years. They add that rendering all materials accessible remains challenging as some parts (such as infographics) are hard to interpret in a format that would be easy to follow. In terms of written media (in print and online, including social media), they are not necessarily rendered accessible either, and the EU Web Accessibility Directive⁹⁹ has not been adhered to. While some adaptation is under way, the situation is still not ideal. Furthermore, a letter was sent to each political party reminding them about accessibility of political programs, and only three replied to say they fulfil this obligation. As a research and training organisation representatives argues, there is a need to work more closely with the media on such issues.

In **France**, following CSO lobbying (see 3.2), there now exist multiple governmental approaches to rendering manifestos and other information accessible, including developing documents in ETR format and launching a website,¹⁰⁰ on which political parties can upload their manifestos in an accessible format (including ETR and audio). According to a representative of the CIH, the Ministry of Interior has, for several years (prior to time of writing in 2019), began encouraging political party candidates, when submitting their manifestos, to do so also in a format accessible to persons with visual disabilities. In 2019, for the first time, it encouraged them to extend accessibility to the ETR format as well. Prior to the 2019 EP elections, an initiative by DPOs consisted of contacting candidates to encourage them to publish political party manifestos in ETR format; however,

⁹⁷ European Union Agency for Fundamental Rights (FRA). 2014. *Are television programmes providing instructions for voting and information on candidates accessible?* Available at: <https://fra.europa.eu/en/publication/2014/indicators-right-political-participation-people-disabilities/tv-programmes>

⁹⁸ Times of Malta. 2019. "Nixtieq inkun l-ewwel Membru Parlamentari b'nuqqas ta' smigh." July 7. Available at: <https://www.tvm.com.mt/mt/news/nixtieq-inkun-l-ewwel-membru-parlamentari-bnuqqas-ta-smigh/?fbclid=IwAR35jrJG7aUs43VWn5N38lm37jM8jGnAzBks28c7lhQtFOIW2I1Av--WGzo>

⁹⁹ European Union (EU). 2016. *Directive of the European Parliament and of the Council of 26 October 2016 on the accessibility of the websites and mobile applications of public sector bodies.* Available at: <https://eur-lex.europa.eu/eli/dir/2016/2102/oj>

¹⁰⁰ <https://programme-candidats.interieur.gouv.fr>

this initiative had mixed results. Out of the 34 political parties, only six took up this task; nonetheless, a representative of *Nous Aussi* views this as a positive start and believes that it is in the interest of the parties to render their manifestos accessible as they might lose votes if this is not done.

However, as a *Handéo* representative in France argues, other challenges remain: for example, the fact that persons with severe disabilities and inability to read still need to rely on a third person to assist them with understanding political party activities.

3.4 Supporting persons with disabilities in the decision-making processes related to voting

The previous sections have discussed various aspects of supporting persons with disabilities in making decisions related to voting, such as rendering political manifestos and campaigns accessible (see 3.3) and raising awareness on how to support people in voting (see 3.2). In this section the discussion, informed by both desk research and interviews with DPOs and NGOs working with persons with disabilities, centres around persons with disabilities' views – as well as those of DPOs and organisations working with them – on how best to support them in the electoral process (in terms of voting).

Increasing access to information. In 10 EU Member States (including in the **Czech Republic**), online information with voting instructions and candidate information are accessible; while in 12 Member States including **Belgium**, this information is only partially accessible. In six Member States including **France** and **Malta**, such information is not accessible (for example, websites cannot be read by screen readers used by blind people, despite the EU Web Accessibility Directive mentioned above).¹⁰¹ Information for complaining about accessibility in voting is accessible in six Member States including the **Czech Republic** and **Malta**. In 10 Member States, including **Belgium**, this information is partially accessible; while in 12 Member States, including **France**, this information is not accessible.¹⁰² On the Belgian Equal Opportunities Centre Unia's website, voters with disabilities talk about how political parties should simplify their electoral programs and render information accessible. Furthermore, the school they attend prepares them with regards to elections and the political party programmes.¹⁰³ This is especially significant with regard to persons with severe intellectual disabilities who, as an NGO (of parents of persons with severe disabilities) representative in **Malta**, a representative of an equal opportunities centre and representatives of two different DPOs (of persons with intellectual disabilities) in **Belgium** argue, need to first of all be taught about politics and be exposed to such teaching and information. One of the DPO representatives links the lack of information about politics and elections among persons with disabilities with their lack of interest in voting and standing for office. Both DPO representatives note that awareness should be raised even about basic questions such as why vote, who has the right to vote, and what is the impact of elections. For persons with severe intellectual disabilities (including those who are non-verbal), this teaching would need to start at the basics and be delivered over a substantial period of time. Such teaching can also be carried out in the **adult training centres** which adults with disabilities attend, which can provide persons with disabilities,

¹⁰¹ European Agency for Fundamental Rights (FRA). 2015. *Election Authorities. What can you do to get more people with disabilities to vote?* Available at: <https://fra.europa.eu/en/project/2013/political-participation-persons-disabilities/infographics>

¹⁰² Ibid.

¹⁰³ Unia. n.d. *Linda et Kathy: "Ce n'est pas parce qu'une personne a un handicap mental, qu'elle n'est pas apte à faire ses propres choix."* Available at: <https://www.unia.be/fr/sensibilisation-et-prevention/campagnes/temoignage-linda-et-kathy>

according to their needs, with the information they would like to receive in order to better prepare them to exercise their right to vote. The DPO representatives across the board agree that these educational activities will lead to increased confidence and the sense of belonging to society among the voters with disabilities.

