



Participation in political and public life: the basis for people with intellectual disabilities to live as equal citizens

Position Paper

Position Paper of Inclusion Europe

- As adopted by the 2011 Annual General Assembly of Inclusion Europe -

Taking part in political and public life is about being included in society and having the voices of people with intellectual disabilities and their families heard. The UN Convention on the Rights of Persons with Disabilities stipulates in its Article 29 that people with disabilities should have effective access to political and public life, by exercising their right to vote and to be elected but also by creating an environment in which they can effectively and fully participate in the conduct of public affairs, notably through their representative organisations. It therefore ensures that persons with disabilities can become members of political parties or of non-governmental organisations. Article 29 thus stipulates crucial provisions for adults with intellectual disabilities as the right to vote is a prerequisite to citizenship and is also the most emblematic symbol of citizenship.

The right to vote, and therefore to participate in public life, is currently in many countries often denied to people with intellectual disabilities who are deprived of or restricted in their legal capacity. Besides restrictions on legal capacity, lack of accessible information, lack of access to polling stations, lack of awareness among political parties and polling station officials and prejudice about the ability of people to make decisions are huge barriers to participating in elections for many citizens with intellectual disabilities who cannot exercise their right to vote.

The UN Convention and the right to vote:

States Parties need to guarantee the right to vote for people with disabilities. This provision needs to be addressed first of all in conjunction with Article 12 CRPD about legal capacity: legal reforms are necessary to make sure that legislation on legal capacity does not deprive people with intellectual disabilities from their right to vote. This also includes positive measures to ensure that people with disabilities can participate in elections, by ensuring that voting procedures, facilities and materials are appropriate, accessible and easy to understand and use. In order to guarantee the free expression of the will of persons with disabilities where necessary, at the request of a disabled elector, it also means allowing assistance in voting by a person of their own choice.

Inclusion Europe and its members support the following recommendations in order to facilitate access to elections and political life for people with intellectual disabilities.

General Recommendations¹:

1. Removal of restrictions on legal capacity: Legislation on legal capacity should be revised to ensure that citizens with intellectual disabilities are not disenfranchised from voting according to Article 29 of the UN Convention on the Rights of Persons with Disabilities

2. Abolishing of voting tests: Once establishing that citizens are not automatically disenfranchised from voting, ensure that tests of voting capability are not enforced, as this would not be imposed upon any other citizen.

1. For detailed recommendations please see the "Accommodating Diversity for Active Participation in European Elections" policy recommendations, Inclusion Europe, 2011.

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3. Legal provisions: Accessibility of information about the electoral process should be enshrined in national legislation in accordance with Article 29 of the UNCRPD.

4. Specific forms of assistance: for this particular category of voters should be made available. Voting should be flexible enough to cater for the needs of people with disabilities. Many arrangements are possible: mobile polling stations, advance voting and / or postal voting, voting by proxy, voting at home, voting at hospitals, etc...

5. Awareness-raising: Greater awareness-raising by electoral commissions, politicians and political parties on the importance of voting among the general population with a strong focus on particularly excluded groups, such as people with intellectual disabilities.

6. Funding: Funding should be available for the provision of accessible information and the training of polling station staff.

7. Working with NGOs: Electoral commissions/government departments responsible for organizing elections should work together with NGOs of people with intellectual disabilities at national and local level to make information more accessible.

Political parties should work with NGOs in the development of accessible political party manifestos and websites. NGOs should also support political parties in this process.

Specific recommendations on accessibility:

1. Accessible information throughout the electoral process should be provided in accessible formats about all aspects of the electoral process, including:

- How to register for a vote
- The different political parties
- The national political system
- Different types of elections

2. New technologies: If **electronic voting or voting by computer** at the polling station are introduced, they should be accessible, by using accessible formats: easy-to-read, large print, audio, video, sign language and compatibility with speech technology.

Specific recommendations on training:

1. Training for polling station officials: Polling station officials, as well as any other person providing assistance at the polling station should be made aware of the right of people with intellectual disabilities to vote. Training and guidelines should be provided for polling station officials on how to assist people with intellectual disabilities. The training and guidelines should be universally applied across the country.

2. Training for people with intellectual disabilities: Training programmes and materials on how to vote should be developed for people with disabilities.

