



# Recommendations for Accessible Elections in Europe

Produced as part of the project “Accommodating Diversity  
for Active Participation in European Elections” in May 2011



**Inclusion Europe**



With financial support from the Fundamental Rights  
& Citizenship Programme of the European Union

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## Background of the project ADAP

These Policy Recommendations have been developed within the framework of the project 'Accommodating Diversity for Active Participation in European elections' (ADAP), started in 2009 and funded by the Fundamental Rights and Citizenship programme of the European Commission. Inclusion Europe led the 18-month project, together with member organisations: ENABLE (Scotland), Nous Aussi (France) and SPMP (Czech Republic).

As part of the project, Inclusion Europe conducted research through surveys sent to its membership and to the electoral authorities or government department responsible for organizing elections in the different EU countries. Surveys were collected from Inclusion Europe's members in 25 countries (of which 19 were EU Member States and 3 non-EU Member States). Surveys were collected from national electoral commissions or the government department responsible for organizing the elections in 18 EU Member States. Two sets of surveys were distributed in order to obtain a balanced picture of the situation both from the perspective of organisations promoting and defending the rights of vulnerable people and from those responsible for organizing elections at government level.

Based on observations from the surveys collected and its own research, Inclusion Europe has developed Policy Recommendations for more accessible elections.

[www.voting-for-all.eu](http://www.voting-for-all.eu)

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### **Inclusion Europe's Member Organisations in the following countries:**

Albania, Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Latvia, Luxembourg, Malta, Norway, Poland, Portugal, Romania, Slovakia, Spain, Sweden, United Kingdom.

### **National electoral commission or government departments responsible for organizing elections in the following EU Member States:**

Austria, Belgium, Czech Republic, Denmark, Estonia, Finland, Greece, Hungary, Ireland, Italy, Lithuania, Luxembourg, Malta, The Netherlands, Portugal, Romania, Spain, Sweden.

### **Other non-governmental organisations who contributed to the recommendations:**

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# Introduction



The right to vote is one of the most fundamental rights of all European citizens. It is not only about taking part in the political process, but about being included in society and having our voice heard. Despite this, several groups of people are denied this right to vote, due to the fact that European and national elections are not accessible for them, including: People with intellectual disabilities, older people facing age-related illnesses which hinder their capacity and European Union (hereafter EU) citizens who are not nationals of the EU Member State who face language barriers. These groups find it difficult to take part in elections due to the complexity of information about voting and the electoral process which is too difficult to understand. Other factors which may hinder their participation include legislation on legal capacity which excludes people with intellectual disabilities from voting, or lack of access to polling stations for elderly people who have developed disabilities such as limited mobility, visual and hearing impairments.

There are around 80 million people with disabilities across the European Union, representing 15% of the residents from the 27 Member States<sup>1</sup>. The number of elderly people is steadily increasing, as shown by recent figures from Eurostat.<sup>2</sup> The opening up

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<sup>1</sup> Source: European Disability Forum.

<sup>2</sup> Eurostat figures show an increase by percentage of people aged over 65 years of age against the whole population raising on average throughout the current EU Member States from 15.3% in 1998 to 17.1 % in 2008. Source: Eurostat website, 10 December 2009.

of the EU borders also means that an increasing number of EU citizens now reside in another EU country<sup>3</sup>. This means that a significant number of citizens are affected by the inaccessibility of the electoral process across Europe.

This publication explores five different areas which affect the right and ability to vote: Legislation on legal capacity; Accessible information; Training; Support in voting and Access to the voting process. Each section features an explanation of the existing situation, illustrated by Inclusion Europe's research across Europe, as well as proposing recommendations at the end of each section.

Inclusion Europe calls upon electoral authorities or government authorities responsible for organizing the elections both at national and local level to ensure that the whole election process is more accessible for all citizens, and upon European and national politicians and political parties to ensure that their elections campaigns and materials are accessible which will enable more EU citizens to exercise their right to vote.

Within the framework of the ADAP project, a Booklet of Best Practices has also been produced which complements these Policy Recommendations with concrete examples of existing good practices from across Europe to improve the accessibility of elections. These recommendations should be applied at European, national, regional and local level to ensure that all citizens can exercise their right to vote.

