The right to political participation of persons with disabilities ahead of the 2024 European Parliament elections

Spain

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1. Data on persons with disabilities exercising their right to political participation

Table 1

| Indicator | Answer  (Choose one of the answers provided below) | Source and brief description/assessment |
| --- | --- | --- |
| Do national disability strategies include political participation? | National disability strategies specifically address political participation | Spain, Ministry of Social Rights and Agenda 2030, [Spanish Strategy on Disability 2022-2030 for the access, fulfilment and enjoyment of human rights of persons with disabilities](https://www.rpdiscapacidad.gob.es/estudios-publicaciones/estrategia-discapacidad-2022.htm). (*Estrategia Española sobre Discapacidad 2022-2030 Estrategia Española sobre Discapacidad 2022-2030 para el acceso, goce y disfrute de los derechos humanos de las personas con discapacidad*), 3 May 2022.  The Spanish Disability Strategy 2022-2030 is an institutional roadmap to achieve a country without walls and barriers against people with disabilities. Its central objective is to ensure that the Spanish State, through its administrations and public authorities, contributes to making the human rights of persons with disabilities and their families effective. It is an instrument conceived from an intersectional approach and with a gender perspective, to settle a debt with women and girls with disabilities and to respond to other cross-cutting challenges such as the climate emergency, the demographic challenge and the needs of people with disabilities living in rural areas. It has a Follow-up Commission to monitor its implementation. |
| Can persons deprived of legal capacity vote? | Full Participation | In Spain, by virtue of Organic Law 2/2018[[1]](#footnote-2), of 5 December, amending Organic Law 5/1985, of 19 June, on the General Electoral System, since 7 December 2018, the right to vote has been fully guaranteed for all persons with disabilities. |
| Is there a requirement under law to register to vote? | Yes for all voters | In Spain, Article 32 of [Organic Law 5/1985 on the General Electoral System](https://www.boe.es/eli/es/lo/1985/06/19/5/con) establishes the general obligation to register on the electoral roll to exercise the right to vote. |
| Are alternative ways of voting available to persons with disabilities? | Yes, disability-specific alternatives | [Organic Law 5/1985](https://www.boe.es/eli/es/lo/1985/06/19/5/con) of 19 June 1985 on the General Electoral System establishes postal voting as an alternative voting way for all persons. The so-called accessible voting procedure is available to visually impaired persons familiar with the Braille system. According to Article 87 of the aforementioned law, this accessible voting procedure for blind or severely visually impaired persons is applicable in direct consultations with the electorate, elections to the European Parliament, the Spanish Congress of Deputies, the Senate and elections to legislative assemblies or parliaments of the Autonomous Communities, but not in municipal elections. In these cases, "assisted voting" is applicable, which allows the voter to "make use of a person of his or her confidence", a procedure applicable also to previously mentioned electoral contexts. |
| Is there legislation regulating how people living in long-term institutions may vote? | No legislative provisions | In Spain, under Organic Law 5/1985, persons living in long-term institutions who cannot (or, in the case of prisoners, should not) physically go to their polling station may exercise their right to vote by post. However, no specific legislation exists or could be found in this respect. |
| Is there a legal duty to provide assistance in voting to persons with disabilities? | Yes, for people with physical and sensory disabilities | In Spain, consultation of [Organic Law 5/1985](https://www.boe.es/eli/es/rd/2007/12/07/1612/con), Royal Decree 1612/2007 of 7 December 2007, which regulates an accessible voting procedure that facilitates the exercise of the right of suffrage by visually impaired persons, as well as the [Manuals for persons who make up the polling station](https://elecciones.generales23j.es/personas-intregan-mesa/manuales-para-personas/manuales-para-personas), shows that there is a clear legal obligation to provide support for blind persons or persons with a visual impairment of more than 33%. This obligation does not exist or could not be identified in relation to other persons with other types of disabilities. |
