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

**Ireland**

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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 | The National Disability Inclusion Strategy (2017-2022) contains one action to address political participation, that is to progress the accessibility of voting and voter information, building on learning from National Disability Authority research and from experience and best practice.[[1]](#footnote-1) A review of the Strategy by the National Disability Authority did not examine progress on this action.[[2]](#footnote-2) The Strategy is expected to be replaced in 2024. |
| Can persons deprived of legal capacity vote? | Limited Participation / | The Assisted Decision-Making (Capacity) Act 2015 set out a legal framework for assisted decision-making and established a sets out a system of supports for adults who have difficulties with decision-making capacity.[[3]](#footnote-3) It was commenced on 26 April 2023. However it did not amend electoral law. No information is provided regarding its role in voting in the ‘Information for voters with disabilities’ document published by the Department of Housing and Local Government as of May 2023.[[4]](#footnote-4)  The [Assisted Decision-Making (Capacity) (Amendment) Act 2022](https://www.irishstatutebook.ie/eli/2022/act/46/enacted/en/index.html) amends section 41 of the [Electoral Act 1992](https://www.irishstatutebook.ie/1992/en/act/pub/0023/index.html) in respect of disqualifying characteristics for membership of the Dáil (Parliament). |
| Is there a requirement under law to register to vote? | Yes for all voters | Persons who wish to vote must be registered on the Register of Electors ([Electoral Act 1992](https://www.irishstatutebook.ie/eli/1992/act/23/enacted/en/index.html), as amended by the [Electoral Reform Act 2022](https://www.irishstatutebook.ie/eli/2022/act/30/enacted/en/index.html)). |
| Are alternative ways of voting available to persons with disabilities? | Yes, disability-specific alternatives | Persons living in a hospital, nursing home or similar institution and who wish to vote at these locations may qualify to be on a Special Voters List (Section 17, Electoral Reform Act 1992 as amended). Other persons who have an illness or disability may be eligible for a postal vote and should register on the Postal Voters list.  Online registration is available for all registers. ([Electoral Act 1992](https://www.irishstatutebook.ie/eli/1992/act/23/enacted/en/index.html), as amended by the [Electoral Reform Act 2022](https://www.irishstatutebook.ie/eli/2022/act/30/enacted/en/index.html)).  Existing postal voting facilities, which are currently available to persons with physical difficulties which preclude them from attending a polling station on polling day, are extended to electors with mental health difficulties under the Electoral Reform Act 2022.  The law is mainly contained in the following legal provision, as amended: Part II of and the Second Schedule to the Electoral Act 1992 and Part III of the Electoral Reform Act 2022.  The procedure for voting by special voters is governed by [Part XIV of the Electoral Act 1992 (as amended)](http://www.irishstatutebook.ie/1992/en/act/pub/0023/sec0078.html#partxiv). [Section 81 of the Electoral Act 1992](http://www.irishstatutebook.ie/1992/en/act/pub/0023/sec0081.html#sec81) provides for the issue of a ballot paper to special voters. [Section 82 of the Electoral Act 1992](http://www.irishstatutebook.ie/1992/en/act/pub/0023/sec0082.html#sec82) provides for the method of voting by special voters. [Section 11 of the Electoral Act 1992](http://www.irishstatutebook.ie/1992/en/act/pub/0023/sec0100.html#sec100) provides for authorisation of a physically ill or physically disabled person to vote at another polling station where that is more convenient for the voter. [Section 103 of the Electoral Act 1992](http://www.irishstatutebook.ie/1992/en/act/pub/0023/sec0103.html#sec103) provides for voting with assistance by blind, incapacitated and illiterate electors. |
| Is there legislation regulating how people living in long-term institutions may vote? | Yes, as part of legislation on alternative forms of voting | Persons living in a hospital, nursing home or similar institution and who wish to vote at these locations may qualify to be on a Special Voters List (as above). |
| Is there a legal duty to provide assistance in voting to persons with disabilities? | Yes, for people with physical and sensory disabilities | People with a visual impairment, physical disability or literacy difficulty may get assistance to vote at a polling station by a companion (whose entry is governed by the [Electoral Act 1992](https://www.irishstatutebook.ie/eli/1992/act/23/enacted/en/index.html)) or by the presiding officer.  The [Electoral Regulations 2016](http://www.irishstatutebook.ie/eli/2016/si/537/made/en/print) provided that persons with a visual impairment may also use a Ballot Paper Template (available at every polling station) to cast their vote. These are devices that can be attached to a ballot paper to enable vision-impaired voters to vote in secret. There are two types of Ballot Paper Template, one for use at elections and one for use at referendums. At referendums, the Ballot Paper Template is a Yes/No option. The Ballot Paper Template features raised lettering, large print, Braille and a cut-out section to assist people in finding where to mark the vote. For elections, the Ballot Paper Template works in conjunction with a Freephone 1800 number that informs the listener of the candidates in the sequence corresponding to the numbers on the Ballot Paper Template. The Freephone number is made available for voters intending to use the template as soon as possible following the receipt of election candidate nominations. The number remains active up to and including polling day.  The Information for Voters with Disabilities document published by the Government provides the following further information[[5]](#footnote-5): The law allows a presiding officer to refuse a request for assistance during the last two hours of voting (i.e., the busiest time) if helping one elector would delay or obstruct others. |
