

Article 39 of the Charter of Fundamental Rights of the European Union guarantees all EU citizens the right to vote and to stand as a candidate at elections to the European Parliament, and Article 40 guarantees the right to vote and stand as a candidate at municipal elections. Article 21 recognises the right to be free from discrimination, including on the grounds of disability, and Article 26 recognises and respects the right of persons with disabilities to benefit from measures to ensure their independence, social and occupational integration and participation in the life of the community.

The opportunity to be involved in political life is at the heart of what it means to live in a democratic society. The right to political participation, including of persons with disabilities, is accordingly firmly grounded in international law, enshrined in the United Nations (UN) Convention on the Rights of Persons with Disabilities (CRPD), Council of Europe

instruments and European Union (EU) primary and secondary legislation. The European Parliament elections taking place in May 2014 are an opportune moment to examine how relevant national legal, policy and administrative provisions encourage or hinder persons with disabilities from participating in elections.

The European Union Agency for Fundamental Rights (FRA) and the European Commission through the Academic Network of European Disability Experts (ANED) have collected data from across the 28 EU Member States, which show how the right to political participation of persons with disabilities set out in Article 29 of the CRPD is respected, protected, promoted and fulfilled in the EU. The opinions drawn from this data focus on elections and the rights to vote and to be elected, as guaranteed by the European Convention on Human Rights (ECHR), the Charter of Fundamental Rights of the EU and the EU treaties.

Key findings and evidence-based advice

The first message stemming from FRA's and ANED's analysis is positive: given an accessible and enabling environment persons with disabilities are active citizens keen to be engaged in the political life of their communities. As well as voting in elections, persons with disabilities take part in other types of political activity in large numbers, including being members

of political parties, attending political meetings and contacting elected officials. Providing more accessible information and processes, as well as better support and reasonable accommodation – that is, adjustments to allow persons with disabilities to enjoy their human rights on an equal basis with others – when required can further improve their participation.

A second message is that significant challenges to the realisation of the right to political participation for persons with disabilities remain. Legal obstacles, such as restrictions on the right to vote for some persons with disabilities, and gaps between the promise of law and policy and their actual implementation - for example in the form of inaccessible polling stations or websites - persist. These barriers can exclude persons with disabilities from the opportunity to influence the development and implementation of the laws and policies which shape their daily lives. Addressing these challenges as soon as possible is essential to increasing the legitimacy of public institutions and creating more equitable and inclusive societies in which all members can participate fully.

A third message is that barriers to political participation do not affect all persons with disabilities equally. Those with more severe impairments, as well as people with particular types of impairment – for example, persons with intellectual disabilities – disproportionately face barriers to their participation in the political life. As these individuals are often some of the most isolated and excluded, ensuring that they are able to play a full part in the political process presents a particular challenge for policy makers.

Reflecting the CRDP requirements in this area and drawing on the results of the research, five issues emerge:

- lifting legal and administrative barriers to political participation;
- making voting procedures, facilities and election materials more accessible;

Evidence base of opinions

The analysis and opinions presented in this summary are based on data collected by FRA and the European Commission-funded Academic Network of European Disability Experts (ANED). The data collection was based on human rights indicators developed by FRA and the European Commission using the 'structure – process – outcome' indicator model devised by the UN Office of the High Commissioner for Human Rights.

- expanding opportunities for participation in political and public life;
- increasing awareness of the right to political participation of persons with disabilities;
- collecting data to measure the political participation of persons with disabilities.

Detailed information on each of these issues can be found in the report. FRA and ANED have formulated opinions for each of these issues, which suggest concrete measures EU institutions and Member States can take.