| Are all persons with disabilities legally able to access complaints mechanisms if they have not been able to exercise the right to political participation? | Yes, all persons with disabilities | In Spain, both the [Royal Legislative Decree 1/2013](https://www.boe.es/eli/es/rdlg/2013/11/29/1/con), of 29 November, approving the Consolidated Text of the General Law on the Rights of Persons with Disabilities and their Social Inclusion (LGDPD) and the [electoral legislation](https://www.boe.es/eli/es/rd/2007/12/07/1612/con) provide for a system of guarantees, complaints and appeals of a general nature to which persons with disabilities can also apply. However, it has not been possible to identify specific complaint mechanisms for persons with disabilities. |
| Is information on complaints mechanisms regarding political participation accessible to persons with disabilities? | No data | Extensive research did not find any data in this regard. For the municipal, regional and national elections held in 2023, an improvement has been noted in the information and instructions given to polling station staff on how to proceed when dealing with voters with disabilities. Such information and instructions are contained in the respective [manuals](https://www.rpdiscapacidad.gob.es/estudios-publicaciones/Manual_Mesa.htm). However, it was not possible to find data on legal or administrative mechanisms available to persons with disabilities if they were prevented from exercising their right to vote. |
| Have national courts considered cases related to the right to political participation of persons with disabilities? | No, no cases identified | The extensive investigation through relevant jurisprudential databases – such as the [Spanish Constitutional Court](https://hj.tribunalconstitucional.es/) and the Judicial Documentation Centre of the General Council of the Judiciary ([CENDOJ](https://www.poderjudicial.es/search/indexAN.jsp)) – yielded no result.  However, in May 2021, the European Court of Human Rights– in the case Caamaño Valle v. Spain - considered proportionate the removal of the right to vote of a woman with intellectual disabilities under partial guardianship[[2]](#footnote-3) |
| Have non-judicial complaints mechanisms considered cases related to the right to political participation of persons with disabilities? | No, no cases identified | An extensive investigation through relevant databases was carried out, with no result yielded. The Spanish Committee of Representatives of Persons with Disabilities ([CERMI](https://cermi.es/)), the [Royal Board on Disability](https://www.rpdiscapacidad.gob.es/) and the entity [*Plena Inclusión*](https://www.plenainclusion.org/) are among the consulted databases.  However, the Ministry of Social Rights has set up an [Arbitration Mechanism](https://www.rpdiscapacidad.gob.es/discriminacion/denuncia.htm) for the resolution of complaints and grievances on equal opportunities, non-discrimination and accessibility on the grounds of disability which could have some relevance also in the field of political participation. |
| Are persons with disabilities members of the current national parliament? | Some MPs identify as having a disability (official data) | SID - Servicio de Información sobre Discapacidad (2023), ‘La discapacidad aumenta su representación en las Cortes Generales en la nueva legislatura’, press release, 16 August 2023.  According to this source, there are currently three members of the Spanish parliament with disabilities. |
| Is data available on the number of members of municipal/regional governments who have a disability? | No data available | There is a [State Database of Persons with Disabilities](https://imserso.es/el-imserso/documentacion/estadisticas/base-estatal-datos-personas-con-discapacidad), attached to the Ministry of Social Rights, Consumption and Agenda 2030. However, there is no official data available on the number of members of municipal/regional governments who have a disability.  According to the Down Syndrome Foundation Spain in the municipal elections of 2023 five persons with trisomy 21, supported by their political groups and their families, were running for office in their hometowns.[[3]](#footnote-4) |
| Is training for election authorities and officials on non-discrimination on the grounds of disability, accessibility and accommodation required by law? | No training required by law | There are manuals or protocols for polling station staff. However, there is no evidence, or it has not been possible to find evidence of legally mandated training for electoral authorities and officials on non-discrimination on the grounds of disability, accessibility and adaptation. |
| Are there mechanisms in place to ensure consultation and involvement of DPOs in the development of laws and policies which affect them? | No mechanisms established by law, but systematic procedures in place | There is no record of the existence of legally established consultation mechanisms. In principle, the [National Council on Disability](https://www.rpdiscapacidad.gob.es/organismos/consejo-nacional-discapacidad.htm), created in 2004, is the appropriate and customary channel for persons with disabilities and their families to participate in creating and planning public policies and laws that affect them. However, there is no record of the existence of legally established consultation mechanisms |