DPOs and NGOs can also support persons with intellectual disabilities in voting through explaining and simplifying the process. In the **Czech Republic**, SPMP CR¹⁰⁴ - an organisation for the support of persons with intellectual disabilities) in cooperation with the Ministry of Interior, produces an information leaflet¹⁰⁵ ahead of each election, where relevant information is outlined so that persons with intellectual disabilities can familiarise themselves with the election process. Some of the information in the leaflet is presented in a visual form, such as election dates highlighted in an image of a weekly calendar, an image of an identity card that one has to bring to the polling station to be allowed to vote, and an image demonstrating how to use preferential voting.¹⁰⁶ The representative of the Office of the Defender of Rights identifies the meetings and trainings organised by NGOs for persons with intellectual disabilities as a promising practice, efficient in spreading the information about how elections work and in what ways can the persons with disabilities take part in them. In **Belgium**, the DPO *Inclusion*¹⁰⁷ created a guide ahead of the 2018 municipal elections, called "I have the right to vote... but how do I do it?"¹⁰⁸ The document was created directly in cooperation with persons with intellectual disabilities and provides information on both why it is important to vote and how to vote.

In **France**, an example highlighted by a representative of the CIH was an initiative on the local level that took place in the south of the country. A school initiated a project that involved youth living in local medical-social centres. The project took place in the spring of 2019, in view of the European elections in May 2019 and the legal amendments that opened the right to vote for all. The aim was to familiarise the participants with the information around the exercise of the right to vote and to involve them directly in awareness-raising as they were tasked with street surveys on the topic of European elections.

Support in voting. Persons with learning disabilities in the **UK** relate how being **supported in voting, such as by parents**, helps with the **anxiety of voting and making voting an easier experience**. Others talk of **support** they asked for and obtained **from the staff at the polling station**.¹⁰⁹ In **France**, the DPO *Nous Aussi* is, at the time of writing, developing an ETR guide explaining how to vote and how to stand for elections, which should be due prior to 2020 municipal elections.¹¹⁰ For several years, in **Belgium**, Unia has also been advocating for the **harmonisation and clarification of the rules governing elections, with regards to the possibility of persons with disabilities to be accompanied in the polling booth**. Since there are different provisions organising different

¹⁰⁴ *Společnost pro podporu lidí s mentálním postižením v České republice*

¹⁰⁵ SPMP CR. 2019. *Jak se hlásíte do Evropského parlamentu*. Available at: <http://www.spmpr.cz/wp-content/uploads/delightful-downloads/2019/04/Informa%C4%8Dn%C3%AD-let%C3%A1k-Evropsk%C3%BD-parlament.pdf>

¹⁰⁶ SPMP CR. 2019. *Informační letáky k volbám*. Available at: <https://www.spmpr.cz/informacni-letaky-k-volbam>

¹⁰⁷ <https://www.inclusion-asbl.be>

¹⁰⁸ <https://www.inclusion-asbl.be/campagnes/jai-le-droit-de-voter-mais-comment-je-fais/>

¹⁰⁹ The Electoral Commission (UK). 2019. *Your Vote Matters – Don't Lose It: Accessibility At Elections*. Available at: <https://www.yourvotematters.co.uk/how-do-i-vote/accessibility-at-elections>

¹¹⁰ Nous Aussi – Association Française des Personnes Handicapées Intellectuelles. 2012. *Un Vote Pour Tous en Facile À Lire et À Comprendre*. Available at: <http://www.nousaussi.org/article-un-vote-pour-tous-en-facile-a-lire-et-a-comprendre-111892954.html>

elections (communal, regional, provincial, federal, European) differently, as well as different manners of voting (paper or electronic) and different disabilities (visible or less visible, recognised or not), provisions can be confusing. Thus, according to Unia, persons with disabilities should have a choice of asking a person of her choice to accompany her or deferring to the president of the polling station: **autonomy begins with the freedom to choose.**¹¹¹ On Unia's website, a **person with a visual disability** talks about the fact that she cannot choose a person of her choice to accompany her to the polling booth. She **prefers to be accompanied by a person she knows and trusts.** When she went to vote, everyone had to wait because no one knew exactly what the law says, but they finally let her through. The president wanted to assign her a person whom she did not know so she refused.¹¹²

Such experiences bring out two aspects: the importance of the opportunity to choose who to be supported by, as well as the importance of the entourage in persons with disabilities' lives and their participation in the electoral process. As a representative of an NGO working with persons with learning difficulties in the **Czech Republic** maintains, the support that NGOs and DPOs can provide in terms of decision-making is limited, as they would face possible accusations of manipulation. Thus, the **best persons to provide such support would be close friends and family.** Such views are also supported by a representative of an organisation working with persons with disabilities in **Belgium**, who stresses the importance of persons with disabilities having a **person of trust who knows the political affinities of the person** and accompanies him / her in the exercise of citizenship and political rights. While, as discussed in section 3.1, various stakeholders are resistant to this option, as representatives of a federation of information studies for vulnerable persons and an organisation of families of persons with disabilities in France and of an NGO of parents of persons with intellectual disabilities in Malta argue, all voters are influenced, whether by politicians or their entourage. Thus, the argument that persons with disabilities can be influenced by the person of trust should not stand in the way of making this option available.

Increasing access to decision-making. This refers to decision-making not only with regards to the electoral process but to various areas which affect persons with disabilities' lives. The disability commissioner in **Malta** argues that while the 2015 legislation¹¹³ allowing the representation of persons with disabilities on various authorities and boards is a step in the right direction, it is difficult to implement it in practice. Often, persons with disabilities lack the commitment or interest to do so. The commissioner maintains that this could be partly due to lack of transport. In **Belgium**, as a representative of a DPO (working with persons with intellectual disabilities) notes that financial means are important for persons with disabilities for securing assistance. However, due to the lack of financial support, persons with disabilities often do not have access to an assistant that would help them understand the electoral procedures and make a coherent decision. Without assistance, it remains difficult for persons who have cognitive issues to fully participate in the decision-making process. In France, the *Handéo*-produced guide

¹¹¹ Unia. n.d. *Le vote des personnes handicapées compte pendant les élections.* Available at : <https://www.unia.be/fr/articles/campagne-dunia-sur-le-droit-de-vote-des-personnes-handicapees>