Lifting legal and administrative barriers to political participation

EU Member States have made significant progress in integrating the right to political participation of persons with disabilities into their national legal and policy frameworks.¹ All but three Member States have ratified the CRPD, with relatively few reservations or declarations to key provisions. The remaining three Member States have signed the convention and are taking steps towards ratification.² In addition, a number of Member States have developed national strategies or action plans to implement the CRPD, which address the right to political participation in line with the European Disability Strategy 2010-2020. The Committee on the Rights of Persons with Disabilities – the UN treaty body monitoring the CRPD implementation – will formally assess progress in implementing the convention in the EU Member States that have ratified the CRPD, and in the EU itself, through concluding observations to state parties.

FRA and ANED collected information through desk research gathering publically available information in each EU Member State and sent a relatively small number of requests for data to public authorities. The statistical data used in the report was extracted by FRA and ANED from existing EU-wide social surveys.

The research findings are published in full in the report on *Indicators on the right to political participation of persons with disabilities: human rights indicators* (see 'Further information').

¹ See FRA (2013), Fundamental rights: challenges and achievements in 2012, Annual Report 2012, Luxembourg, Publications Office; and FRA (2012), Fundamental rights: challenges and achievements in 2011, Annual Report 2011, Luxembourg, Publications Office.

² See Chapters 5 and 10 of FRA (2014), Fundamental rights: challenges and achievements in 2013, Annual Report 2013, Luxembourg, Publications Office.

The findings of the analysis indicate, however, that legal and administrative barriers continue to prevent some persons with disabilities from participating in political life on an equal basis with others. These barriers concern:

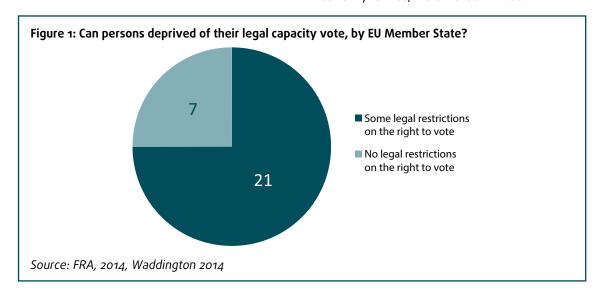
- legal restrictions on the right to vote of some persons with disabilities particularly those with psychosocial or intellectual impairments;
- inaccessible and cumbersome administrative processes which can deprive persons with disabilities of the right to vote; in other words, such processes can discenfranchise persons with disabilities in practice;
- difficulties accessing complaints mechanisms in cases where persons with disabilities face problems in exercising the right to vote.

In terms of legal barriers, the main issue concerns the denial to persons deprived of legal capacity of the right to vote or to stand as a candidate. In the majority of EU Member States, the decision to deprive a person of their legal capacity automatically results in them being barred from voting. Where reforms to grant the power of voting to persons with disabilities have been enacted, they sometimes do not apply to all kinds of elections, since in many EU Member States, different laws apply to different types of elections. Existing concluding observations³ and the draft general comment on Article 12 of the CRPD⁴ make clear the CRPD committee's view that national

legislation depriving people of the right to vote based on a disability, or a proxy such as assessed 'capacity', should be reformed.

Inaccessible administrative processes linked to elections can also hinder persons with disabilities' participation. In some EU Member States, the procedures in place for persons with disabilities to request support or assistance to vote are not accessible. Similarly, persons living in long-term institutions can be prevented from voting by a lack of mechanisms to enable them to vote.

The corollary of the right to vote is the opportunity to make a complaint when the right is not realised. The analysis indicates that people deprived of legal capacity are not legally able to bring complaints related to political participation in a majority of EU Member States. Moreover, instances of judicial and non-judicial complaints mechanisms deciding cases related to the political participation of persons with disabilities could be identified in only about a quarter of EU Member States. As demonstrated by FRA research in other areas, one factor behind the low number of cases reaching complaints mechanisms is likely to be the absence of accessible information about how and where to complain⁵. Individual cases have, however, reached the European Court of Human Rights (ECtHR) and, under the Optional Protocol to the CRPD which allows for individual communications and which 21 EU Member States have currently ratified, the CRPD Committee.