| Do national authorities provide guidelines on how to make polling stations accessible? | Yes, detailed guidance available | Government of Spain, Ministry of the Interior (2023), [Accessibility Guide](https://elecciones.generales23j.es/accesibilidad/guia-accesibilidad/), press release. The Guide, produced by the Central Electoral Board, provides instructions for both persons with disabilities and polling station staff. |
| Does the website which provides instructions for voting and information on candidates meet accessibility standards? | No/No data identified |  |
| Are some television programmes providing instructions for voting and information on candidates subtitled? | Yes, some key programmes are subtitled | RTVE.es |
| Do some television programmes providing instructions for voting and information on candidates have national sign language interpretation? | Yes, some key programmes have sign language interpretation | RTVE.es |
| Are some television programmes providing instructions for voting and information on candidates audio described? | No information |  |
| Were some political party manifestos provided in accessible formats during the most recent elections? | Some political parties provided accessible manifestos | Plena Inclusión (2023), ‘[No hay programas en lectura fácil](http://mivotocuenta.es/2023/07/26/no-hay-programas-en-lectura-facil/)’, press release, 26 July 2023.  In Spain, the organisation *Plena Inclusión* claims that for the general elections held in July 2023, the political parties have not adapted any of their electoral programmes to easy reading, except for the *Bloque Nacionalista Gallego* (Galician Nationalist Bloc). This has caused many difficulties for people with comprehension difficulties. |
| Are there legal accessibility standards for public and private providers of internet and web-based public information? | Yes, covering public and private | Spain, Royal Decree 193/2023, regulating the basic conditions of accessibility and non-discrimination for people with disabilities for access to and use of goods and services available to the public (*Real Decreto por el que se regulan las condiciones básicas de accesibilidad y no discriminación de las personas con discapacidad para el acceso y utilización de los bienes y servicios a disposición del público*), 21 March 2023.  Spain, Law 15/2022 on equal treatment and non-discrimination (*Ley integral para la igualdad de trato y la no discriminación*), 12 July 2022.  Spain, Royal Decree 1112/2018 on accessibility of public sector websites and applications for mobile devices (*Real Decreto sobre accesibilidad de los sitios web y aplicaciones para dispositivos móviles del sector público*), 7 September 2018.  Spain, Royal Legislative Decree 1/2013 approving the Consolidated Text of the General Law on the Rights of Persons with Disabilities and their Social Inclusion (*Real Decreto Legislativo por el que se aprueba el Texto Refundido de la Ley General de derechos de las personas con discapacidad y de su inclusión social*), 29 November 2013. |
| Are there legal accessibility standards for public and private providers of media? | Yes, covering public and private / | Royal Decree 193/2023, regulating the basic conditions of accessibility and non-discrimination for people with disabilities for access to and use of goods and services available to the public, 21 March 2023. In particular, Art. 14. |
| Are there mandatory accessibility standards for national and local authority buildings in the election context? | Yes | Royal Decree 193/2023, regulating the basic conditions of accessibility and non-discrimination for people with disabilities for access to and use of goods and services available to the public, 21 March 2023. In particular, Art. 5. |
| Are there legal accessibility standards for polling stations in place? | Yes, for all polling stations / | Art. 3.2 of Organic Law 5/1985 on the General Electoral System (*Ley Orgánica del Régimen Electoral General*), 19 June 1985.  Royal Decree 422/2011 approving the Regulation on the basic conditions for the participation of persons with disabilities in political life and electoral processes (*Real Decreto por el que se aprueba el Reglamento sobre las condiciones básicas para la participación de las personas con discapacidad en la vida política y en los procesos electorales*), 25 March 2011. |
| Is data available on the proportion of polling stations that are accessible to persons with disabilities? | No data identified |  |
| Is data available on the proportion of public buildings that are accessible for persons with disabilities? | No data identified |  |