¹¹² Unia. n.d. *Joke: "Je préfère être accompagnée d'une personne que je connais et en qui j'ai confiance."* Available at: <https://www.unia.be/fr/sensibilisation-et-prevention/campagnes/temoignage-joke>

¹¹³ Parliament of Malta. 2015. *Act No. VII of 2015. An Act to amend various laws to allow the representation of Persons with Disability to various Authorities and Boards.* Available at: <https://parliament.mt/media/37392/act-vii-various-laws-personswith-disability-membership-in-various-entities-act-2015.pdf>

(see 3.2) aimed at helping persons with disabilities with decision-making through both independent understanding of the electoral process and providing guidance to assistants to persons with disabilities on how to best assist with decision-making. However, as a representative of the CIH highlights, without accessible manifestos, formulating informed decisions will remain challenging, notably for persons with intellectual disabilities. They note that advocacy work will be required to convince the candidates that there are citizens who need to receive their message in a clear and simple format. The representative also notes that prior to the May 2019 EP elections, the CIH requested that the regional health agencies, which are responsible for the medical-social centres, ensure that the persons accommodated in the centres are accompanied to and assisted with voting. While the instructions have been communicated on the national level, the representative concedes that it is unclear to what extent has this been put into practice.

4. Promising Practices by governments and public entities

While various promising practices with regards to electoral processes have been identified in the previous section (such as with regards to awareness raising and support of persons with disabilities), this section employs a more general approach to good practices being employed by governments and public entities in different countries in order to lay down the path for the subsequent sections discussing the role of co-production and inclusive elections. This section centres mainly around three aspects of the electoral process: legislation governing elections, information and support provided by government entities to persons with disabilities in voting and standing for elections, and physical access to voting.

4.1 Legal

Several legal amendments have been made in various EU countries, improving the access of the right to vote for persons with disabilities. Since the 2014 European elections, six EU Member States (including **France** in March 2019, **Germany**,¹¹⁴ **Spain**,¹¹⁵ **Denmark**, **Ireland** and **Slovakia**¹¹⁶) **have opened up the right to vote to those under guardianship**¹¹⁷ (although in Denmark those who are deprived of their legal capacity can now vote in local and EP elections, but not in national parliament elections. However, since January 2019, those who are only partially deprived of their legal capacity are allowed to vote for national

¹¹⁴ See Act for the Amendment of the Electoral Law of Bremen of 27 February 2018. Available at: https://www.bremische-buergerschaft.de/fileadmin/user_upload/Dateien/rechtsgrundlagen/Bremisches_Wahlgesetz.pdf. See also Seventh Act for the Amendment of Provisions in the Electoral Law of Hamburg 14 May 2018. Available at: https://www.buergerschaft-hh.de/parldok/dokument/62533/hamburgisches_gesetz_und_verordnungsblatt_nr_17.pdf. See also Act for Expanding the Right to Vote in the State of Brandenburg, 29 June 2018. Available at: <https://www.landtag.brandenburg.de/sixcms/detail.php/bb1.c.594334.de?referer=>. State Assembly North Rhine Westphalia, 2016, para 5. Available at: <https://www.landtag.nrw.de/portal/WWW/dokumentenarchiv/Dokument/MMPB16-114.docx>. State Assembly Schleswig-Holstein, 2016, pp. 1014-1016. Available at: http://www.landtag.ltsh.de/export/sites/ltsh/infothek/wahl18/plenum/plenprot/2012/18-006_08-12.pdf.

¹¹⁵ Organic Law 2/2018 of 5 December 2018 amending the Organic Law 5/1985 of 19 June on the General Electoral System guaranteeing the right to vote for all persons with disabilities. Available at: <https://www.boe.es/buscar/pdf/2018/BOE-A-2018-16672-consolidado.pdf>.

¹¹⁶ See the Press Release No. 32/2017 of the Constitutional Court of the Slovak Republic on the unconstitutionality of legal provisions tying the right to vote to legal capacity. Available at: https://www.ustavnysud.sk/documents/10182/25351100/TL_info_32_17/556197fa-279e-4b9e-a503-0e549d85bbff

¹¹⁷ Social Platform. 2019. *Inclusion Europe: About 250,000 people with intellectual disabilities will be voting for the first time at European Elections*. May 22. Available at: <https://www.socialplatform.org/news/inclusion-europe-about-250000-people-with-intellectual-disabilities-will-be-voting-for-the-first-time-at-european-elections>

parliament elections as well¹¹⁸). Two other Member States (**Belgium**¹¹⁹ and the **Czech Republic**¹²⁰) **have amended their laws to end the automatic deprivation of voting rights for people under guardianship**. In the 2019 European elections, about 250,000 persons with intellectual disabilities could vote for the first time. In many cases, these law reforms were brought about by actions of persons with intellectual disabilities themselves, such as taking the state to court over not being allowed to vote. Advocacy by disability rights organisations pressuring for voting rights in the countries that changed their laws also played a crucial role.¹²¹

Other countries have legislation enabling the right of persons with disabilities to vote. **Denmark**,¹²² **France**¹²³ and the **UK** have legislation that protects the right of persons with disabilities to have a person of their choice assisting them when voting, while the UK legislation also obliges local authorities to review access to polling stations as well as easy-to-read guides on how to vote have been produced for persons with intellectual disabilities.¹²⁴ **France**'s electoral code obliges polling stations and voting techniques to be accessible for persons with all types of disabilities.¹²⁵

In **Malta**, as the interviewed disability commissioner points out, the personal autonomy act which is, at the time of drafting this report in the summer of 2019, being worked on will enable persons with disabilities, especially those with intellectual disabilities and mental health problems to be supported in making his/her decision whilst voting.