³ All concluding observations on the CRDP are available at: http://tbinternet.ohchr.org/_layouts/treatybodyexternal/ TBSearch.aspx?Lang=en&TreatylD=4.

⁴ UN, Committee on the Rights of Persons with Disabilities (2013), Draft General Comment on Article 12 of the Convention – Equal Recognition before the Law, available at: www.ohchr.org/EN/HRBodies/CRPD/Pages/DGCArticles12And9.aspx.

⁵ See FRA (2009), EU-MIDIS European Union Minorities and Discrimination Survey. Main Results Report, Luxembourg, Publications Office, and FRA (2012), Access to justice in cases of discrimination in the EU - Steps to further equality, Luxembourg, Publications Office.

Opinions

The EU has concluded the CRPD, and its law and policies must comply with the EU Charter of Fundamental Rights. The European Commission regularly reports on the implementation of Council Directives 93/109/EC and 94/80/EC which set out detailed arrangements for the exercise of the right to vote and stand as a candidate in elections to the European Parliament and municipal elections. Future reports on the implementation of both directives should include an assessment of whether they are being interpreted in a manner consistent with the right to political participation enshrined in Article 29 of the CRPD.

As shown in FRA's Annual Report covering 2013 and the Disability High Level Group reports since 2010, many EU Member States have in place or are developing national action plans or strategies in the area of disability rights. These policies should include specific measures to promote the political participation of persons with disabilities, along with concrete targets and milestones against which progress in implementing the relevant CRPD provisions can be measured.

Delinking the right to vote from legal capacity

In many EU Member States, the right to vote continues to be linked to legal capacity, so that persons deprived of their legal capacity cannot vote in European Parliament or municipal elections. FRA's 2010 report on The right to political participation of persons with mental health problems and persons with intellectual disabilities, updated in subsequent FRA Annual Reports, found that some Member States will need to reform their legislation to meet the CRPD standards. In line with the concluding observations of the CRPD Committee, EU Member States should amend national legislation depriving people of the right to vote based on a disability, or a proxy such as assessed 'capacity'.

As stated in the European Disability Strategy 2010–2020, the European Commission is promoting the conformity of Member State legislation on legal capacity with the CRPD. This could continue to take place through the High Level Group of Experts on disability where EU Member State representatives can share experiences of developing and implementing legal reforms in this area.

Removing administrative barriers

National public authorities should ensure that the requirement to register to vote or for reasonable accommodation does not result in persons with disabilities being excluded from elections. Actions in this regard could include measures ensuring that the registration process is accessible by redesigning relevant websites in line with EU standards EN 301549, which is in line with internationally recognised accessibility standards (e.g. the World Wide Web Consortium's Web Content Accessibility Guidelines (WCAG) 2.0 AA), and by making information available in alternative formats such as easy-to-read, large print or braille.

Persons living in long-term institutions who cannot reach a polling station should be enabled to vote through alternative forms of voting. These voting methods must ensure the secrecy of the vote and that persons with disabilities can make a free choice of candidate or party to support without undue influence from others.

Making complaints procedures effective

Complaints mechanisms, both judicial and non-judicial, should be made more accessible for persons with disabilities. One important step would be to lift restrictions on the right of persons deprived of legal capacity to bring complaints independently of their guardian. However, measures should also be taken to make sure that information about how and where to complain is accessible to all persons with disabilities through the production of information materials in different formats. This information should be distributed through support and advocacy organisations for persons with disabilities, including disabled persons organisations (DPOs).

Finally, as outlined in the 2011 FRA report Access to justice in Europe: an overview of challenges and opportunities and the 2012 FRA report Access to justice in cases of discrimination in the EU: steps to further equality, allowing civil society organisations (CSOs), including DPOs, to bring claims to court could be an important step to enforcing political rights. Strict rules relating to legal standing often prevent CSOs from taking a more direct role in litigation in cases of fundamental rights violations.