Specific recommendations on access to voting places:

1. Polling station accessibility: Polling stations should be accessible for people with intellectual disabilities according to Article 9 of the UNCRPD. Universal accessibility standards for polling stations should be established to ensure that all polling stations are accessible, taking into account the needs of people with different types of disabilities and multiple disabilities.

2. Assisted voting: People with intellectual, physical and sensory disabilities should be assisted if necessary in the polling booth by a person they trust, according to Article 29 of the UNCRPD.

3. Transport to polling stations: Adapted transport should be available to take people to polling stations. Organised transport should be available to take people to polling stations who may otherwise find it difficult (for example, people living in residential care homes or people with reduced mobility).

Participation of people with disabilities: the main thrust of the UN CRPD

Participation of civil society, in particular persons with disabilities and their representative organisations, is a core element of the CPRD, and a necessary requirement for full and effective implementation of the Convention. In the preamble to the Convention, it is already affirmed “that persons with disabilities should have the opportunity to be actively involved in decision-making processes about policies and programmes, including those directly concerning them²”.

Article 4(3)³ of the CRPD specifically sets out: “In the development and implementation of legislation and policies to implement the present Convention, and in other decision-making processes concerning issues relating to persons with disabilities, States Parties shall closely consult with and actively involve persons with disabilities, including children with disabilities through their representative organizations.”

The CRPD recognises the participation of civil society, including persons with disabilities and their representative organisations, as a general principle that runs throughout the Convention and a self standing right in Articles 3, 4(3) and 29 respectively.

By including the following provision in Article 29 “to **promote actively** an environment in which persons with disabilities can effectively and fully participate in the conduct of public affairs, without discrimination and on an equal basis with others, and **encourage their participation in public affairs**” the State has not only the obligation to allow representative organisations of persons with disabilities or disabled people’s organisations to exist, but also to make sure that such organisations are provided with funding and/or the organisational capacity to participate in civil society and political life.

This provision therefore requires States Parties to closely consult with and actively involve persons with disabilities through their representative organisations throughout the policy cycle, including in agenda-setting, planning and implementing the policies, and programmes and services that affect the lives of persons with disabilities. This provision is supported by a statement of fact listed Article 33(3) completes the policy cycle by ensuring that civil society is involved in monitoring the implementation of the Convention. See MDAC publication policy cycle⁴:



Inclusion Europe and its members also recall the importance of the concept of “mainstreaming”, a process to ensure that all policies and measures of government and other decision makers take account of, and are responsive to, the needs of people with intellectual disabilities. This should apply to all policy and measures not just those that focus on specific intellectual disabilities issues⁵. This approach reflects both European Union policy and international human rights standards, including the CRPD. For example, the European Commission follows the approach of mainstreaming in its policies for “disadvantaged groups”, including people with disabilities.

Recommendations:

Inclusion Europe and its members call upon authorities at local, national and European levels to put the following recommendations into practice:

1. To ensure participation of people with intellectual disabilities and their families and/or their representative organisations throughout the policy cycle: in agenda-setting, planning, implementing and monitoring, and evaluating the policies and services that affect the lives of persons with intellectual disabilities and their families.

2. CRPD, Preamble para. (o).

3. Article 4 CRPD specifies the general obligations of the State Parties

4. MDAC, Building the Architecture for Change: Guidelines on Article 33 of the UN Convention on the Rights of Persons with Disabilities, 1st edition March 2011, pages XXX.

5. Inclusion Europe, Partners for Better Policies: A Manual for Mainstreaming. Developed by the European project “Mainstreaming Mental Disability Policies” , Brussels, 2006 page 11.

2. To increase participation of people with intellectual disabilities and their families in political and public life at all levels, local, regional, national, European and international in order to fully represent the whole society.
3. To recognise the knowledge and the expertise of people with intellectual disabilities and their families in relation to their lives and their real needs.
4. To adopt mechanisms to ensure meaningful participation of persons with disabilities and their organisations, through their representation in relevant bodies of public authorities or on advisory boards.
5. To ensure meaningful mechanisms of participation and involvement of people with intellectual disabilities using accessible and multiple formats for consultation, making sure that the principle of reasonable accommodation is respected and that reasonable accommodation is made available where it is necessary.
6. To ensure that people with intellectual disabilities, their families and their representative organisations, are involved and participate fully in consultation processes, from the beginning to the end, to ensure a constructive and trusting relationship.
7. To provide capacity building and financial resources to disability NGOs, to make sure that they will have the capacity to fully participate and contribute to all relevant policies and consultations.