FRA EUROPEAN UNION AGENCY FOR FUNDAMENTAL RIGHTS

POLITICAL PARTICIPATION OF PEOPLE WITH DISABILITIES

NEW DEVELOPMENTS

REPORT

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Key findings

This report shows that progress has been achieved in the European Union in many areas connected to political participation of people with disabilities since the agency first reported on this issue in 2010. All Member States and the EU have ratified the Convention on the Rights of Persons with Disabilities (CRPD), although a few Member States have made declarations and reservations, including about Article 12.

Several Member States' laws have removed restrictions on the right to vote and the right to stand for elections based on legal capacity. Even where legal limitations still exist, judicial practice is moving towards disapplying blanket legal restrictions and analysing in each individual case whether people under guardianship should be denied the rights to vote and/or to stand for elections. Member States that have removed all restrictions to voting rights provide a strong example of how it is possible to ensure that all people with disabilities can exercise their political rights when supported.

Significant developments were also noted at the EU and Member State levels in terms of accessibility of the voting process, especially regarding accessibility standards provided by law for polling stations, and guidelines on accessibility of polling stations. However, people with visual, hearing or intellectual disabilities still face considerable barriers. Systematic data collection on accessible public buildings is rare and not comparable because different methodologies are used.

The EU showed its commitment to making information and communications technology more accessible to EU citizens by adopting the web accessibility directive and the common European standard on web accessibility. The minimum requirements of the directive were incorporated into all Member States' national laws, although few comply with the harmonised European standard in practice.

In 2018, the EU revised the audiovisual media services directive to make the accessibility requirements for media service providers more stringent. Member States have legally binding accessibility standards for both public and private providers of media. Sign language interpretation, audio description and subtitling of key public programmes providing instructions for voting and information on candidates is increasingly provided. However, more efforts are needed to make private media service providers' programming more accessible for people with disabilities by means of sign language interpretation, audio description or easy-read content.

The Member States have now increasingly adopted disability strategies. They envisage specific actions to ensure the accessibility of elections, as well as the participation of people with disabilities. However, systematic and meaningful consultation with disabled people's organisations is still lacking. So is regular training of election authorities and officials on disability discrimination, accessibility and reasonable accommodation.

In terms of opportunities for participation in political life, administrative barriers to obtaining

information, registering to vote and obtaining support during elections persist in some Member States.

Introduction

The European Union (EU) and its functioning are founded on representative democracy. Every Union citizen has the right to participate in the democratic life of the Union (Article 10(3) of the Treaty on European Union (TEU)). This right includes the right to vote and to stand as candidates in elections to the European Parliament and in municipal elections (Article 20(1)(b) of the Treaty on the Functioning of the European Union (TFEU)). This is also laid down as a fundamental right in Articles 39 (right to vote and to stand as a candidate at elections to the European Parliament) and 40 (right to vote and to stand as a candidate at municipal elections) of the Charter of Fundamental Rights of the European Union (Charter).

European and local elections represent key moments for EU citizens to choose their political representatives, stand for election and express their opinions on decisions at the EU and local levels that affect us all. And yet the strategy for the rights of persons with disabilities 2021–2030 notes that persons with disabilities still face considerable barriers to participation in political life. It also notes that 800 000 EU citizens were deprived of the right to participate in the 2019 elections to the European Parliament because of their disabilities.

Accessibility barriers in the Member States affect millions of people in the EU. In 2022, 27 % of the EU's population aged 16 years and over reported some or severe long-standing limitations on their usual activities due to health problems. 19.8 % reported some limitation and 7.2 % reported a severe limitation, according to Eurostat. 39.6 % of the EU population experience physical or sensory limitations, the European Health Interview Survey indicates. The accessibility of the electoral process is therefore key to ensuring that people with disabilities can exercise the right to vote and the right to stand for the European and local elections on an equal basis with others.

Persons with disabilities must be guaranteed political rights and the opportunity to enjoy them on an equal basis with others, under Article 29 of the United Nations Convention on the Rights of Persons with Disabilities (CRPD). The EU and its Member States are parties to this convention, and the European Union Agency for Fundamental Rights (FRA) is a member of the EU framework to promote, protect and monitor its implementation by the Union. The CRPD aims to promote, protect and ensure the full and equal enjoyment of all human rights and fundamental freedoms by all persons with disabilities, and to promote respect for their inherent dignity. The CRPD represents a revolutionary shift from the charity and medical model of disability to the human rights model of disability (Legal corner 1).

Legal corner – Models of disability

- **Charity model:** individuals are the problem; they should be pitied and helped.
- **Medical model:** individuals have a health condition that must be fixed to enable them to participate in society.
- **Social model:** we need to eliminate barriers to enable participation of persons with disabilities in society.
- **Human rights model:** persons with disabilities have equal and inalienable rights like everyone else.

Source: Office of the United Nations High Commissioner for Human Rights, What Is Disability?

The CRPD recognises in its preamble that 'disability is an evolving concept' and 'results from the interaction between persons with impairments and attitudinal and environmental barriers that hinders their full and effective participation in society on an equal basis with others'. It requires States Parties to 'combat stereotypes, prejudices and harmful practices relating to persons with disabilities' (Article 8).

Over the years, ahead of elections to the European Parliament, FRA has consistently provided up-to-date information about the rights of persons with disabilities to vote and to stand for election. In 2010, the FRA report The right to political participation of persons with mental health problems and persons with intellectual disabilities recalled the international and European standards favouring the full participation of persons with intellectual disabilities and persons with mental health problems in the electoral process. The comparative law analysis highlighted the diverse approaches that the EU Member States adopted. In most, people who had lost their legal capacity were automatically deprived of their right to political participation.

In 2014, the FRA report The right to political participation for persons with disabilities: Human rights indicators showed that legal and administrative barriers, inaccessible processes and information, and a lack of awareness of political rights could deny persons with disabilities the opportunity to participate in the political lives of their communities. The research also revealed the absence of reliable and comparable data about the experiences of persons with disabilities when taking part in elections in the EU.

In 2019, the FRA paper 'Who will (not) get to vote in the 2019 European Parliament elections?' focused on developments in the situation of the right to vote for people deprived of legal capacity in the EU. Whereas two thirds of EU Member States restricted in some ways the right to vote of people deprived of their legal capacity, the paper also found slow but steady progress in realising the right to vote for all.

Structure and scope of this report

The present report presents developments in the EU Member States and at the EU level on political participation of people with disabilities in European and municipal elections. It is structured around four main themes that the research highlights: legal capacity, accessibility, rights awareness and opportunities for people with disabilities to participate politically. Legal capacity is in the first chapter, given its supreme importance for exercising the right to vote and the right to stand for elections. Without legal capacity, people cannot exercise the right to political participation.

This report uses new data from the human rights indicators on political participation of persons with disabilities, which FRA, the European Commission and the Academic Network of European Disability Experts developed in 2014. These indicators are central to measuring the Member States' commitments to making full participation of people with disabilities in the European and local elections a reality, their efforts to do so and the results. The data collected based on these indicators formed the basis for FRA's 2014 report The right to political participation for persons with disabilities: Human rights indicators and the 2019 paper 'Who will (not) get to vote in the 2019 European Parliament elections?'

The present analysis draws from the updated data on selected human rights indicators collected by FRA's research network, Franet. The report covers 2014–2024, focusing on the developments in the EU Member States up to February 2024.

In addition, FRA sent questionnaires to the national human rights institutions, ombuds institutions and equality bodies working on disability issues. It also consulted civil society through the Fundamental Rights Platform. The European Commission and the FRA national liaison officers were consulted during the drafting of this report. So were political parties participating in the 2024 European elections.

The report contains promising practices and puts forward recommendations for changes to make at the national and EU levels to secure people with disabilities the right to vote and the right to stand for election.

The report addresses its findings to policymakers at the national and EU levels, Member States' election authorities and staff, and Member States' bodies overseeing the legality and integrity of electoral processes. National human rights institutions, equality bodies, ombudspersons and organisations of people with disabilities working in the field can also use the report.

The report is accompanied by separate country overviews, which were used to update the human rights indicators. Both the country reports and the human rights indicators are available on the Data Explorer.

Legal and policy frameworks

Alongside core international human rights treaties, the CRPD is a specific human rights instrument aimed at promoting, protecting and ensuring the full and equal enjoyment of all human rights by all persons with disabilities. The CRPD is the first UN human rights treaty to which the EU has itself acceded (Council Decision 2010/48/EC concerning the conclusion, by the European Community, of the United Nations Convention on the Rights of Persons with Disabilities, OJ L 23/35).

FRA is a member of the EU framework set up to promote, protect and monitor the Union's implementation of the Convention. The framework comprises FRA, the European Ombudsman, the European Parliament and the European Disability Forum (EDF). The Committee on the Rights of Persons with Disabilities (CRPD Committee) reviews the EU's implementation of the CRPD. The EU framework also contributes to that review.

All 27 EU Member States have signed and ratified the CRPD. Both the EU and the Member States are under an obligation to bring their legislation and practice in line with the Convention.

The CRPD includes a broad conceptualisation of disability as deriving from the interaction between the individual's impairments and external barriers. The general principles underpinning the Convention include respect for inherent dignity, individual autonomy, including the freedom to make one's own choices, and independence of persons; non-discrimination; full and effective participation and inclusion in society; equality of opportunity; accessibility; and equality between men and women (Article 3 CRPD). Persons with disabilities have the right to equal recognition before the law under Article 12 of the CRPD.

The CRPD Committee, a body established to supervise the application of the Convention, considers that no derogation can be applied to Article 12. People may never be deprived of their legal capacity based on their 'disability or the existence of an impairment (including a physical or sensory impairment)' (General comment No 1 – Article 12: Equal recognition before the law (2014), paragraphs 3–9, quoting paragraph 9).

However, the European Court of Human Rights (ECtHR) in its case-law has maintained an approach that allows restrictions on the right of persons under guardianship to vote under Article 3 of Protocol No 1 to the European Convention on Human Rights and Fundamental Freedoms (ECHR). The restriction must be based on an individual court decision (ECtHR, Strøbye and Rosenlind v Denmark, Nos 25802/18 and 27338/18, 2 February 2021; Caamaño Valle v Spain, No 43564/17, 11 May 2021; Anatoliy Marinov v Bulgaria, No 26081/17, 15 February 2022).

Article 29 of the CRPD explicitly requires States Parties 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 … to be elected' and sets out several measures to enable this. The CRPD Committee noted that no limitation should be put on this right based on legal capacity considerations (General comment No 1 – Article 12: Equal recognition before the law (2014), paragraph 48; Zsolt Bujdosó and five others v Hungary, Communication No 4/2011, 16 October 2013).

The Member States are divided between two conflicting interpretations of international human rights instruments in the field. The CRPD Committee's interpretation of the CRPD promotes the full participation of persons with disabilities without legal capacity limitations. Conversely, as noted, the ECtHR's interpretation of the ECHR still allows restrictions on the voting rights of persons under guardianship.

To ensure the effective exercise of the right to vote, voting procedures, facilities and materials, including those of political meetings and political parties or individual candidates, must be accessible (General comment No 2 – Article 9: Accessibility (2014), paragraph 43). Denial of access in the context of an election might constitute discrimination prohibited under the CRPD, especially Articles 5 (equality and non-discrimination), 9 (accessibility) and 29 (participation in political and public life). All forms of disability-based discrimination should be recognised in national law and addressed by effective mechanisms of legal redress and reparation under the CRPD.

At the EU level, Article 20 of the TFEU lays down the right to vote and to stand as candidates in elections to the European Parliament and in municipal elections in the Member State of residence. The EU Charter of Fundamental Rights, which is binding upon the EU institutions, and on the EU Member States when they are implementing EU law (Article 51 of the Charter), prohibits discrimination based on disability (Article 21 of the Charter) and promotes the integration of persons with disabilities (Article 26 of the Charter). The Charter protects the right to vote and stand as candidates in elections to the European Parliament (Article 39 of the Charter) and municipal elections (Article 40 of the Charter). It also guarantees the right to good administration (Article 41 of the Charter) and the right to an effective remedy and to a fair trial (Article 47 of the Charter).

The EU showed commitment to ensuring the equal participation of people with disabilities in the European and local elections, but also noted several barriers to participation. The European Commission assessed the 2019 European Parliament elections in a report on the 2019 elections to the European Parliament. In that report, it concluded that there was still progress to be made on the democratic participation of citizens with disabilities and announced that for the 2024 elections it would put a specific focus on that issue (pp. 29 and 10, respectively).

The European Economic and Social Committee noted in the report 'The real right of persons with disabilities to vote in European Parliament elections' (2019) that laws and organisational arrangements (technical barriers) in each Member State excluded some voters with disabilities from participating in the European Parliament elections. It noted restrictions at polling stations, no possibility of voting independently for blind voters, lack of accessible information, obstacles to mobility and cumbersome administrative proceedings.

In the strategy for the rights of persons with disabilities 2021–2030 (European disability strategy), the European Commission envisages several actions to guarantee the political rights of persons with disabilities on an equal basis with others.

In November 2023, 22 Member States, the EDF and the EU Economic and Social Committee

endorsed the 'Declaration of the Spanish Presidency of the European Council on expanding voting rights of persons with disabilities'. The declaration aims to ensure that people with disabilities can enjoy the right to vote and access to political participation. Its signatories undertook, among other things, to increase support to disabled people's organisations (DPOs) to enable meaningful participation and greater influence on decision-making. They will also encourage the removal of barriers, particularly to digital services, by promoting and adopting common accessibility requirements that favour the effective participation of persons with disabilities in political and public life. They also commit to ensure, through reasonable accommodation, the accessibility of the whole electoral process, to facilitate the possibility of voting independently and in secret.

1. Legal capacity

Article 12 of the CRPD requires States Parties to recognise that all persons have the right to equal recognition before the law. They should take measures to ensure that persons with disabilities receive support in exercising their rights and provide safeguards against abuse. Considering Article 12 a non-derogable right, the CRPD Committee noted that people may never be deprived of their legal capacity based on their disability.

> *Legal capacity is the ability to hold rights and duties (legal standing) and to exercise those rights and duties (legal agency). It is the key to accessing meaningful participation in society. Mental capacity refers to the decision-making skills of a person, which naturally vary from one person to another and may be different for a given person depending on many factors, including environmental and social factors.*
>
> **CRPD Committee,** General comment No 1 **(2014)**

During the reporting period, the CRPD Committee has consistently deplored the discriminatory nature of national provisions that deny or restrict the right to vote of persons deprived of legal capacity, in:

- Cyprus (Concluding observations on the initial report of Cyprus (2017), paragraph 57);
- Czechia (Concluding observations on the initial report of the Czech Republic (2015), paragraph 57);
- Estonia (Concluding observations on the initial report of Estonia (2021), paragraph 56);
- Greece (Concluding observations on the initial report of Greece (2019), paragraph 42);
- Hungary (Concluding observations on the combined second and third periodic reports of Hungary (2022);
- Italy (Concluding observations on the initial report of Italy (2016), paragraph 73);
- Lithuania (Concluding observations on the initial report of Lithuania (2016), paragraph 57);
- Luxembourg (Concluding observations on the initial report of Luxembourg (2017), paragraph 50), paragraph 56);
- Poland (Concluding observations on the initial report of Poland (2018), paragraph 51);
- Portugal (Concluding observations on the initial report of Portugal (2016), paragraph 55);
- Slovenia (Concluding observations on the initial report of Slovenia (2018), paragraph 49).

Research FRA conducted in 2019 found slow but steady progress in realising the right to vote for all, although two thirds of EU Member States in one way or another restricted the right to vote of people deprived of legal capacity.

The ECtHR has required a specific court decision for depriving any person of the right to vote under Article 3 of Protocol No 1 to the ECHR (Strøbye and Rosenlind v Denmark, Nos 25802/18 and 27338/18, 2 February 2021; Caamaño Valle v Spain, No 43564/17, 11 May 2021). Most recently, the ECtHR held in Anatoliy Marinov v Bulgaria (No 26081/17, 15 February 2022) that 'indiscriminate removal of the voting rights of the applicant – without an individualised judicial review and solely on the basis of the fact that his mental disability necessitated that he be placed under partial guardianship – cannot be considered to be proportionate'.

The following sections look at policy, legal and practice developments in the EU and in the Member States. They are increasingly moving towards legally recognising all people's capacity to participate in elections.

1.1. EU policy developments

Across the EU, 'persons with disabilities, especially those deprived of their legal capacity or residing in institutions, cannot exercise their right to vote in elections and … participation in elections is not fully accessible', the CRPD Committee noted with concern in the very first concluding observations on the initial report of the EU in 2015. The Committee recommended that the EU 'take the necessary measures, in cooperation with its member States and representative organizations of persons with disabilities, to enable all persons with all types of disabilities, including those under guardianship, to enjoy their right to vote and stand for election, including by providing accessible communication and facilities' (paragraphs 68–69). Considering the Committee's conclusions, this section summarises what the EU has done to address the Committee's concerns.

In the European disability strategy, the European Commission recognised that persons with disabilities face difficulties in participating in the democratic process, partly due to legal capacity restrictions. It therefore announced in the strategy that it would work with Member States to guarantee political rights of persons with disabilities on equal basis with others. Furthermore, in its democracy action plan, the Commission highlighted that it would strive to ensure inclusiveness and equality in democratic participation. The European Commission encourages Member States to 'prevent and remove the barriers they encounter when participating in elections' and to 'review the possibility for the blanket removal of electoral rights of persons with intellectual and psycho-social disabilities without individual assessment and possibility of judicial review' (Commission Recommendation (EU) 2023/2829 of 12 December 2023 on inclusive and resilient electoral processes in the Union and enhancing the European nature and efficient conduct of the elections to the European Parliament, recital 22).