Making voting procedures, facilities and election materials more accessible

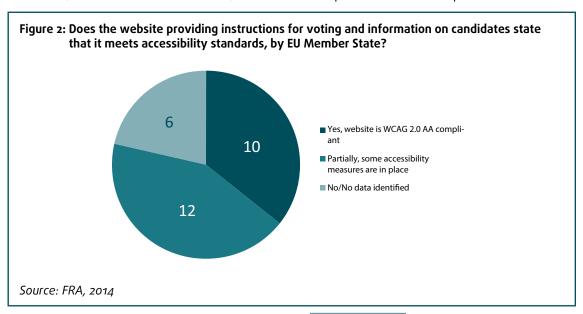
As regards accessibility standards, most EU Member States have them in place for the construction and renovation of public buildings, while around half have them for polling stations. Many EU Member States have also established legal accessibility requirements for information providers over the internet and the broadcast media, although in a large number of cases these requirements only apply to public information providers. In most EU Member States, electoral legislation requires that assistance in voting is available to persons with disabilities, although in some this is only available to persons with physical or sensory impairments.

Most Member States have accessibility standards in place for the construction and renovation of public buildings, while around half have accessibility standards for polling stations. It is very difficult, however, to assess the extent to which these standards are properly implemented, due to a lack of robust and comparable data on the accessibility of buildings in practice. The absence of data means it is not possible to determine the proportion of polling stations, or public buildings, which are accessible to persons with disabilities. Moreover, even where data are available, its reliability is undermined by a lack of consistent criteria for assessing accessibility and a focus on the needs of persons

with physical impairments to the exclusion of other persons with disabilities.

An important part of enhancing accessibility is the provision of reasonable accommodation. While electoral legislation in most EU Member States requires that assistance in voting is available to persons with disabilities, in some this is only available to persons with physical or sensory impairments. Moreover, it is not always possible for the person with a disability themselves to choose who they would like to assist them.

Being involved in electoral processes is contingent on access to information, commonly through radio, television and the internet, as well as printed material. As with the built environment, many EU Member States have established legal accessibility requirements for providers of information over the internet and the broadcast media, although in a large number of cases these requirements only apply to public information providers. In practice, however, the existing data show that election-related media remain largely inaccessible to persons with disabilities. In most Member States, the official website to provide instructions for voting and information on candidates does not state that it meets the World Wide Web Consortium's Web Content Accessibility Guidelines (WCAG) 2.0 AA6 standard for internet accessibility, although most have taken some steps to make the information more accessible. While there has been an increase in the availability of subtitling that makes television programmes providing election information more accessible to many people with hearing impairments, the availability of audio description or national sign language interpretation is less widespread.



⁶ World Wide Web Consortium (W3C) (2008), Web Content Accessibility Guidelines (WCAG) 2.0, W3C Recommendation, 11 December 2008, available at: www.w3.org/TR/2008/REC-WCAG20-20081211.

It is important that political parties, as primary vehicles for policy making at all levels of government, make their campaign material accessible to persons with disabilities. Examples of party manifestos in accessible formats were identified in half of the EU Member States but with a lack of consistency; in a number of Member States only one or two parties provided information in accessible formats, and then often only in a format suitable for certain types of impairment. Significantly, commitments by the pan-European political parties to produce their campaign materials for the European Parliament elections in 2014 largely stemmed from campaigns by disabled persons organisations (DPOs) to increase the accessibility of elections.

Opinions

Although legal accessibility standards are in place in many EU Member States, measuring the accessibility of the environment is hindered by a lack of common EU criteria setting out what constitutes an accessible building. In keeping with their responsibilities under Article 9 (2) (a) of the CRPD, state parties – both the EU and the Member States – should develop, promulgate and monitor the implementation of minimum standards and guidelines for the accessibility of facilities and services open or provided to the public, including public authority buildings. These criteria should encompass the accessibility needs of all persons with disabilities, not just those with physical impairments. The European Commission continues to support and supplement national activities, including through the second phase of the Standardisation Mandate M/420 on accessibility to the built environment.