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<sup>3</sup> A recent Eurostat report showed that 37% of the non-nationals living on the territory of the EU 27 Member States are citizens of another EU Member State : 'Citizens of European countries account for the majority of the foreign population in EU -27 in 2009', December 2009.

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## The right to vote: The legal basis



Electoral laws in the different Member States of the European Union vary significantly. In some countries there is only one constituency, whilst in others there are several, in some countries voting is compulsory, in others it is not, criteria of residency for non-native citizens to be able to vote, as well as the age a person is eligible to vote or be elected also varies.

There is currently no EU standard for elections. The only obligations for EU Member States concerning European elections are:

- MEPs must be elected by direct universal suffrage in every Member State.
- Elections must take place according to a proportional representation system.
- MEPs have a five-year renewable term in office.
- The role of MEP is incompatible with that of the national MP.

Despite this, the right of all people to vote is enshrined in European and International Human Rights instruments:

Article 21 of the Universal Declaration of Human Rights guarantees for all people *“the right to take part in the government of his country, directly or through freely chosen representatives”*.

Article 25 of the International Covenant on Civil and Political Rights guarantees the right of all citizens to vote and be elected.

The right to full participation in political and public life of all people with disabilities is enshrined in Article 29 of the UN Convention on the Rights of Persons with Disabilities

(hereafter ‘UNCRPD’) , which was ratified by the European Union on 23 December 2010. Article 29 sets out the following obligations:

*“States Parties shall guarantee to persons with disabilities political rights and the opportunity to enjoy them on an equal basis with others” (Article 29 a)).*

It obliges States Parties to ensure that *“voting procedures, facilities and materials are appropriate, accessible and easy to understand and use” (Article 29 a. i)).*

It also sets out the obligation that people with disabilities should be allowed *“assistance in voting by a person of their choice” (Article 29 a. iii)).*

The Council of Europe Disability Action Plan 2006-2015 includes the following objectives:

- To actively promote an environment where people with disabilities can participate on an equal footing in political parties and civil society.
- To increase participation of people with disabilities in political and public life at all levels, local, regional, national and international in order to fully represent the diverse nature of society.

Article 21 of the Charter of Fundamental Rights of the European Union prohibits any discrimination on the grounds of disability, age and nationality, whilst articles 39 and 40 confirm the right of all EU citizens to vote and stand as candidates in both elections to the European Parliament and municipal elections.

# Why do elections need to be made more accessible?



People with intellectual disabilities, as well as elderly people and EU nationals living in another EU Member State face many barriers to participation in elections throughout the voting process.

**In the UK, IE member organisation Mencap revealed that in the 2010 May general election, only 31% of people with intellectual disabilities voted, compared to 65.1% of the general population.**

*Source: Mencap poll of over 1.100 people with intellectual disabilities, May 2010.*

**People with intellectual disabilities** often find it harder than others to learn, understand and communicate. Many people with intellectual disabilities find it harder to process complex information. However, with simpler, easy to understand information as well as the right support, many people with intellectual disabilities are perfectly capable of expressing their opinions and making informed decisions. People with intellectual disabilities have suffered from a long history of discrimination, and in many countries are still disenfranchised of their right to vote because of restrictions placed upon them by guardianship measures.

**Research in Sweden showed that in 1998, 20% of people with intellectual disabilities voted, compared to 81.4% of the general population and that in 1994, 31% of people with intellectual disabilities voted in the national election, compared with 86% of the general population.**

*Source: Anette Kjellberg, 'Participation, Ideology and Everyday Life. How to understand the experiences of persons with learning disabilities'. 2002, University of Linköping, Sweden.*

**Elderly people** facing age-related illnesses often incur similar difficulties in accessing information to people with intellectual disabilities due to illnesses such as Alzheimer's which can affect language and memory skills. They may also develop sensory and physical disabilities such as visual impairment or limited mobility. A 2009 study by *Groupe Noble Age* revealed that some elderly people living in residential homes feel excluded from public life, despite the fact that they are fully informed and capable of expressing their opinion with the right support.

**"I would like to vote because it is necessary. I don't want to feel excluded from what is happening in France or in my town and I would like to be accompanied in a secure manner when I go to vote."**

*Source: 'Parole de citoyens en résidences médicalisées', published 11 February 2009, Groupe Noble Age*

**EU citizens living in another EU Member State** legally have the right to participate in municipal and European elections, however, the European Citizen Action Service have revealed that many are hindered by issues such as language barriers or lack of access to information about the unfamiliar electoral process. Some EU citizens may not even be aware of the fact that they have the right to vote in another EU Member State.