In 2022, the European Parliament proposed a new EU electoral law hat seeks to repeal the current European Electoral Actand adopt a new regulation governing European elections. The aim is to establish a uniform procedure for European elections, increase the turnout of Union citizens and strengthen the European dimension of the elections. According to the proposal (which has not been so far adopted; see Legal corner 2), every EU citizen from 16 years of age, including people

with disabilities and regardless of their legal capacity, will be granted the right to vote in the elections to the European Parliament.

Legal corner – Procedure for establishing the EU Electoral Law

Article 223 (1) of the Treaty on the Functioning of the European Union provides that the European Parliament will draw up a proposal to lay down the rules necessary for the election of its Members by direct universal right to vote. The Council, in accordance with a special legislative procedure and after getting the permission of the European Parliament, will lay down the necessary rules. These legal rules will enter into force following their approval by the Member States.

In its conclusions on the protection of vulnerable adults across the European Union (2021), the Council of the European Union calls on the Member States to promote greater awareness of the 2000 Hague Convention on the International Protection of Adults and to bring forward procedures to ratify it or to hold consultations on possible accession. Seventeen Member States have ratified this convention. It 'applies to the protection in international situations of adults who, by reason of an impairment or insufficiency of their personal faculties, are not in a position to protect their interests' (Article 1(1)). It provides rules on jurisdiction, applicable law, and international recognition and enforcement of protective measures, and establishes a mechanism for cooperation between the authorities of contracting states in matters relating to the protection of adults. The outline of the Convention also notes that it furthers some important objectives of the CRPD, in particular those of Article 12 on equal recognition before the law, Article 18 on liberty of movement and nationality, and Article 32 on international co-operation.

Considering the Hague Convention an efficient private international law instrument, the European Commission proposed a regulation on jurisdiction, applicable law, recognition and enforcement of measures and cooperation in matters relating to the protection of adults, in 2023. The proposed regulation must be interpreted in accordance with the EU Charter and the CRPD (recital 15). While promoting the right to autonomy and the right to be heard, the proposal introduces exceptions in Article 10 of the Regulation for exceptional circumstances. Furthermore, the proposal allows the placing of a person in an institution (Article 21). DPOs and two UN special rapporteurs criticised these aspects of the proposal as promoting substitute decision-making (Legal corner 3) contrary to the CRPD. The UN special rapporteurs especially noted that the proposal should consistently make it clear that substitute decision-making or institutionalisation as a protective measure would not be consistent with the CRPD.

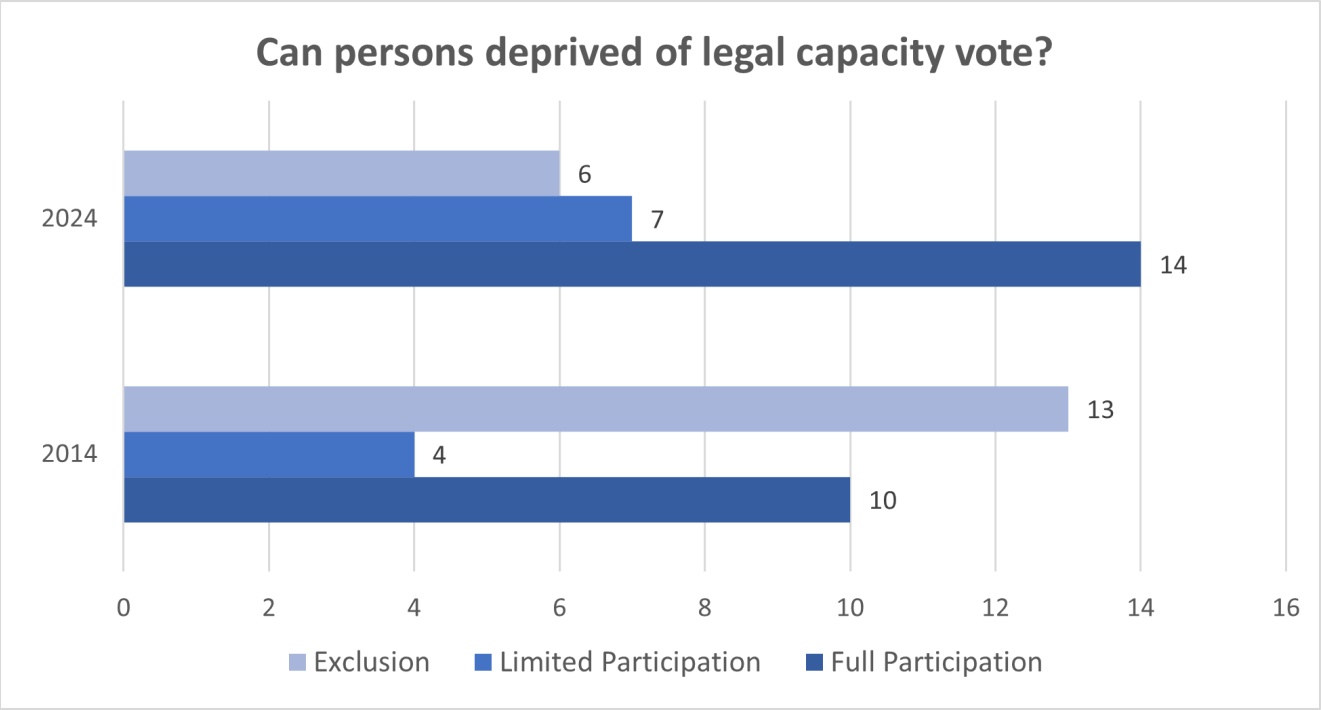
Legal corner – Substitute decision-making

A person's legal capacity is removed and a substitute decision-maker is appointed. The substitute decision-maker takes decisions in the perceived best interests of the person concerned, not considering the person's will and preferences.

Source: CRPD Committee, General comment No 1.

1.2. Restrictions on the right to vote

Figure 1 – Numbers of Member States in 2014 and 2024 giving people deprived of legal capacity the right to vote



Alternative text: A comparative chart showing the number of Member States in 2014 and 2024 allowing people deprived of legal capacity to vote. People with disabilities could participate fully in 10 states in 2014 and in 14 states in 2024. They had limited participation in 4 states in 2014 and in 6 states in 2024. They were excluded in 13 states in 2014 and in 7 states in 2024.

Source: FRA, 2024.

By the end of 2023, laws in Bulgaria, Cyprus, Estonia, Greece, Malta, Poland and Romania provided for automatic exclusion of people under legal guardianship from the voting process. Austria, Croatia, Denmark, Germany, Finland, France, Italy, Latvia, Luxembourg, the Netherlands, Slovakia, Slovenia, Spain and Sweden ensure full participation of people with disabilities in the electoral process. The trend in this regard has been positive over recent years, as FRA's 2019 report noted.

Four Member States recently amended their constitutions or laws to remove automatic or other restrictions on voting rights based on legal capacity. France repealed a national provision according to which the guardianship judge could suspend the voting rights of a protected adult. Consequently, 300 000 adults under guardianship who had been deprived of their right to vote by a court decision recovered this right. As a result, 3 000 of them voted in the last European elections (Ministry of the Interior, Le vote des personnes handicapées; Loi n° 2019–222 du 23 mars 2019 de programmation 2018–2022 et de réforme pour la justice; Franet).

In Luxembourg, a revision of the Constitution in early 2023 repealed the automatic exclusion of adults under guardianship from the right to vote and to stand for election. Along with this development, the 2003 Electoral Act was amended to give adults placed under guardianship the right to vote in local, national and European elections for (Loi du 17 janvier 2023 portant révision des chapitres IV et Vbis de la Constitution; Loi du 4 février 2005 relative au référendum au niveau national, Articles 2(3) and 12; Communication relative au paquet de mesures en vue de rendre les

élections plus accessibles aux personnes handicapées (2023)).

In Ireland, a legislative amendment entered into force in 2023 allowing the implementation of the provisions of the 2015 Act. That includes abolishing the wardship system and introducing a statutory framework of supported decision-making for adults. Under the new law, everyone is presumed to have decision-making capacity. People should be supported to make their own decisions. However, in some circumstances, capacity is assessed based on the person's ability to make a specific decision at a specific time (Houses of the Oireachtas, Assisted Decision-Making (Capacity) (Amendment) Act 2022; Circuit Court, 'Assisted Decision Making (Capacity) Act – General information').

Similarly, Slovenia adopted supported decision-making by amending Article 79 of the Election of Members of the European Parliament Act in 2024. The amended text provides that people with mental and intellectual disabilities may be assisted by a person of their choice when voting at the polling station. The law no longer allows courts to deprive people of voting rights based on mental disability.

Some Member States that provide for restrictions announced in their strategies and action plans that they intend to take actions towards removing the restrictions. For example, Poland announced that it will make the necessary changes to the legislation regarding the acquisition of the right to vote and the right to stand for election (Council of Ministers, Uchwała nr 27 w sprawie przyjęcia dokumentu Strategia na rzecz Osób z Niepełnosprawnościami 2021–2030 (2021)). Belgium (Federal Public Service Social Security, Plan d'action fédéral handicap 2021–2024, pp. 44–45) and Cyprus (Department of Labour, Welfare and Social Insurance, Department of Social Integration of Persons with Disabilities, Πρώτη Εθνική Στρατηγική για την αναπηρία 2018–2028 και Δεύτερο Εθνικό Σχέδιο Δράσης για την αναπηρία 2018–2020 (2022)) will examine how to reduce deprivation of legal capacity to vote for people under guardianship.

In some cases, when the law provides for automatic exclusion from voting and standing for elections for people deprived of their legal capacity, judicial practice played an important positive role. The Romanian Constitutional Court held that the guardianship system was unconstitutional, as it had not been accompanied by sufficient guarantees to ensure respect for human rights and fundamental freedoms. The court found Article 164(1) of the Civil Code, allowing for the placement of a person under legal guardianship, unconstitutional and contrary to Article 12 of the CRPD. The contested provision did not consider varying degrees of 'capacity' and provide for periodic review of the protection measure, the court noted (Romanian Constitutional Court, press release, 16 July 2020).

In Poland, the Nowy Sącz District Court found that the blanket deprivation of the right to vote in European Parliament elections for people partially deprived of legal capacity violates the ECHR, the CRPD and EU law. Any exclusion from participation in elections should be preceded by an individual assessment of a person's situation. The court held that the applicant's health condition would have allowed him to cast his vote (case No I Ns 376/19, 19 April 2019).

Estonia's Civil Code provides for an automatic restriction of voting rights. However, the Supreme

Court considered that people deprived of their legal capacity were not to be considered incapacitated with respect to their right to vote (Decision No 3-2-1-32-17,19 April 2017; Chancellor of Justice, reply to FRA's questionnaire, 10 November 2023).

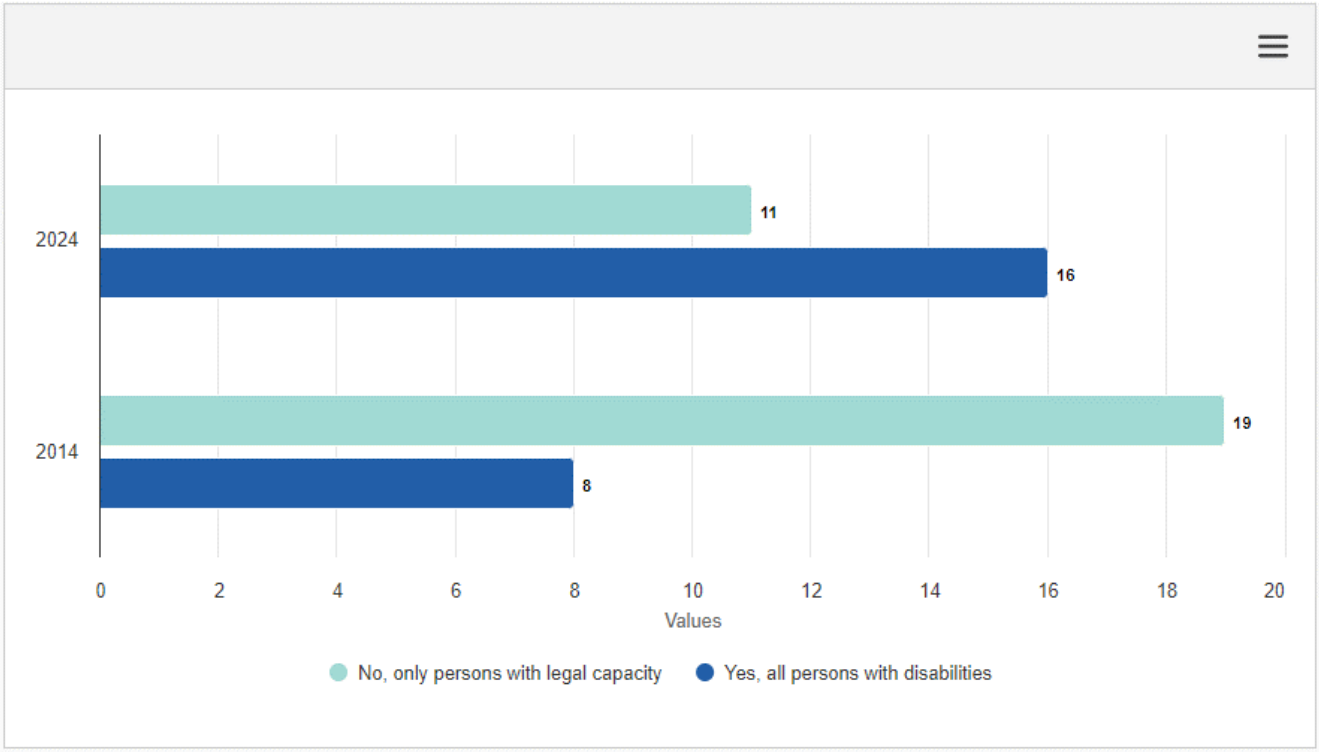
However, not all judicial decisions necessarily recognise legal capacity in relation to political participation. In Slovenia, the Supreme Court held that the right to vote of people who are found to be genuinely unable to understand the meaning, purpose and effects of elections can be restricted in the public interest. Article 29 of the CRPD does not contain rights but rather lists various sets of benefits that countries must provide to persons with disabilities, the court noted (Judgment No X Ips 29/2021, 23 February 2022).

3. Complaints mechanisms

Under Article 13 of the CRPD, States Parties must ensure effective access to justice for persons with disabilities on an equal basis with others, including through the provision of reasonable accommodations. This section explores whether all people (especially those deprived of their legal capacity) are legally able to access complaints mechanisms when they have not been able to exercise the right to political participation.

In 16 Member States, all persons with disabilities have access to a complaints mechanism if they have not been able to exercise their right to vote. Bulgaria, Cyprus, Czechia, Greece, France, Ireland, Lithuania, Luxembourg, Poland and Romania give only people with legal capacity access to complaints. People under guardianship may sometimes complain before ombuds institutions, for instance in Croatia (Ombudsperson for Persons with Disabilities, Izvješće o radu Pravobraniteljice za osobe s invaliditetom 2021), Cyprus (Ombudsman of Cyprus) and Greece (Article 4 of Law 3094/2003 on the Greek Ombudsman's operation). The ability to complain may also depend on the scope of the person's legal capacity as decided by the national court, for example in Czechia (information provided by Franet).

Figure 2 – Numbers of Member States in 2014 and 2024 where people with disabilities are legally able to access complaints mechanisms



Alternative text: A comparative chart showing the numbers of Member States in 2014 and 2024 where people with disabilities have legal access to complaints mechanisms. The question asked was 'Are all persons with disabilities legally able to access complaints mechanisms if they have not been able to exercise the right to political participation?' The answer was 'yes' in 8 states in 2014 and in 16 states in 2024. The answer was 'no, only people with legal capacity' in 19 states in 2014 and in 11 states in 2024.

Source: FRA, 2024.

Few specific actions of Member States aim to ensure that people deprived of legal capacity can exercise their right to vote. Only two examples were found: one in Belgium (Federal Public Service Social Security, Plan d'action fédéral handicap 2021–2024, p. 45) and one in Czechia (Government Board for Persons with Disabilities, National plan for the promotion of equal opportunities for persons with disabilities 2021–2025 (2020), pp. 74). The two countries indicated generally that they will adopt measures to ensure that people deprived of legal capacity can exercise the right to vote.

2. Accessibility

> *Accessibility is a precondition for persons with disabilities to live independently and participate fully and equally in society. … Barriers to access to existing objects, facilities, goods and services aimed at or open to the public shall be removed gradually in a systematic and, more importantly, continuously monitored manner, with the aim of achieving full accessibility.*
>
> **CRPD Committee**, General comment No 2 (**2014**)

Accessibility is one of the underpinning principles of the CRPD. Article 9 of the CRPD lays down the States Parties' obligations related to accessibility: 'To enable persons with disabilities to live independently and participate fully in all aspects of life, States Parties shall 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 communication'.