Where persons with disabilities require support to vote, the law should provide for assistance in voting by a person of their choice. Such assistance should be available to all persons with disabilities, at their request.

EU Member States should encourage media providers to increase the accessibility of their output. Websites should be designed in line with EU accessibility standard EN 301549, while media outputs can be made more accessible through subtitles, sign language interpretation and audio descriptions, preferably following EU standards. To achieve this, Member States could consider strengthening legal and policy measures on media accessibility, for example by setting measurable targets for accessibility and broadening the scope of existing legislation to cover private as well as public providers. The EU can facilitate this process by supporting the implementation of the Audiovisual Media Service Directive which prompts Member States to encourage media service providers to ensure that their services are made more accessible to people with visual or hearing impairments.

In the run up to elections, communication material which provides instructions for voting and information on candidates should offer clear explanations in simple language, and be easily available in different formats. Member States should also ensure that funding is available for the provision of accessible information throughout the electoral process.

Political parties should provide their manifestos and other campaign materials in alternative formats, which reflect the needs of persons with different types of impairments including easy-to-read, videos with subtitles or sign language interpretation, braille and large print. Political parties can also increase the opportunities for persons with disabilities to participate in their activities by taking steps to make their events more accessible, for example by checking the accessibility of meeting places and providing sign language interpretation.

Expanding opportunities for participation in political life

The active involvement of persons with disabilities, including through their representative organisations, in policy development and law making has not yet been formalised as a requirement or put in practice in all EU Member States. Moreover, there is little information about the number of elected officials who identify as having a disability.

The research also examines the opportunities given to persons with disabilities and their representative organisations to participate in political life more broadly, beyond voting and elections.

Closely consulting and actively involving persons with disabilities, through their representative

organisations, in policy development and law making is an obligation under the CRPD; yet, it is not formalised as a requirement or systematic practice in all EU Member States. The analysis shows that DPOs are increasingly being consulted and involved by public authorities as they take steps to implement the CRPD – a Europe-wide promising practice that should be expanded and deepened further. There is great scope to engage organisations of persons with disabilities in reviewing and resolving the challenges outlined in this report.

An important indication of the opportunity for persons with disabilities to participate in public life is the number of persons with disabilities elected to public office. This research shows, however, a lack of clear evidence about the extent to which people with disabilities have been able to take advantage of the opportunity to be elected to the European Parliament, national parliaments or municipal governments.

Opinions

EU Member States and the EU institutions should closely engage persons with disabilities, including through their representative organisations, in decision-making processes concerning issues relating to persons with disabilities. To this end, Member States and EU institutions should strengthen existing mechanisms for involving DPOs, including by setting up advisory or consultation bodies. These should include a significant proportion of DPOs reflecting different groups of persons with disabilities. Representatives of persons with disabilities should be full members of such bodies, on an equal basis with others, and should be provided with the necessary resources in a way that supports them to participate in a meaningful way without compromising their independence.

EU Member States and EU institutions should ensure that opportunities to participate in consultation processes concerning the development of law and policy affecting persons with disabilities are clearly and widely publicised using accessible communications. Member States should ensure that DPOs can provide input in other formats such as braille or easy-to-read. Public hearings and committee meetings discussing proposed legislation should be made accessible through, for example, the removal of physical barriers and the provision of sign language interpreters.

Schemes to ensure that candidates or prospective candidates have the same opportunities to run for elected office as others should be considered by EU Member States. These could include financial and other support to account for the additional resources persons with disabilities may need to campaign effectively, as well as steps to remove physical and other obstacles which impede access to buildings where political activities take place. Once in office, elected officials with disabilities should be provided with the reasonable accommodations required to allow them to carry out their tasks on an equal basis with others.