**For EU citizens living in other EU Member States, "registration procedures still cause confusion and are not sufficiently personalized and available in the language of the voter".**

*Source: 'Citizens living and working in other member states should be first, not last to vote in European elections', 31 May 2009 (www.ECAS-citizens.eu)*

**Voter turnout** in EU elections by EU citizens in general has fallen from 63% in 1979 to less

than half of voters in 2009 (43%)<sup>4</sup>. Inclusion Europe's research also revealed a significantly lower level of participation in European elections than in national elections.

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## 1. Legislation on legal capacity



***An important barrier which stops people with intellectual disabilities from voting is "legal capacity"***

***Senada Halilčević, self-advocate and member of the Association for Self-advocacy, Croatia***

*States Parties shall undertake "To ensure that persons with disabilities can effectively and fully participate in political and public life on an equal basis with others, directly or through freely chosen representatives, including the right and opportunity for persons with disabilities to vote and be elected" Art. 29 a) CRPD*

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### **Legal capacity**

Many people with intellectual disabilities are fully capable of voting if they are provided with the necessary accessibility measures and support. Research has shown that many people are excluded from participating in elections because they are disenfranchised from voting by law through restrictions imposed by guardianship measures. A study

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<sup>4</sup> Source: Website 'EU4journalists' created for the European Commission by the European Journalism Centre. Press release([www.eu4journalists.eu](http://www.eu4journalists.eu)).

by the Fundamental Rights Agency in 2010<sup>5</sup> showed that in the majority of EU Member States, people under full guardianship are automatically excluded from voting. It showed that several EU Member States partially exclude some people from voting. In some countries, however, it is encouraging to see that there are no restrictions by law which stop people with intellectual disabilities from voting, such as in Austria, Finland, the Netherlands and Sweden. Inclusion Europe found that this was also the case in the UK, Ireland and Norway.

In Hungary, people under any kind of guardianship (plenary or partial) are automatically deprived of their right to vote as set out in the Constitution. In May 2010, a landmark ruling was made by the European Court of Human Rights on the right to vote. A Hungarian citizen who had been placed under partial guardianship was automatically deprived of the right to vote. The European Court of Human Rights ruled that the automatic disenfranchisement was against Article 3 of Protocol No. 1 to the European Convention of Human Rights and against other international agreements to which Hungary is a party, including the International Covenant on Civil and Political Rights and the UN Convention on the Rights of Persons with Disabilities.

According to the latest developments in Hungary following this case, in the new Hungarian Constitution the denial of the right to vote is no longer a direct consequence of the placement under guardianship, however the new regulation still makes it possible to exclude persons from the right to vote on the

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<sup>5</sup> 'The right to political participation of persons with mental health problems and persons with intellectual disabilities', Fundamental Rights Agency report, published 8 November 2010.

basis of a judicial procedure, based mainly on a medical assessment. Unfortunately it allows an examination of the ability to vote, therefore it is still likely that people with intellectual disabilities will be denied the right to vote.

There are no adequate methods of examining a person's ability to vote. What sort of questions should a judge, medical practitioner or polling station official ask? Citizens may make use or not of their right to vote. People with intellectual disabilities whose medical, mental or other state does not make it possible to form opinions about political parties or candidates either on a permanent or temporary basis surely will not appear at the elections and thus it is unnecessary to exclude them from the voting process. However, in the case of those who do appear and want to vote (including with support) this means that they have opinions which must be taken into consideration.

Inclusion Europe's member organisations in Greece, Luxembourg, Spain, Portugal and Slovakia are currently pushing for law reforms in the area of voting to ensure that people with intellectual disabilities can exercise their right to vote.

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## ***Compulsory voting***

Voting was compulsory in 6 out of all countries surveyed.<sup>6</sup> In some of these countries, people over a certain age are exempt from compulsory voting, for example in Greece, citizens over 70 do not have to vote, and in Luxembourg, people over 75 do not have to vote. This could lead to decreased participation of elderly people in elections.

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<sup>6</sup> Belgium, Greece, Italy, Luxembourg, Cyprus, Latvia.