In the view of the CRPD Committee, information and communications technology (ICT) relates to any information and communication device or application and its content, 'such as radio, television, satellite, mobile phones, fixed lines, computers, network hardware and software'. Furthermore, 'to introduce policies that allow better accessibility for persons with disabilities, it is necessary to change attitudes towards persons with disabilities in order to fight against stigma and discrimination, through ongoing education efforts, awareness-raising, cultural campaigns and communication' (General comment No 2 – Article 9: Accessibility (2014), paragraphs 5 and 3, respectively).

The effective exercise of the right to participate in political life in Article 29 of the CRPD is ensured by providing voting procedures, facilities and materials that are appropriate, accessible, and easy to read and use, according to the CRPD Committee. Political meetings and materials used and produced by political parties or individual candidates participating in public elections must likewise be accessible. Accessibility requirements also apply to elected persons with disabilities, who must have equal opportunities to carry out their mandates (General comment No 2 – Article 9: Accessibility (2014), paragraph 43).

During the reporting period, the CRPD Committee has noted that voting procedures, facilities and material, and information about elections, are not accessible in

- Bulgaria (Concluding observations on the initial report of Bulgaria (2018), paragraph 62);
- Croatia (Concluding observations on the initial report of Croatia (2015), Czechia (Concluding observations on the initial report of the Czech Republic (2015), paragraph 57);
- Denmark (Concluding observations on the initial report of Denmark (2014), paragraph 60);
- Estonia (Concluding observations on the initial report of France (2021), paragraph 58);

- Germany (Concluding observations on the combined second and third periodic reports of Germany (2023), paragraph 65);
- Greece (Concluding observations on the initial report of Greece (2019), paragraph 42), paragraph 54);
- France (Concluding observations on the initial report of Estonia (2021), paragraph 56);
- Hungary (Concluding observations on the initial report of Hungary (2022), paragraph 56), paragraphs 45–46);
- Latvia (Concluding observations on the initial report of Latvia (2017), paragraph 50);
- Lithuania (Concluding observations on the initial report of Lithuania (2016), paragraph 57);
- Luxembourg (Concluding observations on the initial report of Luxembourg (2017), paragraph 50);
- Poland (Concluding observations on the initial report of Poland (2018), paragraph 51);
- Portugal (Concluding observations on the initial report of Portugal (2016), paragraph 55);
- Slovakia (Concluding observations on the initial report of Slovakia (2016), paragraph 77);
- Spain (Concluding observations on the combined second and third periodic reports of Spain (2019).

It has recommended that, among other actions, the states produce information about elections, in accessible formats, including in easy-read format, and allocate financial and technical resources to improve the physical accessibility of polling stations.

Promising practice – What are accessible formats?

Easy-read presents information to people with intellectual disabilities in an understandable way – Inclusion Europe.

Audio description is a narrative description of visual content to people with a visual disability – European Blind Union.

Subtitling, text transcripts and captioning convert audio information into text for deaf people or people with hearing impairments – European Federation of Hard of Hearing People.

Sign languages are the languages that are central to the Deaf community and those who consider themselves culturally Deaf – European Union of the Deaf.

The Fundamental Rights Survey result shows that people with severe activity limitations have a less favourable view than people without severe limitations on matters concerning the accessibility of information that public administrations and local authorities provide (20 %) and ways to make formal complaints (28 %). Furthermore, the perception that ‘mainstream parties and politicians do not care about me’ is more pronounced among people with severe limitations

(69 %).

The following sections look at EU policy developments on accessibility. They analyse the data from the human rights indicators that relate to the accessibility of polling stations, websites and mobile applications, audiovisual media, public buildings and political parties.

2.1. EU policy developments

In its concluding observations on the initial report of the European Union (2015), the CRPD Committee recommended that the EU take the necessary measures, in cooperation with its Member States and representative organisations of persons with disabilities, to enable all persons with all types of disabilities to enjoy their right to vote and stand for election, including by providing accessible communication and facilities (paragraphs 68–69). In the light of these observations, the present section looks at the EU's action on improving the accessibility of electoral processes in the EU.

Prior to the submission of the second and third periodic reports of the EU, the committee issued a list of issues, requesting information on the measures taken to implement the CRPD. In its reply to the list of issues, the European Commission referred to the European disability strategy, which aims to foster the participation of persons with disabilities in the democratic process. The Commission noted that it has been facilitating the exchange of good practices in the European cooperation network on elections, which brings together representatives of Member States' authorities with responsibility for electoral matters. In 2023, the Commission prepared a 'Guide of good electoral practices in Member States addressing the participation of citizens with disabilities in the electoral process' and a 'Compendium of e-voting and other ICT practices'.

The EU made progress in ensuring digital accessibility across borders by adopting the web accessibility directive in 2016. It obliges websites and mobile applications of public sector bodies to meet a minimum standard of accessibility, with some exceptions that include broadcasters and live streaming. ICT products and services have to follow harmonised European standard EN 301 549 v3.2.1 (2021-03)to conform with the directive (Article 6) (European Commission, Implementing Decision (EU) 2021/1339 of 11 August 2021 amending Implementing Decision (EU) 2018/2048 as regards the harmonised standard for websites and mobile applications; 'Web accessibility'; 'Web accessibility directive – Standards and harmonisation'). The directive applies to public websites and applications that display information about the elections, the voting procedure and complaints mechanisms related to the elections.

In 2022, the European Commission reviewed the Member States' application of the directive. It found that its initial implementation marked progress in accessibility, although many people with disabilities still find public sector websites and mobile applications difficult to use.Most public sector bodies noted that the directive had introduced additional economic costs. However, accessibility-related costs do not constitute a major barrier to implementing the directive, the Commission noted. However, the directive's enforcement procedure is still an issue, as feedback and enforcement procedures are under-reported and underused (pp. 24, 43, 47, and 79).

The proposal for a new EU electoral law requires that the elections of the members of the European Parliament be accessible (Article 7). According to the text proposed, Member States must ensure that all citizens, including persons with disabilities, have equal access to relevant materials, to voting facilities and to polling stations. Furthermore, Member States will have to make appropriate arrangements for independent and secret voting and ensure that persons with disabilities receive, at their request, assistance in voting by a person of their choice. If the proposed text is adopted, it will contribute significantly towards ensuring the access of persons with disabilities to the EU electoral process. However, the European Parliament notes that some Member States expressed reservations in the Council of the EU about the 'lead candidate process, the EU-wide constituency, the voting age of 16 years, [and] the obligation to provide postal voting'.

2.2. Polling stations

During an election, voting usually takes place at a polling station. Member States must ensure under Article 29 of the CRPD that electoral facilities are accessible for all persons with disabilities (see Legal corner 4).

Legal corner – Accessibility of polling stations

The ECtHR dismissed a complaint against Slovenia in 2021. The applicants alleged a violation of Article 1 of Protocol No 12 to the ECHR (general prohibition of discrimination) due to the inaccessibility of polling stations. The court held that 'States enjoy a margin of appreciation in assessing the needs of people with disabilities in respect of elections and the means of providing them with adequate access to polling stations within the context of the allocation of limited State resources'. It noted that the applicants were able to vote at polling stations near their residences, in accordance with their wishes, and assistance could be provided to them on the spot by means of a reasonable accommodation to their needs.

Source: ECtHR, Toplak and Mrak v Slovenia, Nos 34591/19 and 42545/19, 26 October 2021, paragraphs 88–92 and 119–121

In 2014, 12 Member States had legal accessibility standards for polling stations. In 2024, the number was 14 (Austria, Belgium, Estonia, Greece, France, Italy, Lithuania, Luxembourg, the Netherlands, Romania, Slovenia, Spain and Sweden). In these Member States, the detail and content of the relevant legislation vary.

In Romania, the standards apply to equipment and locations (Hotărâre nr. 44 din 10 noiembrie 2016). In Belgium, the focus is on the accessibility of polling booths (information received by Franet by email from the office of Annelies Verlinden, Minister of the Interior, Institutional Reform and Democratic Renewal, 31 October 2023). In Lithuania, municipal administrations have a legal duty to assess the polling stations in terms of their accessibility for disabled and elderly voters

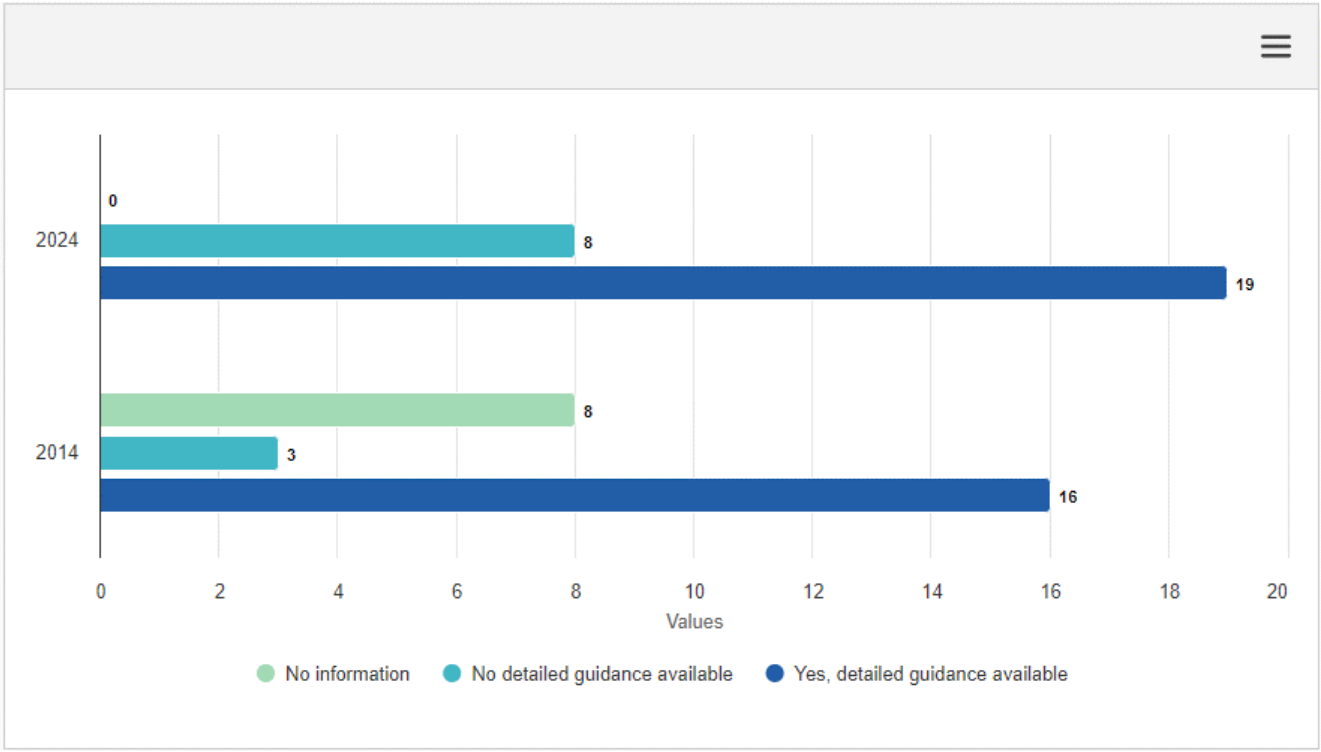
within 20 days of election announcements. Governments may ask non-governmental organisations (NGOs) to assess the suitability of polling stations (Seimas, Lietuvos Respublikos rinkimų kodekso patvirtinimo, įsigaliojimo ir įgyvendinimo konstitucinis įstatymas, Article 131).

Accessibility standards are applicable to only some polling stations in Bulgaria, Denmark, Hungary and Poland. These Member States define the minimum number of polling stations that must be accessible in a certain area or district. For example, Denmark (Ministry of the Interior and Health, 'Hvordan stemmer jeg?') and Hungary (Act XXXVI of 2013 on election procedure (2013. évi XXXVI. törvény a választási eljárásról), Section 166(1)) do so.

No national legal standards are in place in the remaining nine Member States. It is unclear how they fulfil their obligations under Article 9(2)a of the CRPD.

Guidelines on how to make polling stations accessible are now available in all Member States. In 2014, eight Member States had no guidelines in place. Detailed guidelines are now available in more Member States (19) than in 2014 (16). Cyprus, Italy, Latvia, Malta, Poland, Slovakia and Slovenia do not have detailed guidelines. In 2014, three of the Member States had guidelines but they were not detailed.

Figure 3 – Numbers of Member States in 2014 and 2024 with guidelines on how to make polling stations accessible



Alternative text: A comparative chart showing the numbers of Member States in 2014 and 2024 that provide or provided guidelines on how to make polling stations accessible. Detailed guidance was available in 16 states in 2014 and in 19 states in 2024. Guidance, but not detailed, was available in 3 states in 2014 and in 8 states in 2024. No guidance was available in 8 states in 2014.

Source: FRA, 2024.

Different kinds of authorities issue guidelines on accessible polling stations. These may be central election authorities (Bulgaria, Croatia, Hungary, Spain and Sweden) or government entities, such as the Ministry of Justice (Finland) or the Ministry of the Interior (France, Italy and the Netherlands). Special entities responsible for disability issues may also issue them, for example the Federal Office for Accessibility in Germany.

DPOs have sometimes worked with public bodies to produce such guidelines. For example, in Portugal, the result was that the guidelines included a detailed checklist of the minimum accessibility conditions for polling stations (National Elections Commission, Plano de Atividades e Orçamento 2023). In Luxembourg, a DPO contributed to the development of guidelines to help municipalities improve access to voting for everyone (Info-Handicap, Accessibilité des bureaux de vote en vue des élections législatives et communales).

The guidelines in Bulgaria (Central Electoral Commission, Решение № 2545-МИ София) and Denmark (Ministry of the Interior and Health, 'Vejledning om afholdelse af folketingsvalg'; Ministry of the Interior and Health, 'Kan jeg få hjælp til at stemme?') mostly address physical accessibility. In Croatia, the guidelines cover not how to make the polling stations accessible, but rather how to assess situations when voters with disabilities may not be able to access them (information provided by Franet).

Austria, Estonia, Germany, France, Hungary, Ireland, Lithuania, Luxembourg, the Netherlands, Poland, Romania, Slovenia and Sweden have official data (data provided by public authorities) on the percentages of polling stations that are accessible to people with disabilities. In 2014, only five Member States did.

A significant improvement was noted in Estonia. In 2019, only 60 % of polling stations met the needs of people with restricted mobility. By the 2021 local elections, 80 % did, and 95 % of main polling stations were accessible (Chancellor of Justice, Year in Review 2022). An increase in accessible polling stations was also reported in Lithuania, from 68.9 % in 2020 to 88.1 % in 2022 (Department for the Affairs of the Disabled under the Ministry of Social Security and Labour, reply to FRA's questionnaire of 12 November 2023).

Conversely, the percentage of inaccessible polling stations increased in the Netherlands from 63 % in 2022 to 79 % in 2023 (Netherlands Institute for Human Rights, reply to FRA's questionnaire of 9 November 2023; Government of the Netherlands, Steekproef Toegankelijkheid Stemlokalen 2023, p. 15). Many polling stations were recently not independently accessible by voters with disabilities in Portugal (Organisation for Security and Co-operation in Europe (OSCE), 'Portugal – Early parliamentary elections, 10 March 2024 – ODIHR needs assessment mission report, 9–12 January 2024', p. 6) and Spain (OSCE, 'Spain – Early parliamentary elections, 23 July 2023 – ODIHR Election Expert Team final report', pp. 11–12).

Belgium, Finland and Poland provide a transport service or cover costs of transport to the polling station. Only Malta has audio equipment in place for people with hearing impairments (OSCE, 'Republic of Malta – Early parliamentary elections, 26 March 2022 – ODIHR Election Expert Team final report', p. 18). In Portugal, a positive key development was the possibility of voting by using Braille. However, that was excluded for local elections (information provided by Franet).

National human rights institutions (NHRIs), ombudspersons and equality bodies noted problems in the accessibility of polling stations for people with visual and hearing disability. In Bulgaria, people with a visual disability face certain obstacles in accessing voting instructions, particularly concerning machine-assisted voting, and the lack of sound signals from the voting devices sometimes leads to invalid votes (Ombudsman, letter to Franet of 21 November 2023).

In Cyprus, people with a visual disability cannot use the ballot papers, owing to the lack of assistive devices or technologies, such as magnifiers and tactile voting devices (Ombudsman, reply to FRA's questionnaire of 9 November 2023). In the Netherlands, although polling stations are accessible overall, problems were noted in the accessibility of ballot papers for voters with a visual disability. The lack of Braille overlay tools at polling stations was also noted (OSCE, 'The Netherlands – Early parliamentary elections, 22 November 2023 – ODIHR needs assessment mission report, 18–21 September 2023', p. 2)

In Belgium, the general population stereotypes people with disabilities as unable to vote, the voting environment (crowds, long waits, etc.) induces anxiety and ballots are not easy to read (Unia, 'Rapport sur la participation aux élections des personnes en situation de handicap'). Similarly, the Lithuanian equality body reported stereotypes and lack of accessible information on

election campaigns and debates (Department for the Affairs of the Disabled under the Ministry of Social Security and Labour, reply to FRA's questionnaire of 12 November 2023). Lack of easy-read material was noted in Poland (Commissioner for Human Rights, reply to FRA's questionnaire of 8 November 2023) and Cyprus (Ombudsman, reply to FRA's questionnaire of 9 November 2023).