4.2 Information and support by government and public entities

Promising practices have also been implemented by government entities such as electoral commissions and local and national authorities. For example, the Electoral Commission in the **UK** runs a website which explains in detail how to vote (in person, by proxy, by post, what to do if assistance is needed, and who can help).¹²⁶

In the **Czech Republic**, the representatives of the Committee for Elections at the Ministry of Interior note that a form of co-production between stakeholders is

¹¹⁸ European Economic and Social Committee (EESC). 2019. *The real right of persons with disabilities to vote in EP elections*. Available at: <https://www.eesc.europa.eu/en/our-work/opinions-information-reports/information-reports/real-right-persons-disabilities-vote-ep-elections>

¹¹⁹ European Union Agency for Fundamental Rights (FRA). 2019. *Who will (not) get to vote in the 2019 European Parliament elections? Developments in the right to vote of people deprived of legal capacity in EU Member States*. Available at: <https://fra.europa.eu/en/publication/2019/disability-voting-rights>.

¹²⁰ Article 57 para 1 of the Civil Code, which came into force on 1st January 2014, states that the judge decides on the extent of limitation of the person's rights.

¹²¹ Social Platform. 2019. *Inclusion Europe: About 250,000 people with intellectual disabilities will be voting for the first time at European Elections*. May 22. Available at: <https://www.socialplatform.org/news/inclusion-europe-about-250000-people-with-intellectual-disabilities-will-be-voting-for-the-first-time-at-european-elections>

¹²² For the European, regional and municipal elections: Act no. 381 of 27 April 2016 amending the Act on Election of Danish Members to the European Parliament and the Act on Municipality and Regional elections. Available at: <https://www.retsinformation.dk/Forms/R0710.aspx?id=179917>. For the national elections: Act 1722 of 27 December 2018 amending the Guardianship Act, the Act on Elections to the Folketing, the Act on Land Registration and the Act on the Central Person Register. Available at: <https://www.retsinformation.dk/Forms/R0710.aspx?id=206350>.

¹²³ Article 11 of the law of 23rd March 2019 repeals Article L. 5 of the Electoral Code which states that the judge deciding about the guardianship of a person decides whether to deprive the said person of their right to vote.

¹²⁴ European Union Agency for Fundamental Rights (FRA). 2010. *The right to political participation of persons with mental health problems and persons with intellectual disabilities*. Available at: <https://fra.europa.eu/en/publication/2010/right-political-participation-persons-mental-health-problems-and-persons>

¹²⁵ Ministère de l'Intérieur (France). n.d. *Le vote des personnes handicapées*. Available at: <https://www.interieur.gouv.fr/Elections/Comment-voter/Le-vote-des-personnes-handicapees>

¹²⁶ The Electoral Commission (UK). 2019. *Your Vote Matters – Don't Lose It: How Do I Vote?* Available at: <https://www.yourvotematters.co.uk/how-do-i-vote>

taking place with regard to the effort of making voting accessible to all. Since 2017, the Ministry of Interior has been working with the Governmental Board for Persons with Disabilities¹²⁷, and this cooperation has been intensifying. The Ministry of Interior provides the Governmental Board with information about voting, which the Governmental Board then passes to relevant NGOs and DPOs. These organisations then transform the information into an accessible format which is circulated among those concerned. During the EP elections in 2019, the Ministry of Interior also cooperated with the SPMP Czech Republic - an organisation for the support of persons with intellectual disabilities). As a result, the Ministry of Interior has, in collaboration with SPMP, published the election information materials (when to vote, how to vote, where to vote etc.) in ETR format. Moreover, the governmental election-dedicated websites¹²⁸ are also designed in a way that allows persons with visual disabilities to familiarise themselves with its content, according to a government regulation on accessibility from 2008.¹²⁹ The websites contain the historical results of all elections, list of candidates running for office, as well as instructions for the election day. Since 2018, cooperation has also been taking place with the **Czech Office of the Defender of Rights**, who monitors the rights of persons with disabilities, through meetings which took place to initiate the exchanges of knowledge and information before the EP elections of 2019. Furthermore, the Office of the Defender of Rights published an informative overview on the right to vote ahead of the European elections in 2019.¹³⁰ Thus, co-production in the Czech Republic has been increasingly occurring, but this is mainly in the form of exchange among governmental stakeholders, and there is still space for more co-production with relevant NGOs and DPOs. The chairperson of Governmental Board of Persons with Disabilities in turn states that their committee has been relying to a certain extent on co-production by mediating discussions between the Ministry of Interior on the one side and various NGOs and DPOs on the other. However, they note that society and politics might not yet be fully prepared for a co-productive way of working in this area.

On the local level, in **France**, some of the town councils are participating in enabling persons with disabilities to vote, such as working to make information accessible to persons with intellectual disabilities, disseminating information, ensuring the training of those who monitor the voting, and raise awareness with political candidates regarding the accessibility of campaign documents, and having signs available for persons with intellectual disabilities to understand how to vote.¹³¹ A successful example has been the initiative of the City of Paris, which rendered the May 2019 EP elections accessible through co-productive efforts with a number of associations.¹³² In 2017, the 896 polling stations in Paris had already

¹²⁷ The Czech Governmental Board for Persons with Disabilities consists of representatives of the government and ministries and representatives of associations of persons with disabilities and their employers. Its main task is to highlight the respective problems and to suggest their solution. The Board cooperates with the public administration authorities as well as with the non-governmental sphere. More information can be found here: <https://www.vlada.cz/en/ppov/vvzpo/uvod-vvzpo-en-312>

¹²⁸ www.volby.cz and <https://www.mvcr.cz/volby.aspx>

¹²⁹ Ministry of Interior (Czech Republic). 2009. *Prohlášení o přístupnosti*. Available at: <https://www.mvcr.cz/clanek/prohlaseni-o-pristupnosti.aspx>

¹³⁰ Office of the Defender of Rights (Czech Republic). n.d. *Monitorování práv lidí se zdravotním postižením*. Available at: <https://www.ochrance.cz/monitorovani-prav-lidi-se-zdravotnim-postizenim>

¹³¹ Handicap.fr. 2018. *Voter avec un handicap mental, un droit non négociable*. November 13. Available at : <https://informations.handicap.fr/a-droit-vote-11286.php>