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## ***Recommendations on legislation on legal capacity***

### **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 the right to vote by guardianship measures, according to Article 29 of the UN Convention on the Rights of Persons with Disabilities, Article 21 of the Charter of Fundamental Rights, Article 25 of the International Covenant on Civil and Political Rights and Articles 39 and 40 of the European Charter of Fundamental Rights. Regulations must not contain any restrictions on the right to vote in connection with persons with disabilities.

### **2. Abolishing voting tests**

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

### **3. Consultation with organisations promoting and defending the rights of vulnerable people in changes made to legislation**

Governments should consult regularly with organisations promoting and defending the rights of vulnerable people regarding changes made to national legislation in the relevant areas.

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## 2. Accessible information



***An important barrier to participation by people with intellectual disabilities in elections is “the lack of information in an appropriate form that would allow them to make an informed decision about who to vote for.”***

***Mencap, UK***

States Parties shall ensure that persons with disabilities can effectively and fully participate in political and public life by ensuring that “*voting procedures, facilities and materials are appropriate, accessible and easy to understand and use*” Art. 29 a i) CRPD.

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### ***Barriers for people with intellectual disabilities***

Inclusion Europe’s research has shown that people with intellectual disabilities find it difficult to access information about all aspects of voting and the electoral process, due to the complexity and volume of information which is often too difficult to understand. The provision of clear, simple and easily understandable information will ensure that many people with intellectual disabilities can understand the different aspects of the voting process and participate in elections.

Inclusion Europe’s members in all countries surveyed believed it was difficult for people with intellectual disabilities to understand information produced by political parties. In 18 countries, our members said it was difficult for people with intellectual disabilities to find

out how to vote<sup>7</sup>. In half of the countries surveyed through our members and through the electoral commissions together, information is available in languages other than the national language to inform non-national citizens about voting and the elections, which can facilitate participation in elections by non-native citizens of the country who have the right to vote<sup>8</sup>.

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### ***Barriers for people with other disabilities***

People with visual and hearing impairments and other disabilities also find it hard to access information about all aspects of voting and the electoral process as information is not provided in accessible formats.

A 2009 study on ‘Accessibility for blind and partially-sighted voters to electoral systems in European Union Member States’ by the European Blind Union highlighted the difficulties faced by blind and partially-sighted EU citizens when participating in elections and revealed good practices in some Member States which address this problem, such as the use of Braille templates or large print.

In the UK, an estimated 90,000 deaf people rely on British Sign Language (BSL) to communicate, yet only one political party has ever used it in its elections broadcasts. Tessa Padden, a British Sign Languages translator aid

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<sup>7</sup> Belgium, Bulgaria, Cyprus, Czech Republic, Estonia, France, Greece, Hungary, Ireland, Luxembourg, Poland, Romania, Slovakia, Spain, Sweden, UK, Croatia, Norway.

<sup>8</sup> Czech Republic, Estonia, Ireland, Italy, Romania, Spain, Sweden, Denmark, Finland, Greece, Latvia, Lithuania, UK.

that this leaves many deaf people excluded from the democratic process<sup>9</sup>.

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## ***Recommendations on accessible information***

### **1. 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.

### **2. Legal provisions**

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

### **3. Accessible formats**

Electoral information must be available and widely disseminated in accessible formats at local and national level, to enable all citizens to vote as independently as possible, including:

- Easy-to-understand language<sup>10</sup>
- Braille, large text and audio for people with visual impairments
- Sign language for people with hearing impairments
- Different language options for other EU citizens residing in the country.

### **4. Accessible information throughout the electoral process**

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<sup>9</sup> 'Deaf voters 'unheard' by politicians' April 2010, [www.bbc.co.uk](http://www.bbc.co.uk)

<sup>10</sup> European easy-to-read standards can be found on Inclusion Europe's website ([www.inclusion-europe.org](http://www.inclusion-europe.org)) under the project 'Pathways' (completed 2009).

Information 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

The media should also provide information about elections and voting in accessible formats.

### **5. 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, other EU languages and ensuring that it can be used together with speech technology for blind or partially-sighted people.

### **6. Working with organisations promoting and defending the rights of vulnerable people**

- Electoral commissions / government departments responsible for organising elections should work together with organisations promoting and defending the rights of vulnerable people at national and local level to make information more accessible.
- Political parties should work with organisations promoting the rights of vulnerable people in the development of accessible political party manifestos and websites.
- These organisations should also support political parties in this process.