Lack of physical accessibility of polling stations was highlighted in Finland (Parliamentary Ombudsman, 'Deficiencies in arrangements for advance voting and voting at special advance voting facilities found in unannounced inspections', 31 March 2023), Greece (OSCE, 'Greece – Early parliamentary elections, 21 May 2023 – ODIHR election assessment mission final report', p. 1), Lithuania (Ombudsman, reply to FRA's questionnaire of 10 November 2023), the Netherlands (ieder(in), Meldpunt onbeperkt stemmen verkiezingen 2023) and Slovenia (Advocate of the Principle of Equality, reply to FRA's questionnaire of 28 November 2023).

Lack of accessible information and communication was reported in Poland (Commissioner for Human Rights, reply to FRA's questionnaire of 8 November 2023), Slovenia (Advocate of the Principle of Equality, reply to FRA's questionnaire of 28 November 2023) and Sweden (Equality Ombudsman, reply to FRA's questionnaire of 7 November 2023). A positive practice in Poland, however, was the translation of election-related materials into Polish Sign Language (Commissioner for Human Rights, reply to FRA's questionnaire of 8 November 2023).

Limited national case-law could be found on access to polling stations.

In Bulgaria, the Pazardzhik Administrative Court considered a case in which the mayors decided to organise mobile polling boxes in districts where they received the minimum required number of applications from people with disabilities within the statutory time limit, under the Electoral Code. The mayors restricted themselves to verifying the existence of a disability certificate and not the disability itself. A political party participating in the elections complained, arguing that the mayors should have verified if their disabilities prevented people from voting in a regular polling station in practice. The court dismissed the appeal, noting that the law obliged local authorities only to verify the existence of a valid disability certificate without further examining the nature and implications of the disability (case No 308/2023, 29 March 2023; case No 309/2023, 29 March 2023; case No 310/2023, 29 March 2023).

In Lithuania, the Supreme Administrative Court found a violation of the rights of two people with physical disabilities. In the first case, the violation was a lack of parking places for people with disabilities at the polling station. The premises could be accessed only with the help of other people. In the second case, the right to vote in secret had been breached, as the applicant could not get into the polling station and had to vote outside the premises (case No eA-113-492/2020, 18 February 2020).

NHRIs and equality bodies examined a few complaints on access to polling stations, for example in Croatia (Ombudsperson for Persons with Disabilities, Izvješće o radu Pravobraniteljice za osobe s invaliditetom 2020), Malta (information provided to Franet by the Commission for the Rights of Persons with Disability by email on 15 November 2023), Portugal (Ombudsperson Office's written response to Franet of 5 December 2023) and Finland (Parliamentary Ombudsman,

'Äänestyspaikan valaistus ja vaalisalaisuuden turvaaminen', 30 November 2021).

Promising practice – Questionnaire for municipalities on the accessibility of polling stations

The equality body in Czechia issued a questionnaire for municipalities on the accessibility of polling stations for people with disabilities. After filling the questionnaire, the municipal authorities are invited to publish it on their websites to inform voters about, for example, how many parking spaces there are for people with disabilities at the polling station, the accessibility of the building for wheelchair users, and the size of lifts and doors.

Promising practice – Municipality's actions to ensure the accessibility of the elections

The Burgas Municipality in Bulgaria took a series of actions to accommodate the needs of people with a visual disability in the 2023 elections. It launched a dedicated subsite, audio-describing the list of candidates and mentioning each candidate's number on the ballot paper. The municipality also organised special transport on election day for all people with reduced mobility or a visual disability. The municipal website published information about all accessible polling stations and the accessibility aids they offered. On election day, boards with Braille text, QR codes and sound information were placed in front of 35 polling stations in Burgas.

Promising practice – Enhancing the political participation of people with intellectual disabilities

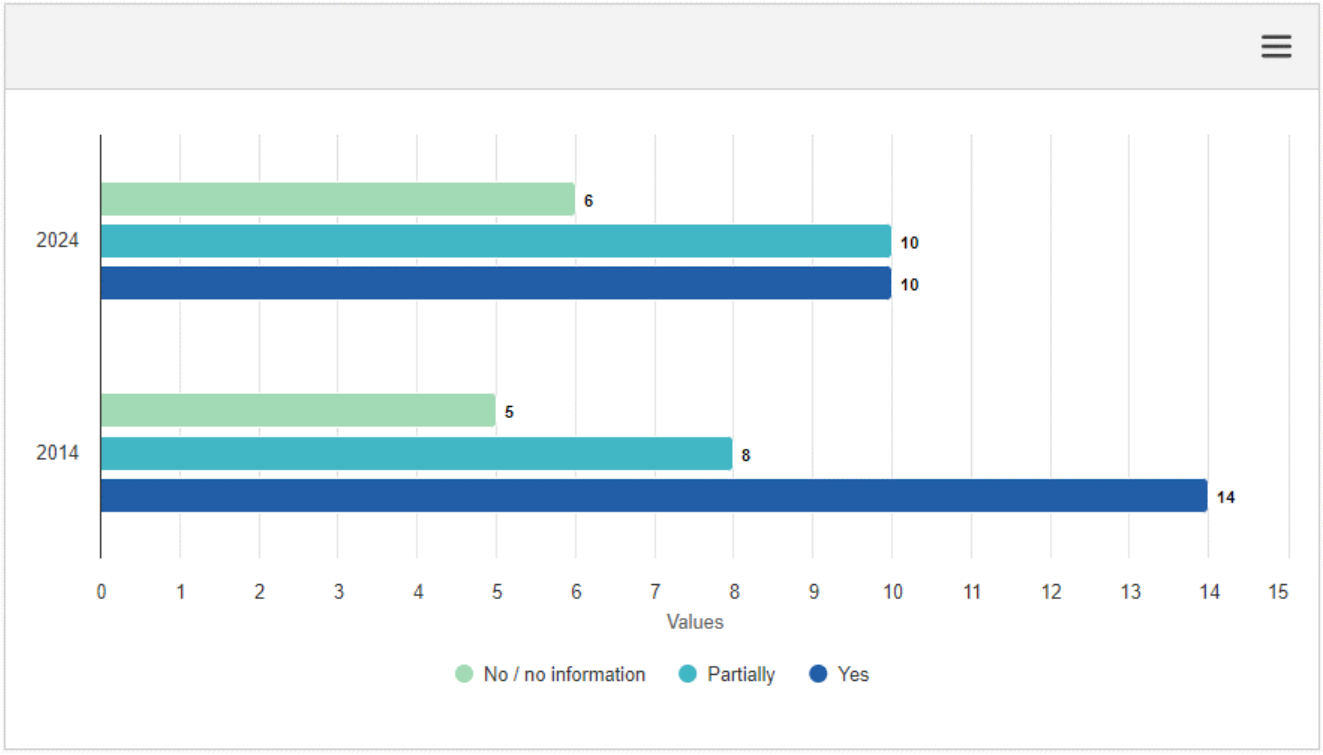
The EU-funded project myPart, covering Austria, Hungary, Portugal and Slovenia, aimed to enhance the political participation of people with intellectual disabilities in 2019–2022. It included accessible education activities and raised the awareness of society, politicians and decision-makers about the rights of people with intellectual disabilities and on how to better involve them in political and public life.

2.3. Public buildings

Public buildings are often used not only as polling stations but also for council meetings, consultations or political speeches. Although no EU legal framework similar to the web accessibility directive is in place for the accessibility of the physical environment, the 2014 public procurement directive is relevant to buildings acquired by public authorities for the purpose of elections. The directive establishes rules for how, by means of a public contract, public authorities acquire works, supplies or services from economic operators chosen by those authorities. It obliges Member States to consider the CRPD in public procurement procedures (recital 3). For all procurement intended for use by natural persons, the technical specifications must include accessibility (recital 76 and Article 42).

Fewer Member States (10) have now mandatory accessibility standards for national and local authority buildings (Austria, Denmark, France, Hungary, Ireland, Lithuania, Luxembourg, the Netherlands, Spain and Sweden) than in 2014 (14). Bulgaria, Croatia, Cyprus, Estonia, Finland, Italy, Malta, Poland, Romania and Slovenia partially ensure accessibility without applying it to all cases. Accessibility standards may apply to new or public buildings only (in Cyprus and Romania) or do not relate to elections specifically (in Croatia, Finland, Italy, Malta and Slovenia). In Belgium, Czechia, Germany, Greece, Luxembourg, Portugal and Slovakia, there are no mandatory accessibility standards for national and local authority buildings.

Figure 4 – Number of Member States in 2014 and 2024 with mandatory accessibility standards for national and local authority buildings in the context of elections



Alternative text: A comparative chart showing the numbers of Member States in 2014 and 2024 that have or had mandatory accessibility standards for national and local authority buildings in the context of elections. The question asked was 'Are there mandatory accessibility standards for national and local buildings in the election context?' The answer was 'yes' in 14 states in 2014 and in 10 states in 2024. The answer was 'partially' in 8 states in 2014 and in 10 states in 2024. The answer was 'no' or 'no information' in 5 states in 2014 and in 7 states in 2024.

Source: FRA, 2024.

Different levels of government fulfil the standards to different degrees. For example, it varies between national and regional election offices in Poland (Ministry of Funds and Regional Policy, 'Raport o dostępności podmiotów publicznych'). Offices and venues of political parties, when located in private buildings, usually do not need to comply with the same standards, as reported in Cyprus and in Romania (Ordin nr. 189/2013). In Cyprus, the Cyprus Paraplegics Organization repeatedly asked for the adoption of regulations providing for strict administrative fines for lack of accessibility to buildings, as a measure to address the lack of compliance with accessibility regulations (U.S. Department of State (2023), '2022 country reports on human rights practices: Cyprus').

Some official data (data from public authorities) are available on the percentages of public buildings that are accessible for people with disabilities in Croatia, Estonia, Germany, Finland, France, Hungary, Latvia, Lithuania, Poland, Portugal, Slovenia and Finland. This is an improvement from 2014, when official data could be identified in only five Member States. However, the data are difficult to compare because different methodologies are used to map the accessibility of public buildings. No such data are available in the remaining 16 Member States.

2.4. Websites and mobile applications

The indicator 'Do websites providing instructions for voting and information on candidates meet accessibility standards?' was assessed considering the new harmonised European standard EN 301 549 v3.2.1 (2021-03) on accessibility requirements for ICT and services, which the European Commission adopted under the web accessibility directive (Legal corner 5). Websites and mobile applications are presumed to conform with the directive's accessibility requirements if they meet the harmonised standards or parts thereof.

Legal corner – New harmonised European standard

The current harmonised standard is EN 301 549 v3.2.1 (2021-03). It draws heavily from the Web Content Accessibility Guidelines (WCAG) 2.1, published by the World Wide Web Consortium. These guidelines are internationally recognised requirements for producing web content. They are considered best practice and are very widely used. The clauses added to the standard are, for example, synchronisation between audio and video, visual indicator of audio with video, speaker identification with video (sign language) communication and spoken subtitles.

EN 301 549 v3.2.1 includes requirements that are not part of WCAG 2.1, and requirements that are not relevant to the web accessibility directive, for example accessibility requirements of computer hardware systems. The requirements of the standard that are relevant to the directive are defined in Annex A of the standard.

Sources: European Commission, 'Web accessibility'; European Commission, 'Latest changes to accessibility standard'.

In the pre-election context, the 2014 public procurement directive is also relevant. The directive establishes rules for public procurement – public authorities' acquisition, by means of a public contract, of works, supplies or services from economic operators chosen by those authorities. Member States must consider accessibility when procuring works, supplies or services related to public websites and applications (Article 42).

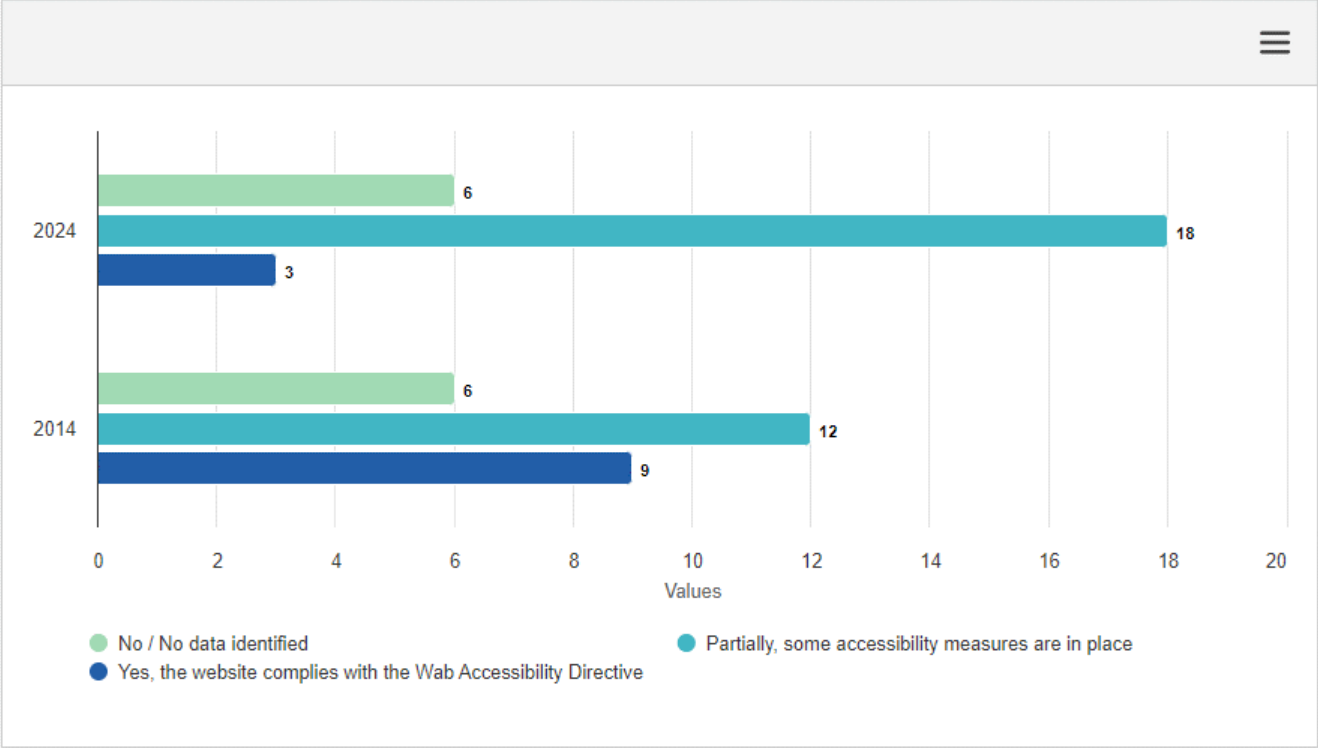
In 16 Member States, the law (legal accessibility standards) obliges public providers of internet and web-based services to make public information accessible. Austria, Bulgaria, Finland, France, Germany, Hungary, Ireland, Latvia, Slovakia, Spain and Sweden apply those standards to private providers as well. All Member States have incorporated the minimum requirements of the web accessibility directive into national law, according to the European Commission's 2022 'Study supporting the review of the application of the web accessibility directive' (p. 24).

In three Member States (Austria, Finland and France), public websites that provide instructions for voting and information on candidates meet the new accessibility standard.

Eighteen Member States have accessibility measures in place, although they are not fully

compliant with the directive. In Italy, Lithuania, Malta, Portugal, Romania and Spain, the relevant websites do not meet accessibility standards or no data could be identified.

Figure 5 – Numbers of Member States in 2014 and 2024 whose website providing instructions for voting and information on candidates met/meets accessibility standards



Alternative text: A comparative chart showing the number of Member States in 2014 and 2024 whose website providing instructions for voting and information on candidates meets accessibility standards. The website complied with the web accessibility directive in 9 states in 2014 and in 3 states in 2024. The website partially met the standards by implementing some accessibility measures in 12 states in 2014 and in 18 states in 2024. The website did not meet the standards or no data were identified in 6 states both in 2014 and in 2024.

Source: FRA, 2024.

Accessibility measures include videos in sign language, videos with subtitles and audio description (Belgium, Slovenia and Sweden); compatibility with screen reader software (Denmark); changing of contrast and size (Estonia, Latvia and Slovenia); and easy-read information (Sweden). However, some public websites make exceptions for PDF files, documents from political parties and maps, for example in Germany (Franet's assessment). Furthermore, DPOs criticised the lack of easy-read and easily understandable information for people with disabilities, for example in Belgium (information received by Franet from the organisation Inclusion by email, 22 November 2023) and Hungary (Hungarian Down Foundation (*Down Alapítvány*), letter to Franet of 2 November 2023).

Public websites containing information on complaints mechanisms regarding political participation comply with the new accessibility standard in Belgium, Czechia, Estonia, Finland and Ireland. Bulgaria, Croatia, Cyprus, Denmark, Germany, Hungary, the Netherlands, Poland, Portugal, Slovenia and Sweden have some accessibility measures in place. For Austria, Greece, France, Italy, Latvia, Lithuania, Luxembourg, Malta, Romania, Slovakia and Spain, the relevant information on public websites is not accessible or no data could be identified.

According to the accessibility statements of the websites of the European Union, European Parliament, Council of the EU and European Commission, those websites partially comply with EN

301 549 v3.2.1. For example, the official EU website and the European Commission's website mention that they partially comply with EN 301 549 v3.2.1. and the Web Content Accessibility Guidelines (WCAG) 2.1 standard. The European Parliament's website says that it is being optimised to apply the European standard and is partially compliant with the WCAG 2 standard. The Council of the EU website, the European Economic and Social Committee website and the European Ombudsman's website (except for the subtitling of videos) mention that they comply with WCAG 2.1.