1. Political participation of persons with disabilities in practice
   1. Positive and negative key development as regards political participation of persons with disabilities

In Spain, during the reference period from 1 January 2020 to 15 December 2023, several legal instruments on disability have been adopted. These include the following:

- Law 15/2022, on equal treatment and non-discrimination (*Ley 15/2022, integral para la igualdad de trato y la no discriminación*), 12 July 2022.

- Royal Decree 370/2023, amending Royal Decree 1851/2009, which implements Article 161. bis of the General Social Security Act regarding the early retirement of workers with a degree of disability equal to or greater than 45 percent (*Real Decreto 370/2023 por el que se modifica el Real Decreto 1851/2009 por el que se desarrolla el artículo 161.bis de la Ley General de la Seguridad Social en cuanto a la anticipación de la jubilación de los trabajadores con discapacidad en grado igual o superior al 45 por ciento*), of 16 May 2023.

- Royal Decree 888/2022 establishing the procedure for recognising, declaring and qualifying the degree of disability (*Real Decreto 888/2022 por el que se establece el procedimiento para el reconocimiento, declaración y calificación del grado de discapacidad*), of 18 October 2022.

- Royal Decree 193/2023, which regulates the basic conditions of accessibility and non-discrimination of people with disabilities for access to and use of goods and services available to the public (*Real Decreto 193/2023, por el que se regulan las condiciones básicas de accesibilidad y no discriminación de las personas con discapacidad para el acceso y utilización de los bienes y servicios a disposición del público*), 21 March 2023.

- Law 8/2021, reforming civil and procedural legislation to support persons with disabilities in exercising their legal capacity (*Ley 8/2021, por la que se reforma la legislación civil y procesal para el apoyo a las personas con discapacidad en el ejercicio de su capacidad jurídica*), 2 June 2021.

- Order TMA/851/2021, developing the technical document on basic accessibility conditions and non-discrimination for accessing and using urbanised public spaces (*Orden TMA/851/2021, por la que se desarrolla el documento técnico de condiciones básicas de accesibilidad y no discriminación para el acceso y la utilización de los espacios públicos urbanizados*), 23 July 2021.

In Spain, while some of these laws are of general application to disability, others specifically regulate different matters such as access to and use of goods and services, access to justice, and accessibility in the urban environment and building, every one of which could be relevant (directly or indirectly) to the political participation rights of persons with disabilities.

In Spain, on the occasion of celebrating the [National Day of the International Convention on the Rights of Persons with Disabilities](https://www.rpdiscapacidad.gob.es/discapacidad-derechos-humanos/dias-de-la-discapacidad.htm), on 3 May 2022[[4]](#footnote-5), the Government approved the [Spanish Strategy on Disability 2022-2030](https://www.rpdiscapacidad.gob.es/estudios-publicaciones/estrategia-discapacidad-2022.htm). The exercise and enjoyment of the political participation rights of persons with disabilities is one of the central axes of this political and programmatic instrument.