¹³² The organisations which took part were *Accès Culture*, *Association des paralyés de France* (APF France Handicap), *Association de parents d'enfants inadaptés de Paris* (APEI 75), *Association Valentin Haüy*, *Casip Cojasor*, *Centre de ressources Autisme Ile-de-France* (CRAIF), *Fédération étudiante pour une dynamique études et emploi avec un handicap* (FEDEEH), *Fédération française de sport adapté* (FFSA), *Fédération générale des retraités de la fonction publique* (FGR-FP) Paris, *Fédération syndicale unitaire* (FSU), *Handéo*, *Les Papillons blancs de*

been rendered accessible to persons with reduced mobility and with visual disabilities, the latter through explanatory cards in Braille format.¹³³ The initiative in 2019 focused both on the periods before and during the elections, and included solutions such as videos and kits explaining to persons with disabilities and their assistants tools available for voting, adapted polling stations, booths and ballot boxes, candidate lists available in Braille format, training of polling station staff, signs with clear instructions in the polling stations, and a policy of free choice of the accompanying person, should they require assistance with the voting. This initiative is commended by a representative of the Office of the Defender of Rights, who notes that an important element of the successful implementation of this project was the involvement of one of the deputies of the Mayor of Paris, who is in charge of the agenda on persons with disabilities.

With regards to standing for elections, in 2018, the UK Women and Equalities Minister launched an interim fund to help persons with disabilities who want to stand for elections cover disability-related expenses.¹³⁴

4.3 Physical Access to voting

Physical accessibility to voting has improved in certain countries. In the Wallonia region in **Belgium**, in the 2018 local elections, persons with disabilities who could not go to physically vote on their own could be **accompanied by a voter**. Certain towns also organised a **mobility service** and the possibility of the polling station president accompanying the voter to the polling booth. In every voting centre, one in five **polling booths was designed to ensure easy access** and use. The voter could ask the municipal administration in advance to be directed to a polling station appropriate to his situation. A 150% reproduction of the ballot and **instructions to the electors in large print** were also made available. The members of the municipal administration and the presidents of polling stations were made aware of the need to make every effort to facilitate the accessibility of the voting centres and premises (such as providing reserved parking nearby).¹³⁵ Similarly, in Malta, direct observation of the EP and local council elections in May 2019 demonstrated that polling stations are physically accessible. The electoral commissioner also confirms that tables were modified to accommodate persons with disabilities, **polling booths were physically flexible**, and a **photo of each candidate was placed on the ballot**, making it easier for illiterate voters. Persons with disabilities (having a special identity card issued by the Commission for the Rights of Persons with Disability) in **Malta** were allowed to **skip the queue** after 13:00.¹³⁶ Furthermore, if a voter is housebound, as a last resort they can ask to receive the voting document at home. **Polling booths** were also installed in 34 **elderly people's residences and the four public hospitals**, although elderly people still have to go down to these polling booths and queue to vote. Attempts are being made to rectify this and have electoral staff go to the patients' and residents' beds, rendering the voting process more dignified.

Paris, *Nous Aussi, Service d'accompagnement à la vie sociale* Didot Accompagnement, Siel Bleu, Union nationale de parents et amis des personnes handicapées mentales (UNAPEI), Union nationale pour l'insertion sociale du déficient auditif (UNISDA) and Union nationale des syndicats autonomes (UNSA).

¹³³ City of Paris. 2019. *Handicap : des élections plus accessibles*. May 2019. Available at : <https://www.paris.fr/pages/handicap-des-elections-plus-accessibles-6698>

¹³⁴ Gov.uk. 2018. *Fund launched to support disabled candidates to stand for office*. Available at: <https://www.gov.uk/government/news/fund-launched-to-support-disabled-candidates-stand-for-office>

¹³⁵ Portail Wallonie. 2018. *Personnes en situation de handicap*. Available at: <http://electionslocales.wallonie.be/node/296>

¹³⁶ Electoral Commission (Malta). 2019. *Certificates for Persons who are Unable to Wait in the Queue*. May 20. Available at: <https://electoral.gov.mt/pr5-20-05-19-en>

In **Italy**, persons with visual or physical disabilities who cannot vote independently can take a person of trust with them to assist them in voting, although this is not always deemed as positive, due to hampering the secrecy of the vote – see 3.1. Persons with physical disabilities whose assigned polling station is inaccessible can apply to vote in another polling station in the same district which is accessible.¹³⁷ Persons with disabilities who are interdicted or are recovered in psychiatric hospitals can vote, with the latter permitted vote at the hospital if necessary. For those who need, there is also the option of domiciliary voting.¹³⁸ In **France** voters also receive the ballot at home and can prepare it home; and they can also vote by proxy.¹³⁹

In the **Czech Republic** voters also receive ballots by post in advance, so they have time to prepare them ahead of the vote. Voting cards are a practice used widely by all voters, not only by persons with disabilities. The cards can be requested in person or by post from the local council and enable people to vote at any polling station rather than at the station assigned to their permanent residence.¹⁴⁰ From direct observation of polling stations during election day, this seems to be helpful for people who might struggle to access their assigned polling station (these are often found in schools whose locations are not necessarily known by, for example, blind people; and these buildings often have stairs) or who simply find it easier to reach a different polling station (for example, if they are blind but are familiar with the access route to a school or municipal council in a different district). Mobile ballot boxes are also a common practice in the Czech Republic. Any voter with a legitimate reason can request a visit from the local council, even on election day. Two members of a polling station staff visit the person's home with a mobile ballot box, a set of ballots and a voting envelope, so that the person can vote from their home. This is used not only by persons with disabilities but also by persons who are unwell or cannot leave their home for other reasons.¹⁴¹ However, according to the representative of the Office of the Defender of Rights, mobile ballots are not preferred over the accessibility of polling stations. The issue with mobile ballot boxes is that while the law states enough privacy needs to be ensured to a voter casting the vote into a mobile ballot box, the sufficiency of such privacy is not defined and is therefore susceptible to abuse. The representative notes that during a visit to a care home, which often requests mobile ballot boxes, they directly witnessed a social worker verifying that every voter was voting who they were told to vote for.