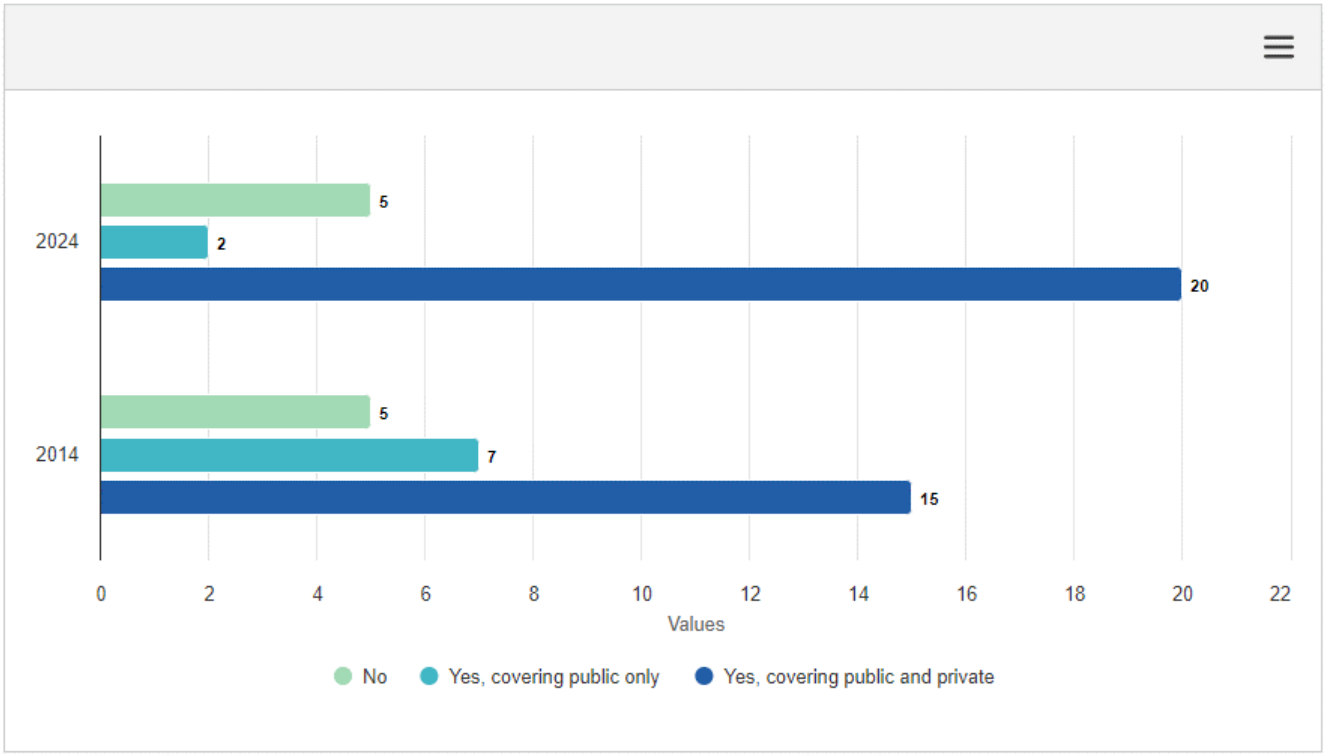
2.5. Audiovisual media

The revised audiovisual media services directive obliges the Member States to ensure that media services provided under their jurisdictions are made continuously and progressively more accessible to persons with disabilities. Member States must also encourage media service providers to develop accessibility action plans. Member States must also designate a contact point providing information and receiving complaints regarding accessibility issues (Article 7).

Thirteen Member States have introduced accessibility obligations for a certain proportion of programmes, and several Member States apply more stringent accessibility requirements to audiovisual media services of general interest, political and economic debates, and news programmes, the European Commission reported in 2024 (p. 8).

Twenty Member States – Austria, Belgium, Bulgaria, Croatia, Cyprus, Estonia, Finland, France, Germany, Hungary, Ireland, Latvia, Luxembourg, the Netherlands, Poland, Portugal, Slovakia, Slovenia Spain and Sweden – have legal accessibility standards for both public and private providers of media services. In 2014, 15 Member States did. Fewer Member States (2) make those standards applicable only to public media providers than in 2014 (7). No legal accessibility standards, for either public or private media, are in place in Czechia, Denmark, Lithuania, Malta or Romania.

Figure 6 –Numbers of Member States in 2014 and 2024 having accessibility standards for public and private providers of media



Alternative text: A comparative chart showing the numbers of Member States in 2014 and 2024 having accessibility standards for public and private providers of media. There were standards covering both public and private providers in 15 states in 2014 and in 19 states in 2024. There were standards covering only public providers in 7 states in 2014 and in 3 states in 2024. There were no standards in 5 states both in 2014 and in 2024. The 2014 figures do not include Belgium as the answer varies for each community: Yes (Flemish community) and No (French community).

Source: FRA, 2024.

National laws that set accessibility standards for people with visual or hearing disabilities, including subtitling, audio description and sign language, are found in Austria (Bundesgesetz, mit dem das Audiovisuelle Mediendienste-Gesetz, das KommAustria-Gesetz, das ORF-Gesetz und das Privatradiogesetz geändert werden), Belgium (Decreet betreffende radio-omroep en televisie), Bulgaria (Закон за хората с увреждания, Article 64), France (Directive «Services de médias audiovisuels»), Hungary (2010. évi CLXXXV. törvény a médiaszolgáltatásokról és a tömegkommunikációról, Section 39(2a)) and Slovenia (Zakon o avdiovizualnih medijskih storitvah). In the Netherlands, national law covers only persons with a hearing disability (Mediabesluit 2008, Article 15).

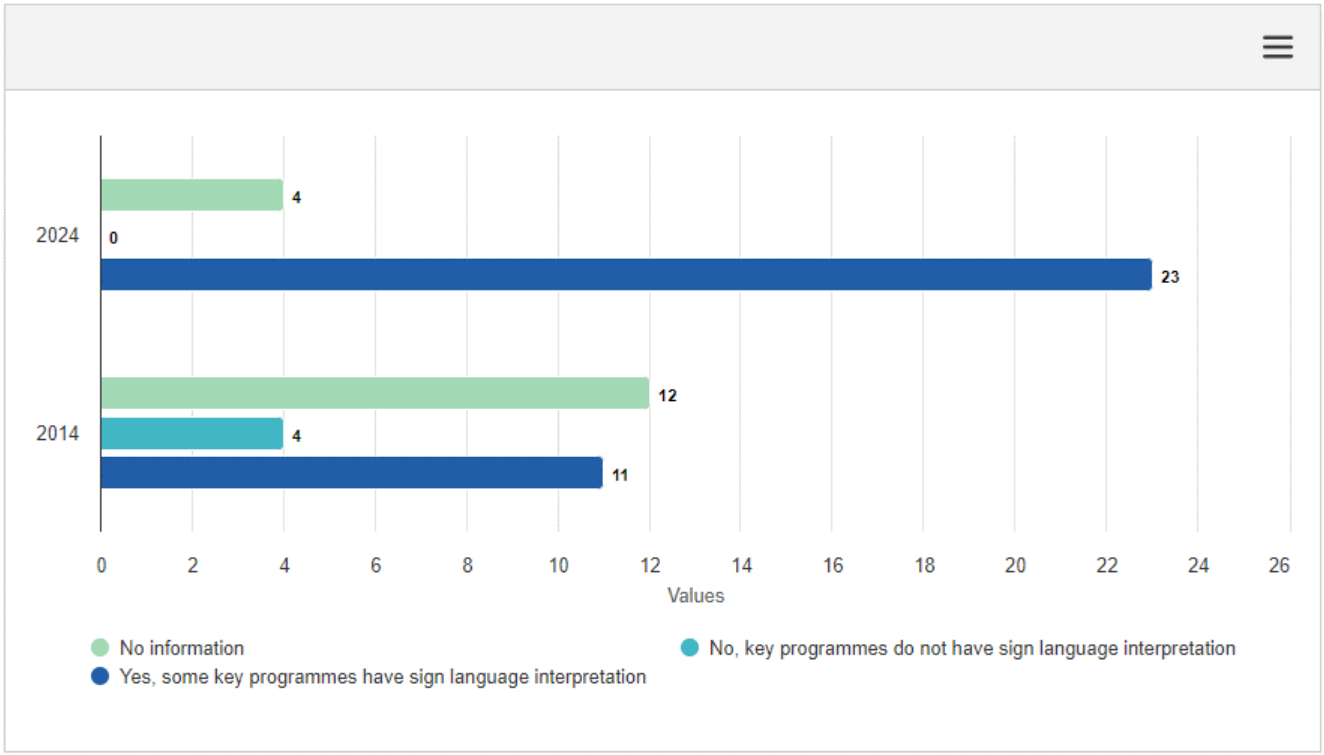
Member States may also require media service providers to develop action plans to ensure accessibility of content, as in Austria (Communication Authority of Austria, 'Bericht zur Barrierefreiheit 2022'), Bulgaria (Закон за радиото и телевизията, Article 8a), Cyprus (Ο περί Ραδιοφωνικού Ιδρύματος Κύπρου Νόμος, Cap. 300A, Article 18C) and Germany (Zweiter Medienänderungsstaatsvertrag), or codes of conduct, for example in Latvia. Broadcasting authorities in Luxembourg have published guidelines on accessibility for media providers (Loi du 27 juillet 1991 sur les médias électroniques, Article 27c). In Bulgaria, out of all private media service providers (around 130 audiovisual media providers and 80 radio broadcasters), the

majority had submitted such action plans by December 2022 (Council for Electronic Media, Отчет на СЕМ за изпълнението на изискванията за достъпност на медийните услуги (чл. 8а от ЗРТ)).

NHRIs' recommendations have had an impact on the accessibility of public broadcasting during elections in Cyprus. The public broadcaster implemented the Ombudsman's recommendation to provide sign language interpretation of debates. However, private television stations did not (Commissioner for Administration and the Protection of Human Rights, reply to FRA's questionnaire of 9 November 2023).

A significant development was that sign language interpretation of key programmes providing instructions for voting and information on candidates is now available in 23 Member States. In 2014, only 11 Member States provided it. No information could be found in Croatia, Estonia, Poland and Romania by the end of 2023, in contrast with 12 States in 2014.

Figure 7 – Numbers of Member States in 2014 and 2024 whose television programmes providing instructions for voting and information on candidates had/have national sign language interpretation



Alternative text: A comparative chart showing the numbers of Member States in 2014 and 2024 whose television programmes providing instructions for voting and information on candidates had or have national sign language interpretation. Some key programmes had sign language interpretation in 11 states in 2014 and in 23 states in 2024. No programme had sign language interpretation in 4 states in 2014. There was no information in 12 states in 2014 and in 4 states in 2024.

Source: FRA, 2024.

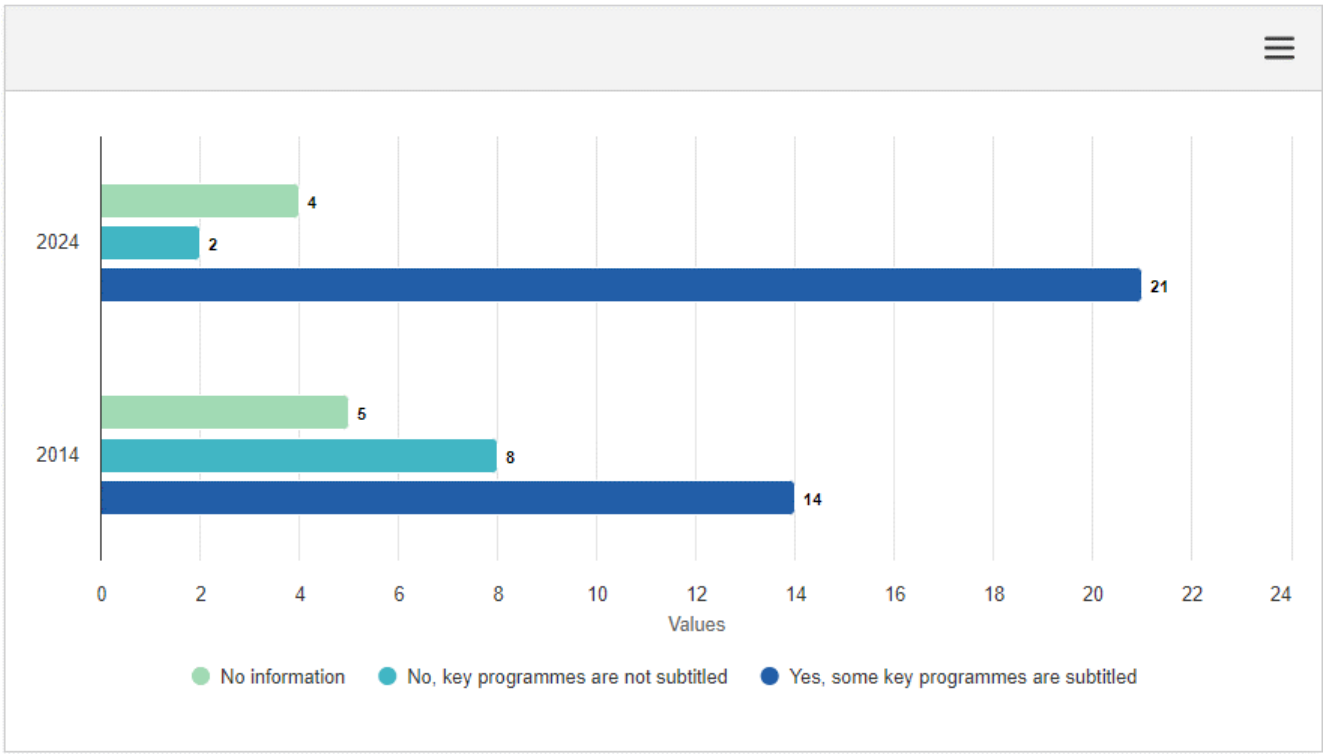
Public broadcasters in Austria, Greece, Italy, Latvia, Malta, Slovenia and Spain usually provide sign language interpretation. It applies to communications by the election authorities (videos, press releases, etc.) in France (Arcom, 'Accessibilité'), Cyprus (Franet consultation with the public television channel CYBC, 14 December 2023) and Lithuania (CRPD Committee, Combined second and third periodic reports submitted by Lithuania under article 35 of the Convention, paragraph 242). Conversely, in Denmark (Tegnsprogstolkning: TV AVISEN) and Malta (information provided by Franet), programmes made by the electoral authorities focusing on voting procedures and instructions on how to vote do not have sign language interpretation, although sign language interpretation is offered for news broadcasts and other programmes. Sign language interpretation was noted for election discussions in Finland, France, Latvia, Lithuania, Luxembourg and Portugal (information provided by Franet).

A positive trend was also noted in the provision of audio description of television programmes providing instructions for voting and information on candidates. This is now available in Belgium, Germany, Greece, France, Hungary, Ireland, Italy, Slovakia and Sweden. In 2014, it was available in only five Member States.

Furthermore, in more Member States (21) than in 2014 (14), some key television programmes

providing instructions for voting and information on candidates are subtitled. In Croatia, Cyprus, Czechia, Estonia, Poland and Romania, either subtitling is not provided or this information could not be verified.

Figure 8 – Numbers of Member States in 2014 and 2024 with subtitled television programmes providing instructions for voting and information on candidates



Alternative text: A comparative chart showing the numbers of Member States in 2014 and 2024 whose television programmes providing instructions for voting and information on candidates are or were subtitled. Some key programmes were subtitled in 14 states in 2014 and in 21 states in 2024. Key programmes were not subtitled in 8 states in 2014 and in 2 states in 2024. No information could be found in 5 states in 2014 and in 4 states in 2024.

Source: FRA, 2024.

Typically, public broadcasters are to subtitle television programmes providing instructions for voting and information on candidates. National law in Czechia provides that over 70 % of public television broadcasting must include closed or open captions (Zákon o České televizi, Section3, paragraph 1(j)). In Luxembourg, for the 2023 elections, political parties were required to provide their television spots with subtitles in French and German (Luxembourg's Independent Broadcasting Authority, Principes directeurs pour les élections législatives du 8 octobre 2023). In Lithuania, broadcasts of debates between candidates and between parties are subtitled (CRPD Committee, Combined second and third periodic reports submitted by Lithuania under article 35 of the Convention, paragraph 242).

Media service providers mainly use teletext subtitles, for example in Austria (Austrian Public Broadcasting Agency, 'Das ORF TELETEXT-Gehörlosenservice – Untertitelung') and the Netherlands (NPO, 'TT888 ondertiteling'; RTL, 'Ondertiteling'). Public broadcasters have created separate sections on accessibility on their websites in Denmark (TV2, 'Tilgængelighed'; DR, 'Tilgængelighed'). Most notably, the portal of the Slovenian public broadcaster RTV Slovenia includes an archive with television programmes that are accessible by means of subtitling, Slovene Sign Language interpretation, audio subtitling and audio descriptions (RTV Slovenia Programmes Accessibility Service, 'Dostopno').

Promising practice – Public broadcasters required to submit action plans on accessibility

In Bulgaria, the Radio and Television Act lays down that public and private broadcasters must ensure that the content of their services is gradually made accessible to people with sensory disabilities. Means of making the content of audiovisual media services accessible may include, but are not limited to, sign language interpretation, subtitling, speech subtitling and audio description. Radio broadcasters should make programmes and broadcasts accessible to persons with sensory disabilities through the internet, mobile applications or other technical means at their disposal, within the time limits and in the ways that their own action plans specify.