In Spain, during the reference period, numerous publications of various kinds (guides, reports, manuals, studies and academic publications, among others) on the rights to political participation of persons with disabilities have been brought to light by public institutions, civil society organisations defending the human rights of persons with disabilities (private entities in the third sector) and academic researchers. Among public institutions, the [Royal Board on Disability](https://www.rpdiscapacidad.gob.es/), with its [Spanish Journal on Disability](https://www.rpdiscapacidad.gob.es/rpd/estudios-publicaciones.htm) and its [RPD Bulletins](https://www.rpdiscapacidad.gob.es/actualidad/boletines.htm), stands out. Among the many civil society organisations advocating for the political participation rights of persons with disabilities, [CERMI](http://www.convenciondiscapacidad.es/publicaciones/)[[5]](#footnote-6) and [Plena Inclusión](https://www.plenainclusion.org/)[[6]](#footnote-7) stand out. Plena Inclusión is responsible for the promotion of the My Vote Counts ([*Mi Voto Cuenta*](https://www.plenainclusion.org/?s=mi+voto+cuenta)) nationwide campaign since 2019.

In Spain, the [Royal Board on Disability](https://www.rpdiscapacidad.gob.es/actualidad/noticias/0-49391.htm) reports that

“the Ministry of Social Rights and Agenda 2030 held a High-Level Meeting in Palma de Mallorca on 16 November in the framework of the Spanish Presidency of the Council of the European Union, attended by political representatives from a total of 22 states, where a declaration was presented, promoted by Spain, Germany and France to ensure the right to vote for people with disabilities and accessibility in political participation, as Spain did in 2019 and as recognised in the International Convention on the Rights of Persons with Disabilities, to which the European Union is a signatory along with its Member States.

The Declaration of the Presidency of the Council of the European Union on the right of persons with disabilities to vote has been signed by 21 Member States, the European Disability Forum and the Economic and Social Council.”[[7]](#footnote-8)

In Spain, all of the above suggests the existence of relevant legislative and political advances, which contribute to capitalising on the legislative reform carried out in 2018 through Organic Law 2/2018[[8]](#footnote-9), which removed barriers and established the right to full political participation of persons with disabilities. In the meantime, considering Plena Inclusión's claim in relation to the general elections held in July 2023[[9]](#footnote-10), effective implementation is the great pending issue.

* 1. Political participation: Promising practices[[10]](#footnote-11)

In Spain, according to Plena Inclusión, there is a general context in which the rights of persons with disabilities (including cognitive disabilities) "are declared, but not guaranteed". Applied to the right to political participation, this means that, although the "universalisation of the right to vote" has been achieved through Organic Law 2/2018, of 5 December, amending Organic Law 5/1985, of 19 June, on the General Electoral System to guarantee the right of suffrage for all persons with disabilities, in practice however there are still many situations that prevent many people, especially those with cognitive disabilities, from exercising their right to political participation, both active (right to vote) and passive (right to stand as a candidate for election). In addition to the pending legislative development (regulation), there is also a lack of awareness on the part of administrations, political groups and other actors involved in the electoral process. This explains the generalised attitude of compliance with the laws on the political rights of people with disabilities as a matter of voluntariness and not an obligation.

In that sense, the approval of the specific regulation developing the basic conditions of cognitive accessibility, expected before 1 April 2025, in compliance with the Second Additional Provision of [Law 6/2022](https://www.boe.es/buscar/doc.php?id=BOE-A-2022-5140) of 31 March, amending the Consolidated Text of the General Law on the Rights of Persons with Disabilities and their Social Inclusion, approved by Royal Legislative Decree 1/2013, of 29 November, to establish and regulate cognitive accessibility and its conditions of requirement and application, is considered by Plena Inclusión a promising practice in terms of real guarantee.

In Spain, the Ministry of Interior launched a new accessible signage system in May 2023, aimed at helping people with some form of cognitive disability to exercise their right to vote. The pilot project was carried out in Madrid during the local elections held on 28 May 2023, installing 32,900 signs in polling stations.[[11]](#footnote-12) Plena Inclusión considers this initiative a promising practice which is expected to be extended to the whole national territory and all elections.

In Spain, the organisation Plena Inclusión points out as a promising practice the increasing budget allocation provided by the current Central Government through the Ministry of Social Rights and Agenda 2030 for the implementation of policies and programmes in the fight against discrimination and the promotion and protection of the rights of persons with disabilities.