| Are all persons with disabilities legally able to access complaints mechanisms if they have not been able to exercise the right to political participation? | No, only persons with legal capacity | The Electoral Acts 1992-2009 (as amended) do not make provision for redress and complaint mechanisms in cases where persons have not been able to exercise the right to vote.  The National Disability Authority has pointed out that, where a service such as provision of polling facilities is provided to a public body, the head of that public body has a specific obligation under section 27 of the Disability Act 2005 to ensure that the service provided is accessible for people with disabilities.[[6]](#footnote-6) All public bodies are further, under [Section 42 of the Irish Human Rights and Equality Act 2014](http://www.irishstatutebook.ie/eli/2014/act/25/enacted/en/html), subject to the Public Sector Equality and Human Rights Duty which obliges them to have regard to the need to eliminate discrimination, promote equality of opportunity and protect the human rights of public sector staff and service users.  Furthermore, section 39 of the Disability Act provides that a complaint may be made by any person, or on behalf of any person, in respect of a failure to comply with the obligation under section 27 of the 2005 Act to provide access to public buildings, services and information. This complaint may be made to the Ombudsman.[[7]](#footnote-7)  Persons with disabilities who have been deprived of their legal capacity have been excluded from exercising the right to vote in Ireland, therefore the issue of access to redress mechanisms has not applied, however, the National Disability Authority points out that the exercise of the right to vote under the [Assisted Decision-Making (Capacity) (Amendment) Act 2022](https://www.irishstatutebook.ie/eli/2022/act/46/enacted/en/index.html) has not yet been fully explored.[[8]](#footnote-8)  The Oireachtas Joint Committee on Disability Matters has recently recommended that the Government establish a complaints mechanism in line with the Ombudsman model to ensure accountability to the public and timely and appropriate remedies to those service users who have a justified complaint.[[9]](#footnote-9) |
| Is information on complaints mechanisms regarding political participation accessible to persons with disabilities? | Yes - Website is EN 301 549 v3.2.1 (2021-03) compliant and materials are available in alternative formats No data | The Ombudsman website details the complaint process clearly and makes assistance available through the Access Officer.[[10]](#footnote-10) |
| Have national courts considered cases related to the right to political participation of persons with disabilities? | Yes, cases considered | In 2017, the High Court considered the case of Sinnott v Minister for the Environment, Community and Local Government challenging the State to introduce measures that would enable a visually impaired person to vote in secret.[[11]](#footnote-11)  The court could not require the Minister to adopt any particular arrangement, such as a tactile voting device, for such voting. However, it could make a declaration to guide the Minister about the relevant provisions of the Electoral Act 1992 in conjunction with the duty under the Constitution to assure a secret ballot as far as is reasonably practicable. In 2018, the Minister established a Working Group on Accessible Voting to examine and make recommendations on issues that arise in relation to accessible voting. The Working Group has overseen the development of Ballot Paper Templates used in presidential, European, local, general elections and referendums.[[12]](#footnote-12) |
| Have non-judicial complaints mechanisms considered cases related to the right to political participation of persons with disabilities? | No, no cases identified | No complaints have been published by the Ombudsman or any other body relating to complaints on political participation of persons with disabilities. |
| Are persons with disabilities members of the current national parliament? | No data identified | 1 Senator is visually impaired (the first in the Oireachtas) and no current TDs are known to have a disability. There have been disabled representatives previously, but representation is consistently low, as the Joint Committee on Disability Matters has noted. No official data is available on members’ disabilities. |
| Is data available on the number of members of municipal/regional governments who have a disability? | No data available | No data is available. |
| 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 | No training is required by law in Ireland. |