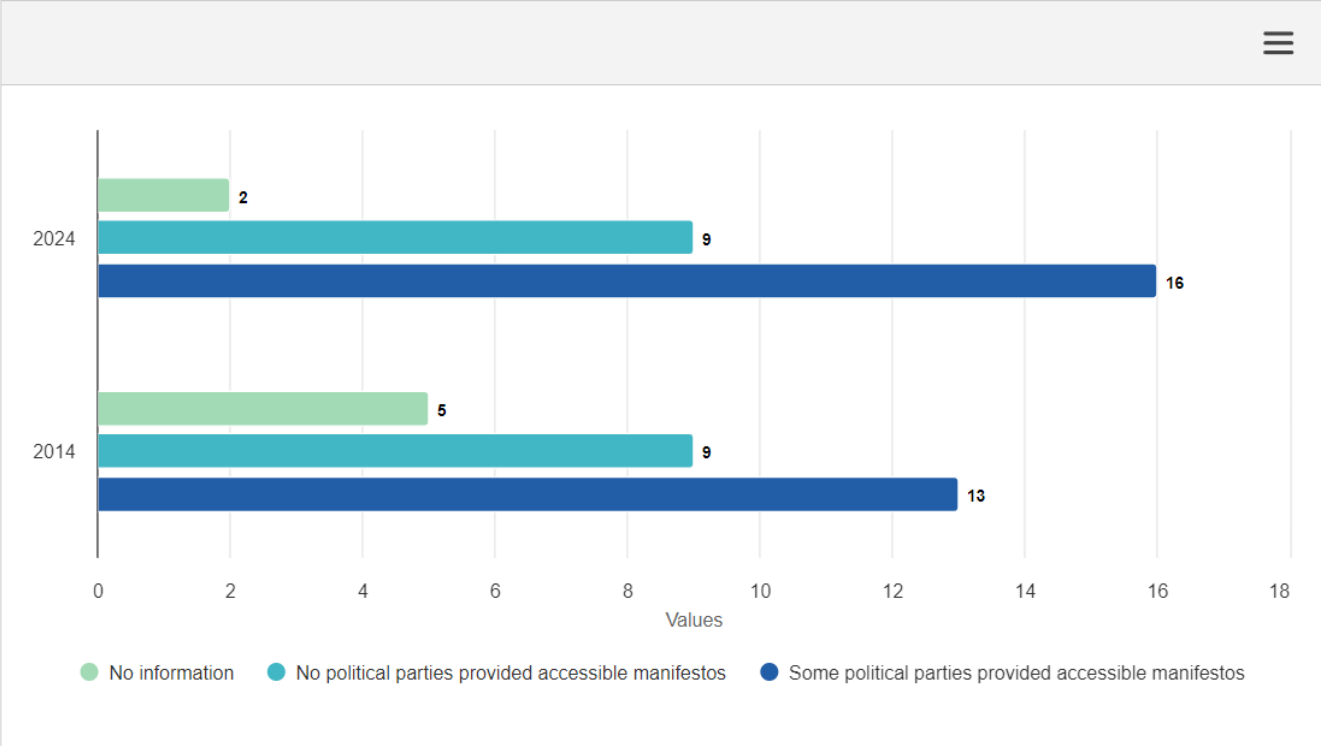
Promising practice – Broadcasting authority publishing guidelines on accessibility

In Luxembourg, the broadcasting authority published guidelines for the production, programming and broadcasting of election messages by audiovisual media service providers ahead of national and municipal elections in 2023. These included concrete recommendations on programme accessibility for people with disabilities, notably the legal obligation on political parties to provide television spots with subtitles in French and German.

2.6. Political parties

Some political party manifestos were provided in accessible formats during the most recent elections in more Member States (16) than in 2014 (13). In Austria, Belgium, Bulgaria, Denmark, Croatia, Italy, Malta, Poland and Romania, no political party provided accessible manifestos. In 2014 as well, this was the case in 9 Member States. No information could be found for Czechia or Greece in 2024.

Figure 9 – Numbers of Member States in 2014 and 2024 where some political party manifestos were provided in accessible formats during the most recent elections



Alternative text: A comparative chart showing the numbers of Member States in 2014 and 2024 where some political party manifestos were provided in accessible formats during the most recent elections. Some manifestos were provided in accessible formats in 13 states in 2014 and in 16 states in 2024. No manifestos were provided in accessible formats in 9 states in 2014 and in 9 states in 2024. No data in 5 states in 2014 and in 2 states in 2024.
Source: FRA, 2024.

Few political parties provided accessible manifestos in 16 Member States.Where political parties make their manifestos accessible, they do not consider all types of disabilities but tend to focus on one aspect of accessibility.

Accessible formats of manifestos are mostly related to easy-read text (Finland, France, Ireland, Germany, Hungary, Luxembourg, the Netherlands, Portugal and Sweden). Manifestos translated into sign language were made available by some political parties in Austria, Estonia, Finland, the Netherlands, Portugal and Slovakia. Manifestos in audio format were noted in France, Latvia, Lithuania, the Netherlands and Slovenia. Braille versions of manifestos were reported in the Netherlands and Portugal. Some parties created subtitled videos, for example in Denmark (Parliament, Hvordan man stemmer).

The French National Consultative Commission on Human Rights (CNCDH) reported that the accessibility of election campaigns has improved (reply to FRA's questionnaire of 10 November 2023).

In Portugal, electoral campaigns were not accessible (CRPD Committee, Concluding observations on the initial report of Portugal (2016), paragraph 55). In Germany, political parties did not provide reasonable accommodation, in particular sign language interpretation (CRPD Committee, Concluding observations on the combined second and third periodic reports of Germany (2023),

paragraph 65).

Promising practice – French Electoral Code obliges candidates to ensure campaigns' accessibility

The French Electoral Code obliges prefectures to establish a campaign material commission to check that the design of campaign materials and ballot papers complies with the technical requirements of the Electoral Code. In practice, these commissions often consulted candidates before the 2022 elections and pre-screened the draft materials, including for their compliance with the new obligation to be produced in easy-read formats (OSCE, 'France – Parliamentary elections, 12 and 19 June 2022 – ODIHR election assessment mission final report', p. 9).

There was insufficient use of easy-read campaigns or accessible materials to communicate with people with disabilities during the last elections in Czechia (OSCE, 'The Czech Republic – Presidential election, 13–14 and 27–28 January 2023 – ODIHR Election Expert Team final report', p. 4), Denmark (OSCE, 'Denmark – Early general elections, 1 November 2022 – ODIHR Election Expert Team final report', p. 2), Latvia (OSCE, 'Latvia – Parliamentary elections, 1 October 2022 – ODIHR election assessment mission final report', pp. 2 and 14), Portugal (OSCE, ' Portugal – Early parliamentary elections, 10 March 2024 – ODIHR needs assessment mission report, 9–12 January 2024', p. 6) and Slovakia (OSCE, ' Slovak Republic – Early parliamentary elections, 30 September 2023 – ODIHR election assessment mission final report', p. 12).

FRA invited political parties participating in the elections to the European Parliament to provide information on their commitment to accessibility of the election process. Two of them replied.

The European Christian Political Movement indicated in an email on 8 February 2024 that the national members decide on accessibility. The movement ensures the physical accessibility of the meeting places for campaigns and encourages its national members to involve people with disabilities in the elections.

The Alliance of Liberals and Democrats for Europe replied by email on 5 March 2024 that it will provide easy-read version of their manifesto and include subtitles in videos. It is also developing a new website in consultation with the EDF.

The EDF and the Funka Foundation found widespread problems with the accessibility of the seven main political parties' websites (A. Felix, 'Access denied: The (in)accessibility of European political party websites' (2024)).

Promising practice – Study circles for people with intellectual disabilities to engage in voting

Small study circle groups learn from easy-read materials and Digital Accessible Information System (DAISY)-formatted audio texts that describe Swedish democracy and the voting process. A leader teaches voting practices and Swedish democracy, and supports the participants to find answers to questions by gathering information from parties and the media. The leader also arranges discussions with active politicians, who are trained in easy language before entering the conversation.

Source: Zero Project.

3. Rights awareness

The CRPD obliges States Parties to adopt measures to 'raise awareness … regarding persons with disabilities, and to foster respect for the rights and dignity of persons with disabilities' (Article 8). They should provide training for relevant stakeholders on accessibility issues (Article 9(2)(c)), and consult and actively involve DPOs in making policy, legislation and other decisions concerning persons with disabilities (Article 4(3)).

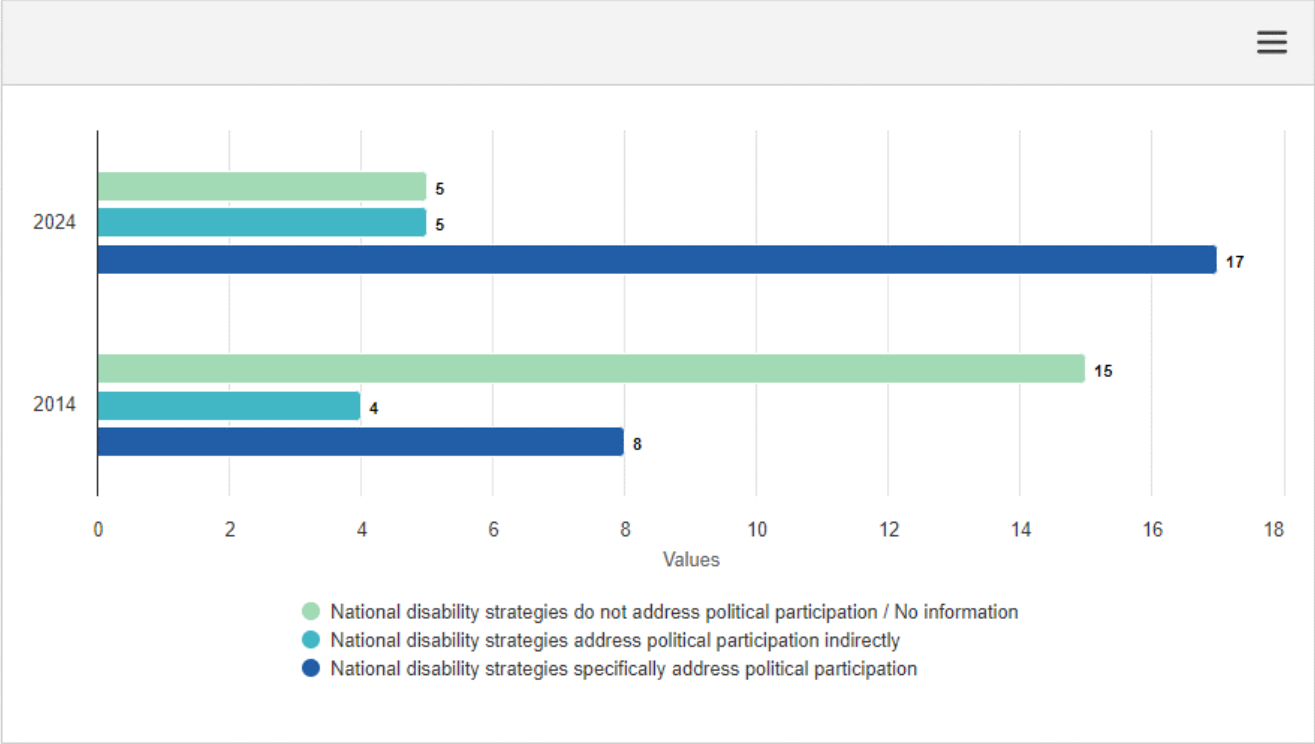
Two important tools to raise awareness about the participation of people with disabilities in political life are national disability strategies and training for election authorities. Furthermore, involving and consulting DPOs are a must to bring disability considerations into the electoral process. The following sections analyse these three issues.

3.1. National disability strategies

The number of national disability strategies and action plans (22) has nearly doubled since 2014 (12). The number of national disability strategies specifically addressing political participation also increased substantially, from 8 to 17. Czechia (Government Board for Persons with Disabilities, National plan for the promotion of equal opportunities for persons with disabilities 2021–2025 (2020), pp. 72–75), Italy (see below), the Netherlands (Central Government, ' Actieplan Toegankelijk Stemmen: Voor meer toegankelijke gemeenteraadsverkiezingen in 2022' (2021)) and Poland (Council of Ministers, Uchwała nr 27 w sprawie przyjęcia dokumentu Strategia na rzecz Osób z Niepełnosprawnościami 2021–2030 (2021)) envisage specific actions to ensure the accessibility of elections.

In Italy, the government's White Book on strategies and measures to foster political participation recognises the need to introduce, for example, the online publication of a list of accessible polling stations, a Digital Election Pass, free public transport to the polling station and home voting (Dipartimento per le riforme istituzionali, Per la partecipazione dei cittadini. Come ridurre l'astensionismo e agevolare il voto (2022), p. 220).

Figure 10 – Numbers of Member States in 2014 and 2024 having national disability strategies that include political participation



Alternative text: A comparative chart showing the numbers of Member States in 2014 and 2024 whose national disability strategies included political participation. National strategies specifically addressed political participation in 8 states in 2014 and in 17 states in 2024. They addressed political participation indirectly in 4 states in 2014 and in 5 states in 2024. They did not address political participation or no information was available in 5 states in 2014 and in 5 states in 2024.

Source: FRA, 2024.

The disability strategies of Czechia (Government Board for Persons with Disabilities, National plan for the promotion of equal opportunities for persons with disabilities 2021–2025 (2020), pp. 72–75) and Malta (Ministry for Inclusion and Social Wellbeing, Malta's 2021–2030 national strategy on the rights of disabled persons, pp. 84–87) specifically addressed awareness-raising activities.

Disability strategies were specifically adopted for or at the municipal level in two Member States. In the Netherlands, an action plan encourages municipalities to use the accessibility checklist and to simulate an election day with experienced experts (Central Government, 'Actieplan Toegankelijk Stemmen: Voor meer toegankelijke gemeenteraadsverkiezingen in 2022' (2021)). In Croatia, the City of Zagreb's recent disability strategy includes measures to monitor and ensure the accessibility of polling stations, including educating the election staff on inclusive electoral processes ('Zagrebačka strategija izjednačavanja mogućnosti za osobe s invaliditetom u razdoblju od 2022. do 2025.' (2022)).

Promising practice – Awareness-raising and simulation workshops

During the French presidential elections in April 2022, associations and municipalities organised awareness-raising and simulation workshops to familiarise new voters with the voting process, especially people with disabilities under guardianship. For example, in Cholet Municipality, first-time voters were able to explore the council chamber and meet the two municipal deputies responsible for citizenship and disability. They also took part in a voting simulation and a training session to explain each candidate's programme in simple terms. At the same time, educational tools developed by associations to inform voters with disabilities were widely distributed to local councils and social and medico-social establishments.

Promising practice – Making campaigns accessible to people with disabilities

The EDF produced two checklists to help parties, campaigners and authorities ensure that election campaign materials are accessible to people with disabilities. The checklists are divided into sections corresponding to different formats and means of communication. In this way, users can easily ensure that everyone can access and understand their materials.

3.2. Training for election authorities and officials

The CRPD Committee emphasised the need to train election officials, party officials and civil society organisations and to provide the relevant materials in accessible formats such as easy-read, plain German and Braille, in Austria (Concluding observations on the combined second and third periodic reports of Austria (2023), paragraph 66). It also recommended training responsible officials at the regional and national levels, including members of the National Assembly and the government, in Slovenia (Concluding observations on the initial report of Slovenia (2018), paragraph 5). To Czechia, it recommended training for the civil servants and experts in charge of monitoring the accessibility of the built environment in general (Concluding observations on the initial report of the Czech Republic (2015), paragraph 17).

The law requires training for election authorities and officials on non-discrimination on the grounds of disability, on accessibility and on accommodation only in Belgium, the Netherlands and Sweden. This is a slight improvement on 2014, when only one Member State made such training mandatory.

Fewer Member States (10) than in 2014 (14) organise some relevant disability training or provide

guidance although national law does not require it (Croatia, Denmark, Estonia, Finland, France, Greece, Hungary, Lithuania, Luxembourg and Slovenia). Guidance on accessibility is issued in Finland, France and Lithuania, for example. Specific training on communication with people with disabilities is provided in Estonia, and on accessibility in Hungary. No information was found about whether DPOs are involved in such training.