Reasonable accommodations tailored to the needs of the specific individual may be necessary even in an environment that is accessible. Making these accommodations requires information on the needs of elected officials. Such data collection must, however, comply with legally established safeguards to ensure confidentiality and respect for the privacy of persons with disabilities.

Increasing awareness of the right to political participation of persons with disabilities

The FRA and ANED analysis shows a lack of training and awareness raising efforts for important actors, such as election officials, political parties, public authorities and media providers, on how to fulfil the right of persons with disabilities to political participation. In addition, the capacity of relevant actors to meet the needs of persons with disabilities needs to be built up.

To ensure that rights become a reality there is a need for public officials and other key personnel to be well informed on disability equality in general, as well as core CRPD principles such as accessibility and the duty to provide reasonable accommodation. The data show that training for election officials which covers non-discrimination on the grounds of disability, accessibility and reasonable accommodation is not required by law in all but one EU Member State. DPOs play a major part in raising awareness among public authorities of the rights of persons with disabilities, and can continue to do so through the further development of consultation mechanisms at all levels of government.

The importance of raising awareness is not restricted to public authorities and other actors involved in elections. It is also essential that persons with disabilities themselves, particularly those with more severe impairments who are often most excluded from political life, are aware of the right to vote and participate in political life. Once aware of these rights, persons with disabilities can then more effectively identify themselves practices and procedures which prevent them from fulfilling these rights.

Alongside awareness-raising, building up the capacities of relevant actors to meet the needs of voters with disabilities is an important activity. The data on the accessibility of information and campaign materials suggest a need to increase the capacity of political parties and media organisations to make their outputs more accessible. Similarly, the inaccessibility of polling stations and public authority buildings indicates a need to increase the capacity

of relevant public authorities to check the implementation of building regulations on accessibility, as well as to develop detailed and standardised guidelines for assessing building accessibility in practice.

Opinions

EU Member States should take concrete steps to develop the capacity of public authorities to monitor effectively the implementation of building regulations concerning accessibility ensuring that adequate resources are allocated to bodies responsible for ensuring compliance with accessibility requirements. The European Commission should assist this process by continuing to support the development of EU standardised guidelines for assessing the accessibility of buildings, taking into account the needs of all persons with disabilities.

Member States should ensure that election authorities as well as officials charged with supervising elections at the local level receive comprehensive training on non-discrimination on the grounds of disability, accessibility and reasonable accommodation. The training should also cover the respective national legal provisions regarding the provision of assistance to persons with disabilities during voting, as well as the procedures for requesting assistance or support. To ensure that training addresses the barriers experienced by persons with disabilities, DPOs should be involved in its design and implementation, including through joint initiatives by election authorities and DPOs.

Member States should undertake activities to increase awareness among persons with disabilities about the electoral process. This can be achieved through citizenship education projects to educate persons with disabilities about their political rights, as well as the development of self-advocacy groups. Awareness-raising activities should also cover long-term institutions where persons with disabilities live.

To increase the capacity of political parties and media organisations to make their outputs accessible for persons with disabilities, Member States could develop – in conjunction with DPOs – practical guidelines on how to produce accessible manifestos, communication materials and broadcasts.

Collecting data to measure the political participation of persons with disabilities

The research was based on existing data collected from publicly available sources in the 28 EU Member States. The data collection process and analysis revealed three key issues:

- a lack of systematic data collection;
- an absence of standards and guidelines for measuring accessibility, especially in a way that can yield comparable results across the EU;
- concerns about existing methodologies for capturing the experiences of persons with disabilities.

Overall, the research demonstrates that it is not yet possible to assess accurately the situation of the political participation of persons with disabilities in the EU due to a lack of reliable and comparable data. Little systematic data are collected at the Member State or the EU level about persons with disabilities' experiences of taking part in elections.

Even where data were available, the lack of a common understanding of disability and the absence of harmonised EU standards for assessing accessibility made cross-country comparison difficult. Frequently, existing data focus on the situation for persons with physical impairments and do not include other persons with disabilities who may face less visible barriers to political participation.