| Are there mechanisms in place to ensure consultation and involvement of DPOs in the development of laws and policies which affect them? | No mechanisms in place | It is acknowledged that Ireland has a less developed DPO infrastructure than some countries.[[13]](#footnote-13) The Disability Participation and Consultative Network (DPCN) was established by Government in 2020 to ensure that people with disabilities are actively engaged and directly consulted in the development of legislation and policies in Ireland in line with the requirements of the UNCRPD. [[14]](#footnote-14) It includes a number of DPOs in its membership as well as organisations that are not DPOs . The Steering Group is made up of representatives of ten organisations: AsIAm, Disability Federation of Ireland, Inclusion Ireland, Mental Health Reform, Disabled Women of Ireland (DWI), Independent Living Movement of Ireland (ILMI), Irish Deaf Society (IDS), National Platform of Self Advocates (NPSA), Physical Impairment Ireland (PII) and Voice of Vision Impairment (VVI). 8 of these 10 are DPOs. The wider membership currently comprises approximately 100 members that include individuals, representatives of DPOs, other disability organisations and parent groups from across the country. Members are invited to participate in webinars, consultations, and focus group meetings. [[15]](#footnote-15)  In line with the UNCRPD, the DPCN promotes and supports the prioritisation of DPOs/DPROs as a means of consulting with disabled people. The DPCN is not a DPO/DPRO and does not communicate with DPOs/DPROs on behalf of public bodies.  The Oireachtas Joint Committee on Disability Matters however notes in its report ‘Ensuring Independent Living and the UNCRPD’ that as the DPCN itself is not a DPO, it is not in line with Article 4 (3) of the UNCRPD.[[16]](#footnote-16)  A recent report by the Oireachtas Joint Committee on Disability Matters noted that the Working Group on Accessible Voting has only one representative from a disabled persons organisation out of its five members.[[17]](#footnote-17) |
| Do national authorities provide guidelines on how to make polling stations accessible? | Yes, detailed guidance available | The National Disability Authority of Ireland has produced guidance on accessible voting centres and on communicating with voters with disabilities.[[18]](#footnote-18) It liaises with the Department of Housing, Local Government and Heritage in relation to accessible voting in this regard, and there is some evidence of the positive outcomes of such co-operation; for example, the NDA’s advice on accessible voting centres and on communicating with voters with disabilities was incorporated into an administrative circular issued by Department of the Environment, Community and Local Government to returning officers who are responsible for polling stations in elections.  The [Electoral Act 1997 (as amended 2014)](https://www.irishstatutebook.ie/eli/1997/act/25/enacted/en/html), Section 62 provides: If a polling station is inaccessible, a voter may request to vote at another. Each local authority shall, in making a scheme under this section, endeavour to appoint as polling places only such areas as shall allow the returning officer to provide at each polling place at least one polling station which is accessible to wheelchair users. The returning officer shall, where practicable, provide polling stations which are accessible to wheelchair users, such other arrangements as may serve to facilitate the marking and placing in the ballot box of ballot papers by voters who may be wheelchair users. |
| Does the website which provides instructions for voting and information on candidates meet accessibility standards? | Partially, some accessibility measures are in place / | The Electoral Commission website hosts information about accessible voting. The website has a partial conformance to the Web Content Accessibility Guidelines (WCAG) 2.1.[[19]](#footnote-19)  The [CheckTheRegister](https://www.checktheregister.ie/).ie website is managed by the Local Government Management Agency on behalf of the local authorities who manage the electoral registers in each county. The website is partially compliant with the [Web Content Accessibility Guidelines 2.1 level AA](https://www.w3.org/TR/WCAG21/).[[20]](#footnote-20)  The Citizens Information Board is the statutory body which supports the provision of information, advice and advocacy on a broad range of public and social services, including information on how to vote. The Citizensinformation.ie website is partially conformant with WCAG 2.1 level AA. [[21]](#footnote-21) |
| Are some television programmes providing instructions for voting and information on candidates subtitled? | Yes, some key programmes are subtitled | Specific subtitling targets have been identified by the Broadcasting Authority for each broadcast service and broadcasters shall comply with the targets and timeframes applying to their service(s). These are set with reference to the percentage of output that should include subtitling. All targets are based on a five-year timeframe.  In the case of certain broadcasters, reference is also made to targets to be met during peak-time periods (6pm – 11.30pm) and the percentage of programming during this period which should have subtitling. The state broadcaster RTE has approximately 95% of programmes on RTÉ One and RTÉ2 subtitled during peak hours, including all news and current affairs programming.[[22]](#footnote-22) |
| 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 / | Specific ISL targets have been identified by the Broadcasting Authority for each broadcast service. Relevant broadcasters shall comply with the targets and timeframes applying to their service(s). All targets are based on a five-year timeframe. In the case of most services, ISL targets will be assessed by the BAI based on a 24-hour day. The state broadcaster, RTE, for example, has a target of 5% and provides most of its ISL content through its online player. [[23]](#footnote-23)  The national parliament has a TV broadcast service which now includes ISL on all sittings.[[24]](#footnote-24) |
| Are some television programmes providing instructions for voting and information on candidates audio described? | Yes, some key programmes have audio description / | Specific audio description targets have been identified by the Broadcasting Authority for each broadcast service. Relevant broadcasters shall comply with the targets and timeframes applying to their service(s). All targets are based on a five-year timeframe and based on an 18-hour day (7am-1am). The state broadcaster, RTE, for example, has a target of 10% on its main channels showing news and current affairs, but there is no specific requirement for programmes of this kind.[[25]](#footnote-25) |