### **7. Funding**

Funding should be available for the provision of accessible information.

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## 3. Training



***“The polling station officials are not trained to communicate with people with intellectual disabilities.”***

***ÉFOÉSZ, Hungary***

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### ***Training for polling station staff***

According to Inclusion Europe’s research, people with intellectual disabilities often encounter problems because polling station officials are not aware of how to assist people with intellectual disabilities.

In 6 countries<sup>11</sup>, it is notable that the electoral commission or government department responsible for organising elections stated that a polling official was present specifically to assist people who need help with voting. In 6 countries<sup>12</sup>, there was training for polling station officials on how to assist people, although in most countries the training was only on how to assist people with physical or sensory disabilities or the elderly. In 7 countries<sup>13</sup>, guidelines were provided for polling station officials on how to assist voters, however, this often only applied to people with physical or sensory disabilities.

Mencap UK (also a member of Inclusion Europe), stated that:

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<sup>11</sup> Denmark, Finland, Luxembourg, Hungary the Netherlands and Greece.

<sup>12</sup> Czech Republic, Finland, Hungary, Lithuania, Malta, Sweden.

<sup>13</sup> Austria, Belgium, Denmark, Finland, Ireland, Malta, Lithuania.

***“Some polling stations will have staff that are not aware of the support needs of someone with an intellectual disability or who are unaware of the guidance or legislation about their entitlement to receive support.”***

Foundation ‘Pentru Voi’, Romania (also a member of Inclusion Europe) said that:

***“The education and training of election officials does not ensure access to elections for all voters with disabilities. (...) Many people with disabilities of voting age are deterred from voting on Election Day because the poll workers deny them their rights.”***

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### ***Training for people with intellectual disabilities***

People with intellectual disabilities often do not know how to vote, as training schemes and materials to show them how to vote in practice are not available. It is positive to see that 7 countries have already developed training materials and practices for people with intellectual disabilities about voting<sup>14</sup>. In the large majority of them, it was specified that the training was provided by NGOs.

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### ***Recommendations on training***

#### **1. Training for polling station officials**

Polling station officials, as well as any other person providing assistance at the polling

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<sup>14</sup> Finland, Germany, UK, Ireland, Norway, Slovakia, Sweden.

station should be made aware of the right of people with intellectual and physical disabilities to vote. Training and guidelines should be provided for polling station officials on how to assist people with intellectual, sensory and physical disabilities. The training and guidelines should be universally applied across the country.

## **2. Additional poll station workers**

An extra poll station worker should be provided to ensure that voters requiring assistance should have access to support.

## **3. Training for people with intellectual disabilities**

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

## **4. Regular consultation with national and local organisations promoting and defending the rights of vulnerable people**

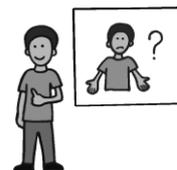
Regular contact with organisations promoting and defending the rights of vulnerable people, including people with intellectual, sensory and physical disabilities and the elderly should be actively maintained in the process of developing training for polling station officials.

## **5. Funding**

Adequate funding should be provided to provide training for polling station officials and for people with disabilities about voting.

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# **4. Support for decision-making in voting**



*“States Parties shall take appropriate measures to provide access by persons with disabilities to the support they may require in exercising their legal capacity.”*

(Art. 12.3 CRDP)

As discussed in the previous recommendations, people with intellectual disabilities need accessible information about political parties, policies and candidates as well as training on how to cast their votes in an election. We will address in the following chapter how the election process itself can be made more accessible. But can and should people with intellectual disabilities also receive support in their decision on whom or what to vote for?

Exercising the right to vote is certainly a part of exercising the legal capacity of a person. Article 12.3 of the UN CRPD then seems to suggest that people with disabilities can request the support they require in taking election-related decisions. Article 12.4 provides for the necessary safeguards to prevent abuse and to “ensure that measures relating to the exercise of legal capacity respect the rights, will and preferences of the person, (and) are free of conflict of interest and undue influence (...)”.