Collecting reliable and accurate statistical data regarding the experiences of persons with disabilities is challenging. The *de facto* exclusion of certain persons with disabilities – for example persons living in institutions or persons who do not communicate through verbal speech – from current surveys underlines the need to improve the existing methodological arsenal and provide adequate resources to ensure that targeted, disaggregated and comparable data accurately and reliably capture their experiences. Efforts to this end are already being undertaken globally by the Washington Group on Disability Statistics, in which the FRA

and the European Commission participate, and at EU level by Eurostat among others. FRA will continue to engage with the European Commission, ANED and relevant actors to support the improvement of relevant data collection.

Opinions

In keeping with their obligations under Article 31 of the CRPD, the EU and the Member States should undertake to collect appropriate information, including statistical and research data, to enable them to formulate and implement policies to give effect to the provisions of the convention relating to political participation.

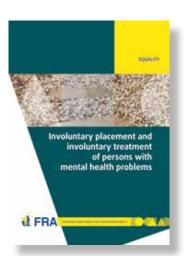
Reflecting the actions outlined in the European Disability Strategy 2010–2020 and the social inclusion objective of the EU 2020 strategy, the European Commission should work to harmonise information on disability collected through EU social surveys (EU Statistics on Income and Living Conditions, Labour Force Survey ad hoc module, European Health Interview Survey), with regular collection of comparable data on barriers to the social inclusion of persons with disabilities, including political participation.

To ensure that data are comparable across the EU, EU institutions and the Member States could work together to develop commonly agreed guidelines for measuring the fundamental rights situation of persons with disabilities. This could start with further developing common guidelines for measuring accessibility.

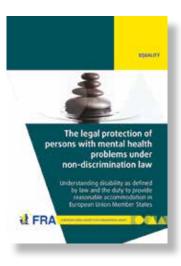
EU institutions with a mandate to collect data should support and supplement Member States' efforts to collect statistics and data that reflect the barriers which prevent persons with disabilities from participating fully in political and public life. This should include the further development and implementation of data collection methodologies that are inclusive of all persons with disabilities, including those with more severe impairments.

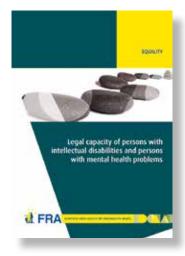
These five FRA reports provide further analysis of issues relating to the rights of persons with disabilities, in particular of persons with mental health problems and of persons with intellectual disabilities.

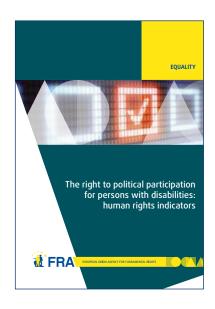












The opportunity to be involved in political life, whether by standing for elected office, joining a political party, or following political news stories in the media, is at the heart of what it means to live in a democratic society. The report analyses data on the situation of political participation of persons with disabilities collected from across the 28 European Union (EU) Member States by the European Union Agency for Fundamental Rights (FRA) and the European Commission-funded Academic Network of European Disability Experts (ANED). The human rights indicators presented in the report show that legal and administrative barriers, inaccessible processes and information, and a lack of awareness about political rights can deny persons with disabilities the opportunity to participate in the political lives of their communities. The research also reveals the absence of reliable and comparable data about persons with disabilities' experiences of taking part in elections in the EU. Addressing these challenges as soon as possible is essential for increasing the legitimacy of public institutions and creating more equitable and inclusive societies in which all members can participate fully.

Further information:

For the full FRA report *The right to political participation of persons with disabilities: human rights indicators*, see: http://fra.europa.eu/en/publication/2014/indicators-political-participation-persons-disabilities

An overview of FRA activities on the rights of persons with disabilities is available at: http://fra.europa.eu/en/theme/people-disabilities

Further translations of this summary will be published in 2014.



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