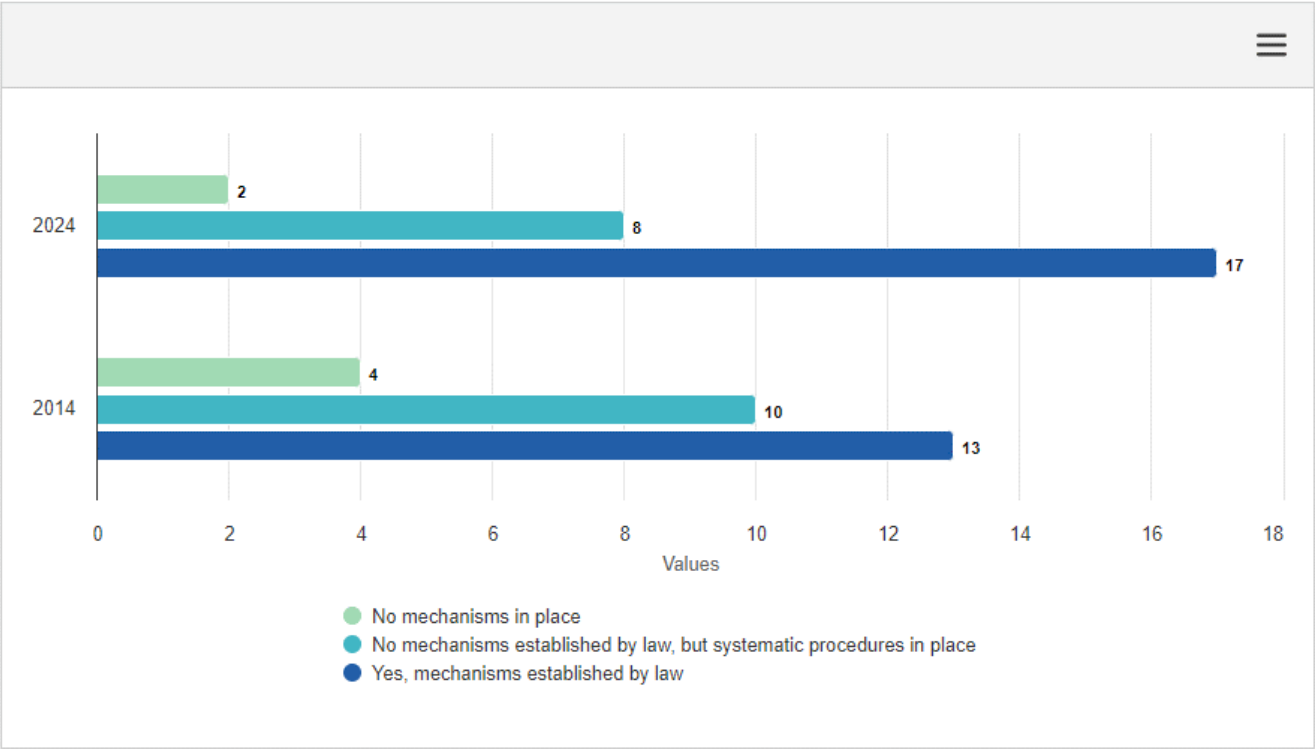
In Spain, although all people with disabilities can now vote under national law, administrations, political groups and others involved in the electoral process continue to lack awareness (Franet interview with Plena Inclusión's members on 24 January 2024).

3.3. Consulting and involving disabled people's organisations

Under Article 4(3) of the CRPD, States Parties must closely consult and actively involve DPOs in policy, legislative and decision-making. The CRPD Committee has stressed that States Parties should recognise the right of DPOs to participation and involvement at all levels. They should adopt a legislative and policy framework providing for mandatory public hearings with clear time frames, and for the accessibility of consultations. It should also include an obligation to provide reasonable accommodation and support (CRPD Committee, General comment No 7 (2018) on the participation of persons with disabilities, including children with disabilities, through their representative organizations, in the implementation and monitoring of the Convention, paragraph 94).

Consultation is primarily carried out during the lawmaking process in Croatia, Denmark, Finland, France, Greece, Latvia, Malta, the Netherlands, Romania and Slovenia. More Member States (17) than in 2014 (13) have mechanisms in place to ensure consultation with and involvement of DPOs in the development of laws and policies that affect people with disabilities. In some countries, these mechanisms are established by law. In other, there are systematic procedures in place. Ireland and the Netherlands have neither a mechanism established by law nor systematic procedures. In 2014, this was true of the Netherlands and Romania.

Figure 11 – Numbers of Member States in 2014 and 2024 having mechanisms in place to ensure consultation with and involvement of DPOs in the development of laws and policies affecting them



Alternative text: A comparative chart showing the numbers of Member States in 2014 and 2024 having mechanisms in place to ensure consultation with and involvement of DPOs in the development of laws and policies affecting people with disabilities. Mechanisms existed in 13 states in 2014 and in 17 states in 2024. Mechanisms were not established but systematic procedures were in place in 10 states in 2014 and in 8 states in 2024. No mechanisms were in place in 4 states in 2014 and in 2 states in 2024.

Source: FRA, 2024.

The Electoral Code of Poland specifically requires consulting NGOs on elections (Kodeks wyborczy (2011), Article 160(3)). In Hungary, after the national authorities cooperated with and consulted DPOs, the national authorities used Braille templates and easy-read information more often (National Association of Hungarian Blind and Visually Impaired Persons, letter to Franet, 6 November 2023).

Promising practice – Easy-read brochures for elections

Info-Handicap, in cooperation with Klaro, published a brochure explaining the accessibility of Luxembourgish polling stations in 2023. The government of Luxembourg, in cooperation with the European Parliament, produced an easy-read brochure explaining the EU's decision-making process, the elections to the European Parliament and the post-election process.

NHRIs and DPOs reported a lack of meaningful consultation with DPOs in matters affecting people with disabilities in France. People with disabilities play little part in the preparation of laws

and public policies that affect them, especially in municipal and intermunicipal committees responsible for accessibility issues (CNCDH, reply to FRA's questionnaire of 10 November 2023). Although there may be opportunities to provide input, this often occurs without meaningful feedback, without access to documentation or when decisions have already practically been made, the Swedish Disability Rights Federation reports (*Funktionsrätt*, Respekt för rättigheter?).

4. Opportunities for political participation

This chapter explores opportunities for people with disabilities to participate politically. It uses data from selected human rights indicators on voter registration, alternative ways of voting, how people in long-term institutions vote, the duty to provide assistance during elections and how many people with disabilities are members of national or local parliaments.

4.1. Voter registration

A requirement to register to vote can hinder the political participation of people with disabilities if voting registration procedures are inaccessible. Burdens associated with inaccessible registration could also be seen as discrimination on the grounds of disability if a reasonable accommodation is not provided. The CRPD Committee classifies denial of reasonable accommodation as a form of discrimination (General comment No 6 (2018) on equality and non-discrimination, paragraphs 3, 17, 18 and 27).

Currently, 14 Member States have automatic registration of voters (Belgium, Bulgaria, Denmark, Estonia, Germany, Greece, Hungary, Italy, Latvia, Malta, the Netherlands, Poland, Slovakia and Slovenia), compared with 15 in 2014. Austria, Croatia, Czechia, Finland, Lithuania, Luxembourg, Portugal, Romania and Sweden require voter registration for non-nationals. Ireland, Spain, Cyprus and Finland require registration for all voters. Since 2014, Spain has moved from automatic registration to requiring all voters to register to vote. Belgium, Greece, Italy and Malta now have automatic registration for all voters, whereas previously non-nationals had to register to vote. Czechia, Finland, Lithuania, Romania and Sweden now require registration of non-nationals, whereas before this was done automatically.

4.2. Alternative ways of voting

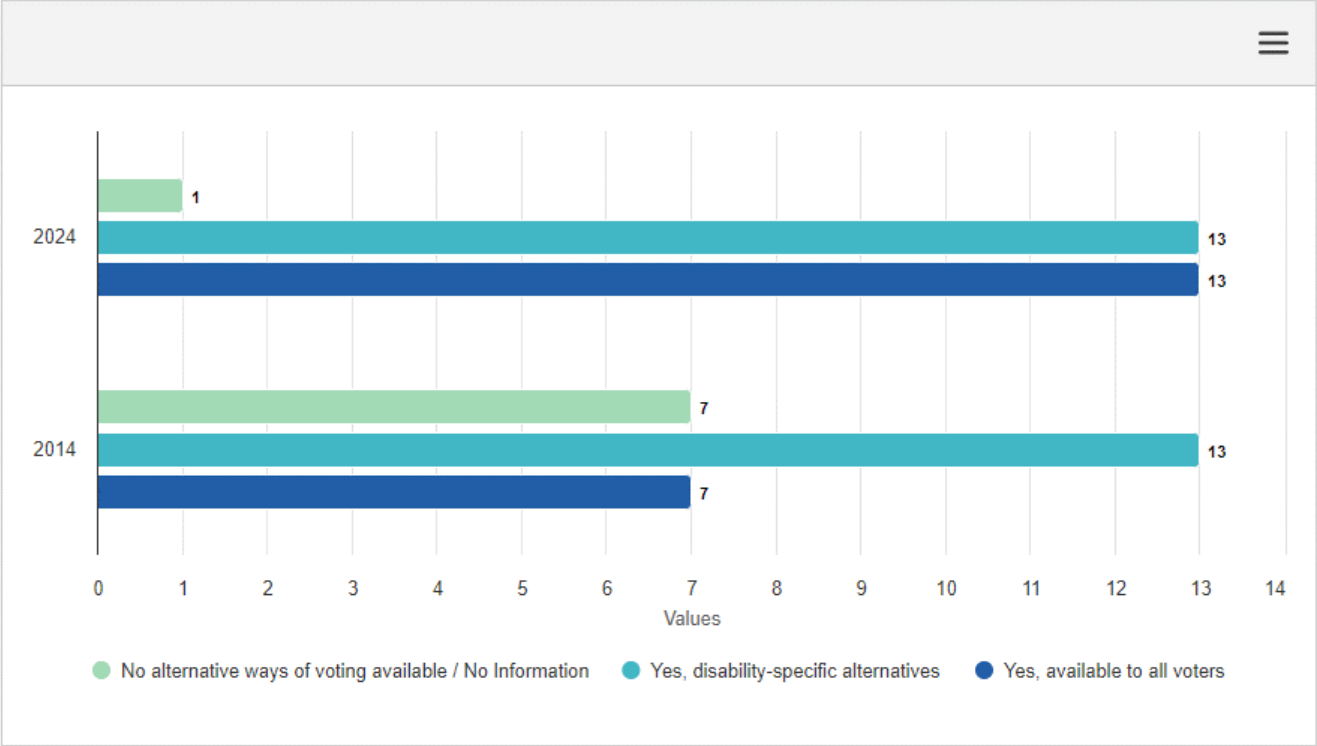
People with disabilities should be able to vote like anyone else who has the right to vote. Alternative ways of voting ease the difficulties that people with disabilities face in accessing polling stations, but still Member States have a duty to ensure that the voting process is accessible to everyone (UN High Commissioner for Human Rights, 'Thematic study by the Office of the United Nations High Commissioner for Human Rights on participation in political and public life by persons with disabilities' (2011), paragraph 74).

The CRPD Committee has expressed concern that in Italy people with disabilities cannot vote wherever they choose because legal restrictions are imposed on them (Concluding observations on the initial report of Italy (2016), paragraph 73). The committee was particularly critical of regulations in Malta and (under certain circumstances) Portugal that require a medical document attesting that persons with disabilities have capacity to vote (Concluding observations on the initial report of Malta (2018), paragraph 41; Concluding observations on the initial report of

Portugal (2016), paragraphs 55-56).

As in 2014, 13 Member States provide disability-specific alternative ways of voting to all voters. See data explorer.

Figure 12 – Numbers of Member States in 2014 and 2024 having alternative ways of voting available to people with disabilities



Alternative text: A comparative chart showing the numbers of Member States in 2014 and 2024 having alternative ways of voting available to people with disabilities. Alternative ways were available to all voters in 7 states in 2014 and in 13 states in 2024. Disability-specific alternative ways were available in 13 states both in 2014 and in 2024. No alternative ways or no information were available in 7 states in 2014 and in 1 state in 2024.

Source: FRA, 2024.

People with disabilities may vote by proxy or be accompanied by a support person in Austria, Belgium, Bulgaria, Croatia, Cyprus, Denmark, Spain, Finland, France, Hungary, Italy, Latvia, Lithuania, Luxembourg, Malta, Poland, Romania, Slovenia and Sweden. Austria, Belgium, Denmark, Germany, Greece, Ireland, Luxembourg, Poland, Slovenia and Spain allow postal voting. Austria, Bulgaria, Croatia, Czechia, Finland, Germany, Latvia, Romania, Slovenia and Sweden provide for mobile ballot boxes. Belgium, Hungary, Ireland, Malta, Poland, Portugal (not at the local level) and Spain provide polling cards in Braille. Electronic voting is possible in Estonia (Chancellor of Justice, reply to FRA's questionnaire of 10 November 2023).

In Poland, new regulations enabled voters with disabilities to request to vote in a polling station adapted to their needs, within the municipality of their registered permanent residence or their actual permanent residence (Commissioner for Human Rights, reply to FRA's questionnaire of 8 November 2023).

In Slovenia, a DPO complained to the Constitutional Court about the abolishment of voting machines. It claimed that the legislature had failed to ensure that people with disabilities could vote in a personal, independent and secret manner at polling stations. The court held that abolishing voting machines was consistent with the Constitution and did not interfere with the right of persons with disabilities to equal treatment when exercising their right to vote. The court

considered that alternative ways of voting were available to persons with disabilities, such as voting at home, postal voting and adapted ballot papers (Decision No U-I-168/16, 22 October 2020).

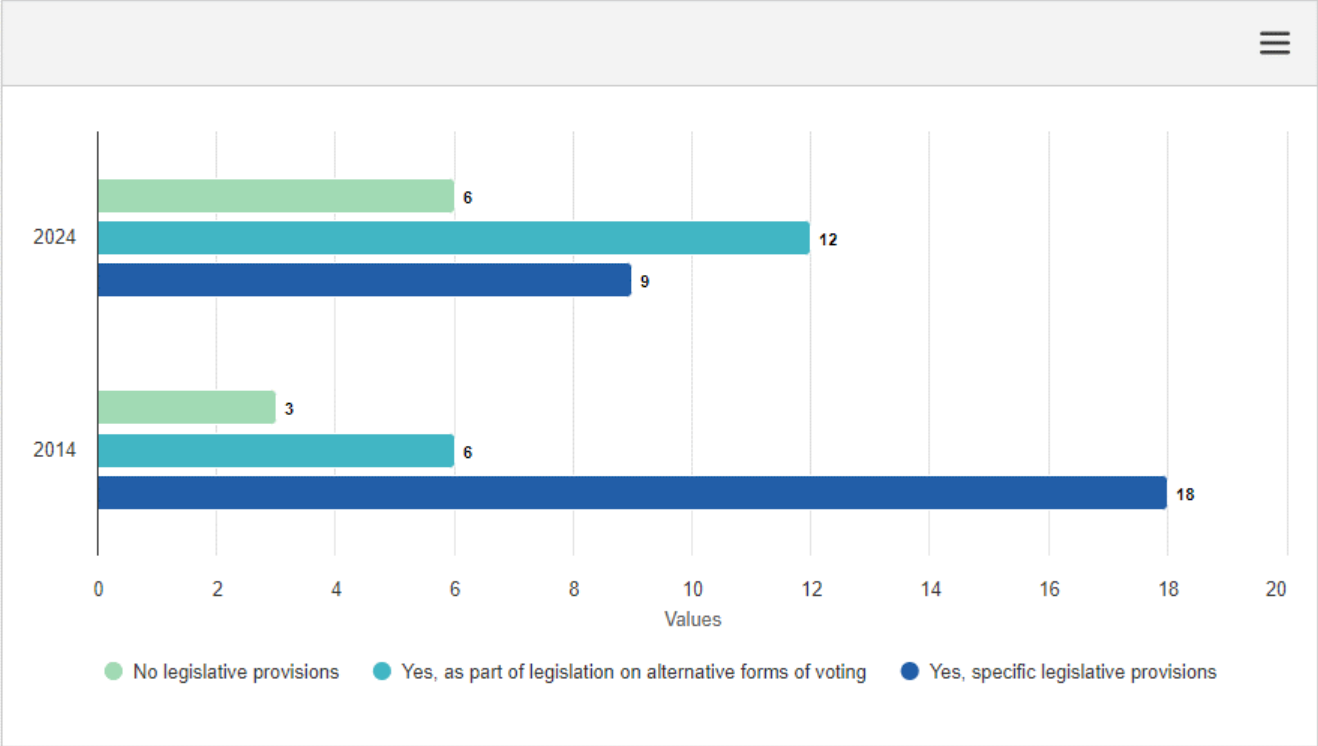
During the last early parliamentary elections in Slovakia, half of the polling stations were not accessible to voters with reduced mobility. Election authorities used mobile ballot boxes to mitigate the lack of access. However, this practice was criticised as degrading and could compromise the secrecy of the vote (OSCE, 'Slovak Republic – Early Parliamentary Elections, 30 September 2023 – ODIHR election assessment mission final report', p. 21).

4.3. People living in long-term institutions

Only nine Member States (Austria, Bulgaria, Denmark, Germany, Greece, Malta, Poland, Slovenia and Spain) have specific legislation on how people living in long-term institutions can vote. In 2014, 18 Member States did. Croatia, Czechia, Estonia, Hungary, Ireland, Italy, Lithuania, Luxembourg, the Netherlands, Romania, Slovakia and Sweden regulate voting in long-term institutions in legislation on alternative forms of voting.

People with disabilities living in long-term institutions may have access to movable ballot boxes in Czechia (Zákon o volbách do Evropského parlamentu a o změně některých zákonů and Zákon o volbách do Parlamentu České republiky a o změně a doplnění některých dalších zákonů), Hungary (Hungarian Ombudsperson's Office, letter of 16 November 2023), Romania (Lege nr. 208 din 20 iulie 2015 Article 87, and Lege nr. 115 din 19 mai 2015, Article 91) and Sweden (Vallag [2005:837], Chapter 7, Section 4). They may vote by post in Denmark (Folketingsvalgloven), Greece (Νόμος 5083/2024 (OG A 12/26.01.2024), Article 6, and information provided by the Greek national liaison officer), Luxembourg (Loi électorale du 18 février 2003, Articles 168, 262 and 328) and Slovenia (Zakon o volitvah v državni zbor). They may use electronic voting in Estonia (Riigikogu Election Act), or specific polling stations in Croatia (Zakon o izborima zastupnika iz Republike Hrvatske u Europski parlament). They may vote with the assistance of another person in the Netherlands (Kieswet, Article L2).