In Spain, the aforementioned Plena Inclusión also identifies as a promising practice the approval by the National Parliament, on 18 January 2023, of the Proposed Reform of Article 49 of the Spanish Constitution, which extends the rights of persons with disabilities and eliminates from the text the expression "physically, sensorial and mentally handicapped".[[12]](#footnote-13)

1. Spain, [Organic Law 2/2018](https://www.boe.es/eli/es/lo/2018/12/05/2) amending [Organic Law 5/1985](https://www.boe.es/eli/es/lo/1985/06/19/5/con) of 19 June 1985 on the General Electoral System to guarantee the right of suffrage for all persons with disabilities (*Ley Orgánica 2/2018, de 5 de diciembre, para la modificación de la Ley Orgánica 5/1985, de 19 de junio, del Régimen Electoral General para garantizar el derecho de sufragio de todas las personas con discapacidad*), 5 December 2018. [↑](#footnote-ref-2)
2. https://hudoc.echr.coe.int/eng#{%22itemid%22:[%22001-210089%22]} [↑](#footnote-ref-3)
3. https://www.sindromedown.net/asi-son-los-cinco-candidatos-con-sindrome-de-down-a-las-elecciones-municipales/ [↑](#footnote-ref-4)
4. The Council of Ministers agreed in 2019 to establish 3 May as the National Day of the United Nations as the National Day of the United Nations International Convention on the Rights of Persons with Disabilities, with the aim of remembering and recognising the importance of this Convention. [↑](#footnote-ref-5)
5. CERMI (2023), ‘Los asuntos públicos también son nuestros: Derecho a la participación política de las personas con discapacidad’, press release, 17 April 2023. [↑](#footnote-ref-6)
6. Publications are available at <https://www.plenainclusion.org/publicaciones/>. [↑](#footnote-ref-7)
7. Real Patronato sobre Discapacidad (2023), ‘Declaración de la Presidencia Española del Consejo de Unión Europea para extender el derecho de voto de las personas con discapacidad’, press release, 16 November 2023; Real Patronato sobre Discapacidad (2023), ‘Europa presenta una declaración para extender el derecho al voto de las personas con discapacidad en la Unión Europea’, press release, 16 November 2023. [↑](#footnote-ref-8)
8. Spain, [Organic Law 2/2018](https://www.boe.es/eli/es/lo/2018/12/05/2) amending [Organic Law 5/1985](https://www.boe.es/eli/es/lo/1985/06/19/5/con) of 19 June 1985 on the General Electoral System to guarantee the right of suffrage for all persons with disabilities (*Ley Orgánica 2/2018, de 5 de diciembre, para la modificación de la Ley Orgánica 5/1985, de 19 de junio, del Régimen Electoral General para garantizar el derecho de sufragio de todas las personas con discapacidad*), 5 December 2018. [↑](#footnote-ref-9)
9. Plena Inclusión (2023), ‘[No hay programas en lectura fácil](http://mivotocuenta.es/2023/07/26/no-hay-programas-en-lectura-facil/)’, press release, 26 July 2023. [↑](#footnote-ref-10)
10. In addition to extensive desk research, it was also considered advisable to consult with the heads of the Royal Board on Disability, Plena Inclusión and CERMI to help complete this item as best as possible. In the end, it was only possible to conduct an interview with three members of the legal department of Plena Inclusión on 24 January, from which the information summarised here has been extracted. [↑](#footnote-ref-11)
11. La Moncloa (2023), ‘Interior pone en marcha un nuevo sistema de señalización accesible en las elecciones locales del 28M’, Press release, 13 April 2023. [↑](#footnote-ref-12)
12. La Moncloa (2024), ‘El pleno del Congreso aprueba la reforma del artículo 49 de la Constitución, la primera de contenido social desde su entrada en vigor’, Press release, 18 January 2024. [↑](#footnote-ref-13)