5. Conclusions and Recommendations

As can be seen from the findings discussed in this report, and as argued by a *Passe Muraille* representative in Belgium, **there is a difference between having a law in place and actually implementing it in practice**. Thus, while the right to vote might be ensured, actually implementing accessibility and ensuring inclusivity involves multiple aspects.

¹³⁷ Agenzia S.I.R. (Servizio Informazione Religiosa). 2018. *Verso il 4 Marzo: Le persone disabili al voto tra diritti (poco) garantiti e seggi inaccessibili*. February 26. <https://www.agensir.it/italia/2018/02/26/le-persone-disabili-al-voto-tra-diritti-poco-garantiti-e-seggi-inaccessibili>

¹³⁸ Disabili.com. 2019. *Voto Disabili*. Available at: <https://www.disabili.com/aiuto/speciali-famiglia-a-aiuto/voto-assistito-disabili>

¹³⁹ Ministère de L'Intérieur (France). n.d. *Le vote des personnes handicapées*. Available at:

<https://www.interieur.gouv.fr/Elections/Comment-voter/Le-vote-des-personnes-handicapees>

¹⁴⁰ Ministry of Interior (Czech Republic). 2019. *Voličské průkazy*. Available at: <https://www.mvcr.cz/clanek/volby-volicke-prukazy.aspx>

¹⁴¹ Ministry of Interior (Czech Republic). 2019. *Informace pro občany České republiky o podmínkách hlasování ve volbách do Evropského parlamentu na území České republiky*. Available at: <https://www.mvcr.cz/clanek/texty-informace-pro-obcany-ceske-republiky-o-podminkach-hlasovani-ve-volbach-do-evropskeho-parlamentu-na-uzemi-ceske-republiky.aspx>

Accessibility of the Electoral Process. In order for persons with disabilities to be fully integrated and included in the electoral process, different aspects have to be taken into account. **Registration and polling centre sites have to be physically accessible, and alternatives such as off-site voting and voting by mail could mitigate this** (although off-site voting also needs to be accessible). However as pointed out by a representative of an NGO working with persons with disabilities in France, their full participation in the standard electoral processes should be supported (and the preferred choice) in order to ensure full inclusion of persons with disabilities in society. In the case of **persons with intellectual disabilities**, their full inclusion needs to be implemented also through **awareness-raising with their entourage**. Electronic voting machines and tactile ballot guides¹⁴² for persons with visual disabilities could also enable access. Consultation with DPOs in such aspects can help identify the needs of persons with disabilities and how to address them.¹⁴³ The FRA puts forward several recommendations for measures that can be taken to ensure the full inclusion of persons with disabilities in the electoral process. Such measures include providing simple and clear explanations (accompanied by illustrations) of the process and easy-to-read versions of electoral manifestos; providing information sessions in institutions for persons with disabilities; allowing persons with disabilities to have a person of their choice to support them in voting; training electoral officers in including persons with disabilities; and implementing accessibility measures for future technological developments such as electronic voting.¹⁴⁴ A representative of an NGO working with persons with disabilities in France also suggests the organisation of civic education in order to raise awareness on the right to vote. In the UK, suggestions made by persons with learning disabilities include posters in polling stations depicting how to vote, and polling station staff wearing badges indicating they are there to help persons with learning disabilities to vote.¹⁴⁵ In **Malta**, the interviewed disability commissioner suggests that information sessions should also be provided for political parties and civil servants and that **a fund is put in place to assist candidates with disabilities with the extra expenses incurred**.¹⁴⁶

Reasonable Accommodation . Such recommendations point to the fact that, as the interviewed scientific director of ANED argues, in rendering elections inclusive there is a need to 'go back' to the basics of understanding the tools that are already in existence with regards to disability inclusion: enabling accessibility, reasonable accommodation and universal design (which cuts across these tools). As pointed out by a representative of a research and training organisation working with persons with disabilities in Belgium, **disability inclusion needs to take place in all aspects of persons with disabilities' lives**, including in

¹⁴² A tactile ballot guide is a folder into which the ballot paper is inserted. It has several box-shaped openings, representing candidates, allowing blind and visually-impaired voters to mark their ballot papers without assistance.

¹⁴³ Lord, J.E., Stein, M.A. and Fiala-Butora, J. 2014. *Facilitating an Equal Right to Vote for Persons with Disabilities*. Journal of Human Rights Practice, 6:1, p. 115–139. Available at: <https://doi.org/10.1093/jhuman/hut034>

¹⁴⁴ European Union Agency for Fundamental Rights (FRA). 2010. *The right to political participation of persons with mental health problems and persons with intellectual disabilities*. Available at: <https://fra.europa.eu/en/publication/2010/right-political-participation-persons-mental-health-problems-and-persons>

¹⁴⁵ The Electoral Commission (UK). 2019. *Your Vote Matters – Don't Lose It: Accessibility At Elections*. Available at: <https://www.yourvotematters.co.uk/how-do-i-vote/accessibility-at-elections>

¹⁴⁶ MaltaToday. 2019. *'I want to see disabled people in parliament to change society's mentality': Disability rights commissioner Oliver Scicluna says Malta needs more politicians with a disability*. April 17. Available at: https://www.maltatoday.com.mt/news/national/94404/i_want_to_see_disabled_people_in_parliament_to_change_societys_mentality?fbclid=IwAR17RLf7-KX2Lr4Exk30BFDgVb5jPFe3ZBWNXkFFors9vhCtFzTB6oBMQB8

employment and education. This would help the logic of opening the vote to all persons with disabilities.

At the same time, on a practical level, there is also the question of a **person of trust** supporting persons with disabilities who are unable to vote on their own. While this might be considered as a form of reasonable accommodation, it **can also be viewed as detracting from the secrecy of the vote**, which is a basic human right. The tension between these two views needs to be addressed in considering alternative voting methods such as the person of trust system.