Figure 13 – Numbers of Member States in 2014 and 2024 having legislation regulating how people living in long-term institutions may vote



Alternative text: A comparative chart showing the numbers of Member States in 2014 and 2024 with legislation regulating how people living in long-term institutions may vote. Specific legislative provisions existed in 18 states in 2014 and in 9 states in 2024. Provisions existed as part of the legislation on alternative forms of voting in 6 states in 2014 and 12 states in 2024. No legislative provisions existed in 3 states in 2014 and in 6 states in 2024.

Source: FRA, 2024.

Whether polling stations are to be established in hospitals or special care institutions sometimes depends on the number of voters accommodated therein, for example in Bulgaria (Изборен кодекс, Article 9), Italy (Decreto del Presidente della Repubblica 30 marzo 1957, n. 361) and Poland (Kodeks wyborczy, Article 12(4)). In Finland, such institutions must be designated as special polling stations by a decision of the municipal board (vaalilaki, vallag).

Similar legislation also applies to mobile ballot boxes. For example, in Bulgaria, voting with a mobile ballot box is allowed if at least 10 citizens with disabilities have applied to exercise their voting rights in this way (Ombudsman, reply to FRA's questionnaire of 20 November 2023; Изборен кодекс, Articles 37 and 90(1)).

Several cases examined by NHRIs or equality bodies concerned the exercise of the right to vote in residential care institutions. Examples come from Bulgaria (Ombudsman, reply to FRA's questionnaire of 20 November 2023), Poland (Commissioner for Human Rights, Nieprawidłowości wyborcze w Domach Pomocy Społecznej. Rzecznik prosi PKW o stanowisko (2020); Czy niedowidzący wyborcy będą musieli czekać na specjalne nakładki na karty do głosowania także 26 maja? (2019)), Slovakia (Commissioner for Persons with Disabilities, information provided to Franet upon request by email on 12 December 2023) and Slovenia (Ombudsman, reply to FRA's questionnaire of 22 December 2023). The NHRIs in Belgium (Unia, reply to FRA's questionnaire of

23 November 2023) and France (CNCDH, reply to FRA's questionnaire of 10 November 2023) reported administrative difficulties for people living in long-term institution in obtaining information, registering and being fully supported in exercising their right to vote.

Promising practice – Equality body's recommendation to social service providers

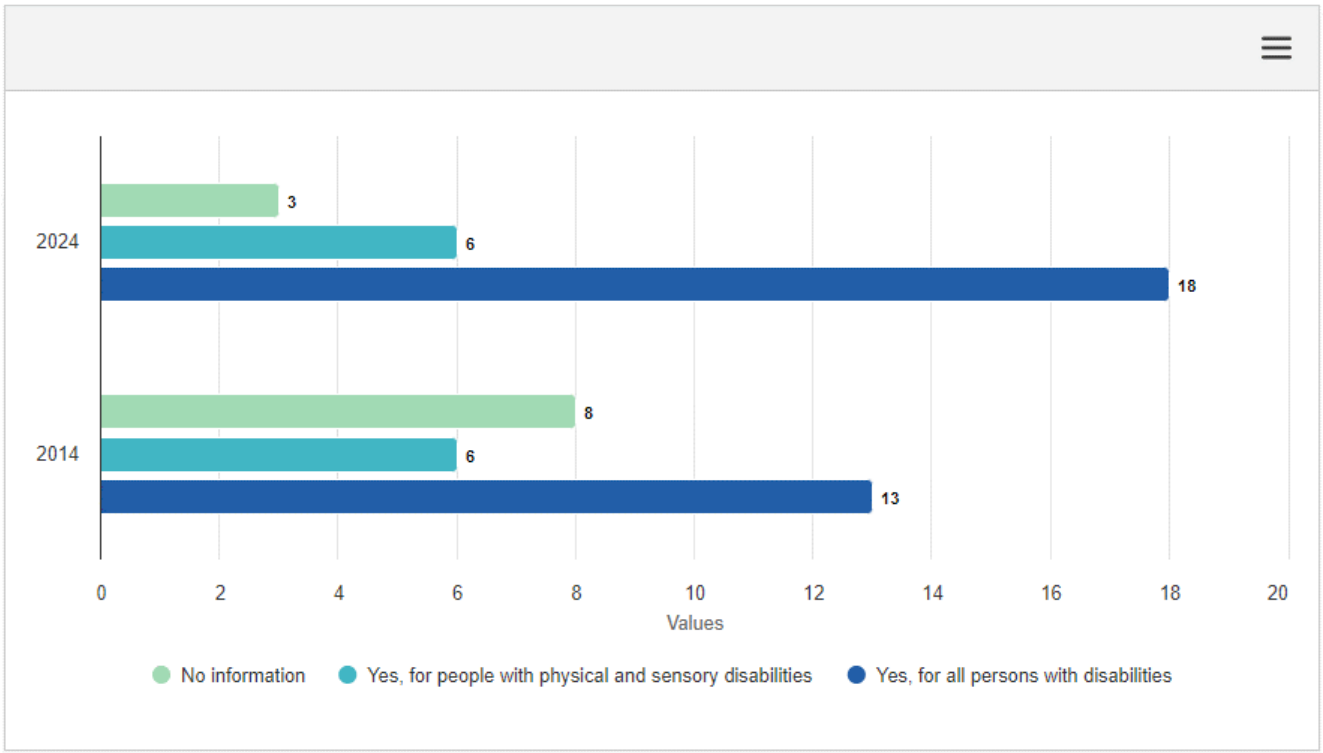
The Czech Public Defender of Rights issued a recommendation before the 2021 elections to the Chamber of Deputies on the exercise of the right to vote by people in residential social services. It guides social service providers and guardians through the electoral process step by step, starting with the pre-election period and ending with the actual exercise of the right to vote at the polling station or using a portable ballot box at a residential social services facility. After issuing the recommendation, the defender visited homes for people with disabilities after the elections, to investigate how they had been given the opportunity to participate in the elections and with what support.

4.4. Duty to provide assistance

A legal duty to assist in voting for all people with disabilities is enshrined in the national laws of 18 Member States: Austria, Belgium, Croatia, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Italy, Latvia, Lithuania, Luxembourg, Poland, Romania, Slovenia and Sweden. In 2014, this was the case only in 13 Member States.

Bulgaria, Ireland, the Netherlands, Portugal and Slovenia provide for assistance only to people with physical or sensory disabilities. Cyprus and Spain require assistance only for people with a visual disability. No legal provision to that effect exists in Czechia, Malta or Slovakia. In Malta, voters who need assistance have no choice but to be supported by assistant electoral commissioners at the voting booth and cannot rely on trusted assistants (Commissioner for the Rights of Persons with Disability, reply to FRA's questionnaire of 3 November 2023).

Figure 14 – Numbers of Member States in 2014 and 2024 providing for a legal duty to assist in voting people with disabilities



Alternative text: A comparative chart showing the numbers of Member States in 2014 and 2024 providing for a legal duty to assist in voting people with disabilities. The question asked was 'Is there a legal duty to provide assistance in voting to persons with disabilities?' The answer was 'Yes, for all persons with disabilities' in 13 states in 2014 and in 18 states in 2024. The answer was 'Yes, for people with physical and sensory disabilities' in 6 states in both 2014 and 2024. There was no information in 8 states in 2014 and in 3 states in 2024.

Source: FRA, 2024.

Who can assist a voter with a disability, and how, differs across the EU. Voters with disabilities may be assisted by a person of their choice in Austria, Bulgaria, Denmark, Finland, Hungary, Latvia, Lithuania, Luxembourg, Romania, Slovenia and Sweden. The assistant may also be an election official in Finland, Hungary, Ireland, Luxembourg and Sweden, but not in Romania (Lege nr. 33/2007 privind organizarea şi desfăşurarea alegerilor pentru Parlamentul European), Article 46(8); Lege nr. 115/2015 pentru alegerea autorităților administrației publice locale, pentru modificarea Legii administrației publice locale nr. 215/2001, precum și pentru modificarea și completarea Legii nr. 393/2004 privind Statutul aleșilor locali, Article 41(21)). Two Member States do not allow a free choice of assistants: in Greece, only a court representative can provide assistance (Ministry of the Interior, Πληροφορίες και οδηγίες για τη διενέργεια των γενικών βουλευτικών εκλογών της 25ης Ιουνίου 2023 εντός Επικράτειας); in Croatia, only the polling station staff can assist (information provided by Franet).

Assistance is subject to the permission of the election authorities in Belgium (Code électoral (1894), Article 143) and Malta (General Elections Act (1991), Chapter 354 of the Laws of Malta). In Denmark (Ministry of the Interior and Health, 'Kan jeg få hjælp til at stemme?'; Folketingsvalgloven) and Slovenia (Constitutional Court, Decision No U-I-168/16, 22 October 2020), national rules on assistance are not limited to the polling station, and voters can also be

assisted when voting by post (or from home in Slovenia).

In Belgium, different authorities organise different types of elections, so rules may slightly differ for each of them, the federal equality body notes. The multiplicity of rules has been criticised by organisations promoting the rights of people with disabilities. They advocate harmonising these rules to ensure consistency and equal treatment during all types of elections (National High Council for Disabled People (*Conseil Supérieur National des Personnes Handicapées*), Note de position. Participation à la vie politique (élections) (2018), p. 4).

In Latvia, the law provides that the ballot paper or the list of participating voters must be marked by either a family member of the voter or another person whom the voter trusts, in the voter's presence and according to his or her instructions. This system does not work well, as these assistants can easily abuse their position (Association of People with Disabilities and Their Friends Apeirons (*Invalīdu un viņu draugu biedrība Apeirons*), phone conversation with Franet, 15 December 2023).

4.5. Elected people with disabilities

During the reporting period, the CRPD Committee has deplored the low level of participation of persons with disabilities in political life in France (Concluding observations on the initial report of France (2021), paragraph 58), Luxembourg (Concluding observations on the initial report of Luxembourg (2017), paragraph 50), Malta (Concluding observations on the initial report of Malta (2018), paragraph 41), Spain (Concluding observations on the combined second and third periodic reports of Spain (2019), paragraph 54) and Sweden (Concluding observations on the initial report of Sweden (2014), paragraph 51). The committee especially noted the low level of participation of women with disabilities in political life and the lack of data identifying barriers to their participation in Germany (Concluding observations on the combined second and third periodic reports of Germany (2023), paragraph 65), Hungary (Concluding observations on the initial report of Hungary (2022), paragraph 56), Latvia (Concluding observations on the initial report of Latvia (2017), paragraph 10) and Slovenia (Concluding observations on the initial report of Slovenia (2018), paragraph 49).

There is a lack of comparable data across the Member States on the actual exercise of the right to vote and the right to be elected.

Official data on the number of members of the current national parliament (MPs) who self-identify as a person with disabilities are available in Austria, Bulgaria, Croatia, France, Germany, Hungary, Lithuania, Poland and Spain. In 2014, data were available in Austria, Croatia, Greece, the Netherlands, Poland and Portugal. Sixteen Member States have no data, the same number as in 2014. The highest numbers of current self-identified MPs with disabilities were in Croatia (nine; Information Officer of the Croatian Parliament, email to Franet, 13 December 2023) and Bulgaria (four; National Assembly, Access to Public Information Decision No 49-31-37 following Franet request, 16 November 2023).

In France, people with disabilities do not receive any help to run a campaign, and no specific measures are in place for those who are elected to facilitate the exercise of their mandate, the NHRI reports. There is no requirement for the equipment provided to elected representatives to be in Braille (CNCDH, reply to FRA's questionnaire of 10 November 2023). During the 2022 early general elections on 1 November 2022 in Denmark, no political party could indicate any candidates with disabilities on its candidate lists (OSCE, Denmark – Early general elections, 1 November 2022 – ODIHR election expert team final report, p. 10).

At the local level, no official data could be found, although in 2014 some official data existed in three Member States. Unofficial data, however, suggest that people with disabilities are members of municipal or regional governments in at least Latvia, Malta and Slovenia.

The European Parliament noted that women continue to be under-represented in politics and public life. Regarding women with disabilities' participation in political life, no data could be found. The European Disability Forum stresses that 'women with disabilities are a "minority" within the minority of women in elected office'.

Ways forward

In previous reports, FRA found issues in the Member States related to explicit legal restrictions on participation, administrative or other barriers to participation, and accommodation with inadequate physical or other access. The findings of this report point to the need for Member States to continue their efforts to improve the political participation of people with disabilities, in particular as regards legal capacity and accessibility of and participation in the voting process, including by improving rights awareness in line with their commitment to implement the CRPD in full. They should ensure that people with disabilities are empowered and supported not only to vote, but also to stand for election. As in 2014, gaps remain in collecting data and statistics on people with disabilities in the context of elections.

The following ways forward point to priority actions that can help people with disabilities realise their right to vote and the right to stand for elections on an equal basis with others, in line with the EU Charter of Fundamental Rights and the CRPD.

Lifting restrictions on the right to vote and stand for elections

- The EU should promote supported decision-making for persons with disabilities, as enshrined by Article 12 of the CRPD. When reforming the EU Electoral Law, the EU should grant all Union citizens, including those deprived of legal capacity, the right to vote and the right to stand for election to the European Parliament.
- Member States should follow up on the CRPD Committee's general comment No 1 (2014) on equal recognition before the law, by granting all people the right to vote and the right to stand for local and European elections. In that regard, they should accord full legal capacity to all persons with all types of disability and improve access to supported decision-making in elections in line with the CRPD.

Making voting, facilities and election materials more accessible

- In line with the CRPD, Member States should ensure that European and local elections are designed and conducted in a manner that considers the different types of disabilities, such as those connected to hearing, visual or intellectual disabilities. They should adopt a wide range of accessibility measures for the built environment used for elections, and for public websites and applications used for communication on elections. Such measures should include, for example, providing accessible information about the elections, choosing accessible venues for political debates, installing audio equipment, and providing ballot papers in Braille and in easy-read format.
- When procuring works, services and supplies for the purpose of elections, Member States should incorporate accessibility into the technical specifications. They should consult DPOs

on accessibility at all stages of the procurement process.

- Member States and the European Union should ensure that funding is available to ensure that the physical environment, transport, information and communications are accessible throughout the electoral process.

Increasing rights awareness

- Member States should ensure that election authorities and election staff at local and European elections receive comprehensive training on disability discrimination, accessibility and reasonable accommodation.
- DPOs should be consulted and involved in such training and in all aspects of the electoral process, in both the planning and execution phases. They should also be involved in monitoring the implementation of the relevant accessibility legislation.

Expanding opportunities for political participation

- Member States should consider removing administrative barriers to political participation, such as the requirement to register to vote, or the requirement for a disability certificate or a minimum number of people in a long-term institution for using alternative ways of voting.
- Member States should ensure that people with disabilities receive support to be able to cast their own vote, or to do so with the assistance of a person of their choice, where appropriate.

Measuring the political participation of people with disabilities

- Member States are reminded of their obligation under Article 31 of the CRPD 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 CRPD. This also extends to Article 29 of the CRPD on political participation.
- Member States are encouraged to develop a system and procedures for collecting data on people with disabilities, ideally disaggregated by type of disability, age, sex, sexual orientation, gender identity, race, ethnicity, religion or belief, income, migration status, level of education, employment situation and place of residence. In this regard, Member States should give due consideration to the guidelines on improving the collection and use of equality data endorsed by the EU High Level Group on Non-discrimination, Equality and Diversity. Member States are encouraged to use the mapping tool and compendium of practices that complement these guidelines. Special emphasis should be placed on the fact that women with disabilities may be subject to multiple and intersectional forms of discrimination based on gender and disability.

Abbreviations

- **Charter** – Charter of Fundamental Rights of the European Union
- **CNCDH** – French National Consultative Commission on Human Rights
- **CRPD** – Convention on the Rights of Persons with Disabilities
- **CRPD Committee** – Committee on the Rights of Persons with Disabilities
- **DPO** – disabled people's organisation
- **ECHR** – European Convention on Human Rights and Fundamental Freedoms
- **ECtHR** – European Court of Human Rights
- **EDF** – European Disability Forum
- **EU** – European Union
- **FRA** – European Union Agency for Fundamental Rights
- **ICT** – information and communications technology
- **NGO** – non-governmental organisation
- **NHRI** – national human rights institution
- **ODIHR** – Office for Democratic Institutions and Human Rights
- **OSCE** – Organisation for Security and Co-operation in Europe
- **TEU** – Treaty on European Union
- **TFEU** – Treaty on the Functioning of the European Union
- **UN** – United Nations
- **WCAG** – Web Content Accessibility Guidelines

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Luxembourg: Publications Office of the European Union, 2024

HTML

- ISBN: 978-92-9489-408-3
- doi:10.2811/498748
- TK-05-24-321-EN-Q

PDF

- ISBN: 978-92-9489-406-9
- doi:10.2811/098625
- TK-05-24-321-EN-N

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