However, this kind of support clearly raises concerns about voter fraud, because there is only a fine line between impartial support to take a political decision and undue influence in favour or against a party, a candidate or a specific subject. On one hand, it is essential

that these concerns are appropriately addressed, but on the other side concerns about voter fraud should also not raise barriers to the voting rights of people with disabilities or create discriminatory practices. It is also necessary not to create a “standard” for independence in political decision-making for people with disabilities as there are no criteria, other than age and citizenship, in reality for other voters: many people are subject to influence from friends, family and other people and do not always take political decisions in their own best interest.

A supporter must respect the voter’s choices and may not substitute his or her own choices for the voter’s. Nor can the supporter make assumptions about how the person wants to vote. If the helper cannot reliably determine the voter’s intent, he or she cannot cast a vote for that person. Such support will be best realized in the framework of long-term ongoing support networks in which people support and protect people with intellectual disabilities on an on-going basis. Having said that, the issues related to the protection against undue influence and voter fraud by supporters must be addressed.

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## ***Recommendations on support for decision-making***

### **1. Provision of accessible information on all political parties**

Political parties and supporters should make sure that accessible information on candidates and policies is available from all parties. It is extremely difficult to impartially support decision-making if accessible information is available only from one party or candidate.

### **2. Support process must take into account the views of people with intellectual disability**

The support process should focus on discussing and identifying their best interests together with the persons with intellectual disability. This process should take into account the preferences of these persons, their histories, previous voting, social situation, etc. Then, this profile of their best interests can be compared with the positions of the political parties or candidates standing for election. Through this process, support can be provided as to how to identify the party or candidate who might defend best the interests of a person with intellectual disability in their constituency.

### **3. Supporters must fully accept and respect the decision of people with intellectual disabilities**

It is extremely important that the supporters are aware that they must accept also electoral decisions of persons with disabilities that seem not to be in their best interest, but are taken on the basis of seemingly random factors. If, for example, a person with intellectual disability wants to vote for a candidate simply because he or she “looks sympathetic”, this will be no different from many other voters and must be fully accepted.

### **4. Training and information for supporters**

Providers of support and assistance to people with intellectual disabilities should receive training and information about what types of support are permitted and which are not as well as about respect for secrecy of the vote and privacy of the supported person.

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## 5. Access to the voting process



***An important barrier to participation in elections for people with intellectual disabilities is “the INACCESSIBILITY of the election campaign and voting units.”***

***Pentru Voi, Romania***

*“Protecting the right of persons with disabilities to vote by secret ballot in elections and public referendums without intimidation, and to stand for elections, to effectively hold office and perform all public functions at all levels of government, facilitating the use of assistive and new technologies where appropriate;” Art. 29 a ii) CRPD*

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### **Access to polling stations**

Inclusion Europe’s research revealed that many citizens with physical disabilities encounter problems in accessing polling stations when voting. Our members in 11 European countries said they thought that there were physical barriers which stopped people with disabilities from participating in elections<sup>15</sup>.

For people with disabilities, Article 9 of the UNCRPD on ‘Accessibility’ calls on States Parties to *“take appropriate measures to ensure to persons with disabilities access, on an equal basis with others, to the physical environment, to transportation, to information and communications, including information and communications technologies and systems, and to other facilities and services*

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<sup>15</sup> Belgium, Bulgaria, Cyprus, Czech Republic, Greece, Hungary, Ireland, Portugal, Romania, UK, Albania.

*open or provided to the public, both in urban and in rural areas.”*

Among problems of accessibility reported at polling stations was inaccessibility of the polling station for wheelchairs and for people with multiple disabilities.

Measures such as advance voting and proxy voting were possible in several Member States. Postal voting and mobile polling stations were permitted in over half of all countries surveyed. These alternative ways of voting can help people with disabilities to vote if they are not able to get to the polling station. The issue of voter fraud when using alternative methods of voting may raise concerns; however these concerns should not be addressed by limiting voting rights for people with disabilities. Instead, efforts should focus on those perpetrating the fraud.