Multiple channels of voting. It is also important to recognise that, as various stakeholders in Malta and Belgium argue, **alternative voting cannot occur through solely one channel: various alternative systems need to be in place in order to accommodate persons with different disabilities.** Online or electronic voting might be viable options in the future, and this means the inclusion of many persons with visual and physical disabilities.

Electronic and online voting are put forward as alternative options by various persons with disabilities. A person with physical disability from **Belgium**, describing a case of inaccessibility to voting to the European Disability Forum (EDF), suggests creating a QR code to vote via smartphone, or to provide a wireless mouse in order to make voting terminals accessible and not need someone else to tap the screen for him when the voting terminal is too high, as happened in the 2018 local elections. Such measures would allow him to vote in privacy.¹⁴⁷ On Unia's (the equal opportunities centre) website, a person with a disability suggests **voting via the internet** to increase access to vote or **voting by proxy, because the mere idea of being confronted with a series of obstacles to go to the polls discourages them.** They therefore ask someone to take over.¹⁴⁸ However, as an interviewed EESC member notes, voting by proxy can be provided as an *additional* alternative voting option, but not as a solution. This is due to the fact that the person who needs to vote by proxy can never be sure how the person who is actually voting voted on his/her behalf.

Furthermore, as argued by an EESC member and a political party representative in Malta, these options are not without risks in terms of implementation. As argued by the EESC member, **electronic voting** (which is available to all citizens in Estonia) can be effective only if it forms part of a "comprehensive framework of electronic communication between citizens and the national authorities" (p.31).¹⁴⁹ Electronic voting which is put in place solely for elections, the EESC member argues, would not work: huge costs are involved in implementing such a system (including training of voters), costs which would be better spent in making voting accessible for persons with disabilities through other means.

Furthermore, according to an interviewed ANED expert and the disability commissioner in Malta, such systems, if voters are not given other choices, might result in exclusion for certain segments of the population such as those who do not have access to (and/or training to use) a computer, mobile phone or internet at home. **When considering that persons with disabilities tend to be more**

¹⁴⁷ The Bulletin. 2018. *Local elections: Voters with disabilities encounter problems casting their ballot.* Available at: <https://www.thebulletin.be/local-elections-voters-disabilities-encounter-problems-casting-their-ballot>

¹⁴⁸ Unia. n.d. *Bart: "Le vote des personnes handicapées compte."* Available at: <https://www.unia.be/fr/sensibilisation-et-prevention/campagnes/temoignage-bart>

¹⁴⁹ European Economic and Social Committee (EESC). 2019. *The real right of persons with disabilities to vote in EP elections.* Available at: <https://www.eesc.europa.eu/en/our-work/opinions-information-reports/information-reports/real-right-persons-disabilities-vote-ep-elections>

digitally excluded than the rest of the population¹⁵⁰ due to poverty, old age or intellectual disabilities, the introduction of such systems have profound implications for many persons with disabilities.

Furthermore, attention needs to be given to the fact that, as mentioned in the introduction, many persons with physical and sensory disabilities in the EU are older people who became disabled due to old age, and as such had been voting (or have had the right to vote) all their lives. As the interviewed scientific director of ANED argues, approaches to the inclusion of this segment of the population (such as provision of postal or domiciliary voting) might need to be different than those targeting **persons with intellectual disabilities** (who are often excluded from the right to vote and might need support throughout the electoral process), **especially those who have been living in institutions for the larger part of their lives and neither have access to political culture nor understand what voting means.** In the latter case, as mentioned earlier, targeted teaching and access to information and support are paramount. Universal design, therefore, needs to be balanced with taking into consideration multiple scenarios and multiple solutions, which require a certain degree of flexibility.

Overall, several stakeholders from various countries and backgrounds¹⁵¹ highlight their preference for the autonomy of persons with disabilities persons with disabilities within the existing processes over creating alternative processes that would separate them from the rest of the society. Solutions such as electronic voting, mobile ballot boxes or vote by proxy are therefore not necessarily welcome by everyone. An example of an inclusive solution is offered by a representative of a Belgian DPO working with persons with intellectual disabilities. It consists of placing some polling stations in institutions housing persons with disabilities. The representative notes that this approach has already been tested in **Belgium** with retirement homes: all the people registered to that polling station voted in the retirement home, so while on the one hand it facilitated access to voting for the elderly, on the other it helped include them in the wider community of the area by meeting directly with other voters during the voting. The DPO has already proposed to implement the same solution in institutions for persons with disabilities.

Resistance and other Challenges. As emerges from the findings discussed in this report, other aspects in enabling the inclusion of persons with disabilities in electoral processes need to be considered, such as **resistance to alternative voting systems such as person of trust system and postal voting.** The **major concern with regards to such systems is abuse** by the voter with a disability's entourage. Nonetheless, as argued by various interviewed stakeholders, it must be recognised that the same influence can be exerted on the voter, whether having a disability or not, even when voting occurs using mainstream voting procedures.

As an interviewed ANED expert points out, **different contexts, such as different voting systems, might need to consider different alternative voting systems.** For example, the same technology might not work in a country like the Netherlands where ballot papers are extremely long and in a country like

¹⁵⁰ Scholz, F., Yalcin, B. and Priestley, M. 2017. *Internet access for disabled people: understanding socio-relational factors in Europe*. *Cyberpsychology: Journal of Psychosocial Research on Cyberspace*, 11:1, article 4. Available at: <http://dx.doi.org/10.5817/CP2017-1-4>

¹⁵¹ Namely, the representative of the Czech Office of the Defender of Rights; a representative of a Czech NGO working with persons with learning difficulties and complex needs from the Czech Republic; and a representative of a Belgian DPO working with persons with intellectual disabilities.

the UK where the ballot paper typically comprises fewer candidate names. Any kind of solution found needs to be flexible enough so that it can be applied in local circumstances. It might thus be difficult to design a single system which would work in the EU because countries have different voting systems and the EU does not have the competence to change this.