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### **Assisted voting**

*“Guaranteeing the free expression of the will of persons with disabilities as electors and to this end, where necessary, at their request, allowing assistance in voting by a person of their own choice;” Article 29 a)iii CRPD*

Inclusion Europe’s members and the electoral commissions or government departments responsible for organizing elections stated that assisted voting was permitted in 24 countries surveyed<sup>16</sup>. Some countries specified that assisted voting was permitted for people with physical or sensory disabilities (for example the Netherlands, the Czech Republic, Spain). In other countries, assistance is

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<sup>16</sup> Albania, Austria, Belgium, Croatia, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Ireland, Italy, Latvia, Lithuania, Luxembourg, Netherlands, Poland, Portugal, Romania, Slovakia, Spain, Sweden, UK.

provided upon the discretion of the polling station official (for example in Belgium and Sweden). In other countries, people could be assisted by a family member or carer (for example in Latvia). It is encouraging to see that assisted voting is already possible in many countries. This should now be developed to include assistance for people with intellectual disabilities by a person whom they trust to accompany them into the polling booth to assist with completing the ballot form in the correct manner.

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## ***Recommendations on access to the voting process***

### **1. Transport to polling stations**

Organised adapted 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).

### **2. Polling station accessibility**

Polling stations should be accessible for people with intellectual, sensory and physical disabilities according to Article 9 of the UNCRPD.

### **3. Universal accessibility standards**

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.

### **4. 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.

### **5. Alternative ways of voting**

Voting should be flexible enough to cater for the needs of people with disabilities by allowing alternative options such as mobile polling stations, advance voting and/or postal voting, thus facilitating the vote for people with disabilities and the elderly.

### **6. Preventing fraud**

Fraudulent voting practices should not be used as an excuse to limit voting rights for people with disabilities. Instead, measures should be taken against those perpetrating the fraud, including: educating on what is allowed and what is not allowed in the voting process, using criminal procedures to address fraudulent voting practices, establishing legal measures for electoral officials and service providers to assist residents with registration and voting.

### **7. New technologies**

If electronic voting or voting by computer at the polling station is introduced, it should be accessible, by using accessible formats: easy-to-read, large print, audio, video, sign language, other EU languages and ensuring that it can be used together with speech technology for blind or partially-sighted people.

### **8. Regular consultation with national and local organisations promoting and defending the rights of vulnerable people**

Regular consultation with organisations defending the rights of vulnerable people at national and local level should be undertaken to establish these standards and check the accessibility of polling stations in their area.

### **9. Funding**

Funding should be available to guarantee that polling stations are accessible.

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## Conclusion



It is clear from our research that many EU citizens encounter difficulties when voting due to accessibility problems. Many people with disabilities, elderly people and EU citizens living in another EU country are excluded from the voting process due to inaccessible election procedures, voting places and materials, restrictions on legal capacity and lack of awareness about their rights.

As we have seen, the rights of all EU citizens of voting age to participate in elections are guaranteed by international and European legislation, including the Charter of Fundamental Rights, the International Covenant on Civil and Political Rights and the European Charter of Fundamental Rights. For citizens with disabilities, the UN Convention on the Rights of Persons with Disabilities, signed by all EU Member States, ratified by the EU in December of 2010, highlights the underlying principle of non-discrimination towards people with disabilities, as well as highlighting the rights of people with disabilities to participate in political and public life<sup>17</sup> and to ensure that the necessary accessibility measures are implemented in order to ensure this.<sup>18</sup>

Recommendations in this area have also been made by the European Disability Forum in 2009 through a manifesto which called for accessibility of polling stations and elections material, as well as secrecy of voting for people with disabilities.<sup>19</sup> Additionally, the International Foundation for Electoral Systems (IFES) developed, in 2002 'Standards of

Electoral Access for Citizens with Disabilities'. The standards call for non-discrimination in the voting process and oblige states worldwide to overcome accessibility difficulties. It offers specific guidelines on issues such as non-discrimination, alternative voting options, ensuring the secrecy of voting, use of assisted voting, and ensuring secrecy of the vote.<sup>20</sup>

The voting rights of people with disabilities, the elderly and EU citizens residing in another EU Member State must not be ignored. These recommendations call for measures which will allow more EU citizens to exercise their fundamental right to vote.

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<sup>17</sup> As stated in Article 29 of the UNCRPD.

<sup>18</sup> See UNCRPD: Article 3 on General Principles.

<sup>19</sup> For more information visit the website 'Disability Votes Count' (2009) : [www.disabilityvotescount.eu](http://www.disabilityvotescount.eu).

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<sup>20</sup> 'Standards of Electoral Access for Citizens with Disabilities', September 2002. ([http://www.electionaccess.org/rs/Discussion\\_Paper.htm](http://www.electionaccess.org/rs/Discussion_Paper.htm))