DPOs can advise political parties on how to produce accessible manifestos and also help design and deliver training to civil servants and candidates.¹⁵² Nonetheless, as an interviewed ANED expert argues, training of electoral officials might not be straightforward to implement. At a higher level (e.g. the electoral commission) training on disability issues and inclusiveness is achievable; however having this training flowing down to the lower levels such as the polling booth staff might be more problematic, not only in terms of the huge numbers of such staff (often volunteers and retired persons) but also due to the fact that these change in every election. It might thus be necessary that in such cases, training or support to staff is as simple and clear as possible in order to make it possible to deliver to larger quantities of persons. This might take the form of simple instructions on how to support persons with disabilities.

Reflections on the Role of Co-Production. As can be seen from the above, and also as confirmed by a representative of an equal opportunities centre in Belgium, **co-production does not exist structurally or in an organised manner with regards to the electoral process.** This can be said to be the same in France, Malta and the Czech Republic, as the various interviewed stakeholders confirm.

Since co-production involves the participation of different stakeholders on an equal basis, it might ultimately not be possible to move forward solely through this process. As an ANED expert argues, in certain contexts, the **best scenario might be limited to consultation and involvement of stakeholders in some of the stages of the electoral process.** Electoral authorities are unlikely to give priority to persons with disabilities over other minorities in a co-productive process aiming to redesign an electoral system: in such a process, authorities would be obliged to consider all segments of the population. The **pitfalls of co-production in making electoral processes inclusive stem from achieving equality between the different stakeholders:** electoral commission, political parties, media organisations, and persons with disabilities. While co-production has been successful in the design of services, this has tended to be so with regards to those services which are targeted at specific groups. When the process to be changed (such as the electoral one) is targeted at the population in general, stakeholders need to make the case for giving priority to one sub-group over the other, given that other sub-groups, or minorities (such as ethnic minorities, linguistic minorities, homeless people, youth, women) also experience exclusion from the electoral process. Indeed, making electoral processes inclusive for all (rather than for only persons with disabilities) seems to be the focus of one of the NGOs (working with persons with disabilities) interviewed in France (as opposed to DPOs who focus mostly on assisting persons with disabilities to access the elections).

It might thus be more practical, as an ANED expert argues, to **'carve out' specific parts of the electoral process in which co-production can be employed, such as between DPOs and political parties or media organisations.** In this sense, DPOs, NGOs working with persons with disabilities, persons with disabilities and their relatives and activists with disabilities can work together with, for

¹⁵² European Agency for Fundamental Rights (FRA). 2015. *Support Organisations. How can you help people with disabilities to vote?* Available at: <https://fra.europa.eu/en/project/2013/political-participation-persons-disabilities/infographics>

example, political parties and media organisations in order to find solutions to enabling inclusivity in certain parts of the electoral process, such as making campaigns accessible to all. In this context, as the disability commissioner in Malta points out, **there needs to be a body leading this process** (such as the disability commission) in order for this to work. Relatedly, an EESC member proposes that **co-production can work with two aspects of the electoral process: the information provided before the elections and accessibility of polling stations**. In the former aspect, the EESC member argues that making information (for example the content of manifestos) accessible should be the responsibility of public media and public authorities rather than political parties. If political parties are bound by regulations obliging them to make their pre-election information and manifestos accessible, the weakest and poorer parties will suffer, affecting also the outcome of elections. With regards to providing information on how to vote, this is the public authorities' responsibility, who often do not have the know-how of how to render such information accessible, and thus they can collaborate with DPOs, with the former contributing the resources and the latter contributing the knowledge. With regards to rendering polling stations accessible, the EESC member points out that local authorities who are responsible for preparing polling stations do now know what it means to render them accessible. This could then be another opportunity for co-production between local authorities, polling station staff and DPOs; however, there is no evidence of an evaluation of polling station accessibility happening in the EU.

Evidently, this depends on the context and would work differently in different countries, regions, and also different parts of the same country.

One context in which co-production might be successful is at the EU level, where persons with disabilities' voices are organised and the disability movement is strong. At the EU level, one can also find an organised system of political party groupings, making the possibility of co-production more feasible in working together on regulations governing EP elections.

Ultimately, in any EU country, **unless changing the electoral process is part of a given government's strategic plan, the first step for the stakeholders with disabilities and organisations working with them would need to be putting inclusive electoral processes on the government's (or related ministry's) agenda**. In this initial part of the process, lobbying might be more productive in getting an electoral authority, ministry or members of parliament to consider alternative voting processes, before being able to participate in bringing about changes. Thus, lobbying would need to precede co-production.

On the other hand, as an ANED expert points out, co-production might also be initiated in another way, that is, disability stakeholders could initiate a project or line of work looking at alternative voting processes and attempt to draw in authorities as partners.

Concluding Remarks. As various interviewed stakeholders argue, **voting is only an end point to a whole process**, and to truly consider inclusiveness, the whole electoral process needs to be examined. It could be said that the electoral process is an ongoing one: it does not start with the electoral campaign but stretches to enabling the inclusion of persons with disabilities in community life in all its aspects. As a representative of an NGO of parents of persons with severe disabilities in Malta argues, coming back to a full circle, persons with such disabilities need to understand the electoral process in order to feel part of the community. It is recognised that principles of citizenship and democracy are abstract concepts and there are difficulties in conveying their meaning to persons

with cognitive and intellectual disabilities . Nonetheless, **the first (or last) step towards rendering electoral processes inclusive is to recognise the premise of all citizens having the right to vote** and stand for elections and thus removing the different standards persons with and without disabilities are held to. The notion of excluding a number of persons with disabilities on the grounds of capacity begins from the mistaken assumption that persons without disabilities make fully rational judgements on ballot papers. **There is therefore no reason that a higher standard of democratic participation is expected from persons with disabilities than persons without disabilities.** Thus, while persons with disabilities should have access to information which is crucial for their participation in the electoral process, a balance needs to be sought between this and the expectations of society from persons with disabilities