| Were some political party manifestos provided in accessible formats during the most recent elections? | Some political parties provided accessible manifestos | The Labour Party produced an Easy to Read and Plain English version of their manifesto for the 2020 General Election.[[26]](#footnote-26) |
| Are there legal accessibility standards for public and private providers of internet and web-based public information? | Yes, covering public and private / | Ireland requires public and private organizations to maintain accessible digital resources for people with disabilities. The Disability Act 2005 requirements extend to places of public accommodation including websites. The National Disability Authority (NDA) publishes a Code of Practice to provide guidance for meeting legal obligations under the Disability Act. The code recommends Level AA conformance with the latest version of the Web Content Accessibility Guidelines (WCAG), but specifies WCAG 2.0.[[27]](#footnote-27) |
| Are there legal accessibility standards for public and private providers of media? | Yes, covering public and private | As above.  The Disability Act 2005 requires public bodies (e.g. RTÉ, the state television station) to ensure that their services are accessible for people with disabilities by providing integrated access to mainstream services where practicable and appropriate.  The Equal Status Act 2000-2004 prohibits disability discrimination in the provision of goods and services to the public, whether free or charged for, and will apply to all media.  The Revised Access Rules published by the Broadcasting Authority of Ireland in 2019 specify annual and 5 year targets for each broadcaster regarding the percentage of programmes that have subtitling, Irish Sign Language interpretation and audio description. RTE, the State broadcaster, should reach 5% ISL provision by 2023, while private broadcasters have a target of 2%. News channels and Oireachtas TV are subject to a much lower requirement for subtitling than other types of programming.[[28]](#footnote-28) |
| Are there mandatory accessibility standards for national and local authority buildings in the election context? | Yes | The Electoral (Amendment) Act, 1996 Section 2 sets out that local authorities shall endeavour to appoint polling places with at least one accessible station. Otherwise, an alternative polling station may be appointed. Section 3 requires that accessible polling stations are provided “where practicable.” Public notice of all inaccessible polling stations shall be given “not later than the eighth day before polling day.”[[29]](#footnote-29)  The Disability Act 2005 Section 25 requires that public buildings must be, as far as practicable, accessible to disabled people. However there are exceptions made for temporary use. [[30]](#footnote-30)  The National Disability Authority plans to publish a Code of Practice on accessible public buildings at the request of the Minister in pursuance of Part 3 of the Disability Act 2005, and has completed its consultation phase of this work.[[31]](#footnote-31) An Operational Review of the Effectiveness of Section 25 of the Disability Act 2005 was published by the NDA in 2019 providing guidance on how public bodies can comply with Section 25. Under Part 3 of the Disability Act, the NDA is developing a statutory Code of Practice on Accessible Public Buildings at the request of the Minister, informed by the findings of the Operational Review.Upon completion of the Code of Practice, the NDA will have a role to monitor compliance. [[32]](#footnote-32) |
| Are there legal accessibility standards for polling stations in place? | Yes, for all polling stations | [The](https://docs.google.com/document/d/1ShHGnOBMdDsVs0kVm3VDKAOkWaqy6OybUn0MrkajrZ8/edit?usp=sharing) National Disability Authority has produced guidance on accessible voting centres and on communicating with voters with disabilities. It liaises with the Department of the Environment, Community and Local Government in relation to accessible voting in this regard, and there is some evidence of the positive outcomes of such co-operation; for example, the NDA’s advice on accessible voting centres and on communicating with voters with disabilities was incorporated into an administrative circular issued by Department of the Environment, Community and Local Government to returning officers who are responsible for polling stations in elections.  In 2020, the NDA recommended that the Department should consider instituting a policy that no new polling station can be situated in a premises that is inaccessible and should work with returning officers to ensure that the last few inaccessible polling stations are phased out.[[33]](#footnote-33) |
| Is data available on the proportion of polling stations that are accessible to persons with disabilities? | Some official data available | The Government of Ireland confirmed in its UNCRPD Initial report that audits have been undertaken of the accessibility of polling stations. According to the State report, at the May 2019 Local Elections, 51 buildings servicing 103 polling stations were not accessible to wheelchair users (1.6%, based on 6,500 polling stations). At the February 2020 General Election, out of approximately 7,000 polling stations there were 29 inaccessible buildings servicing 43 polling stations.[[34]](#footnote-34)  The Oireachtas Joint Committee on Disability Matters noted that on polling day in the 2020 General Election, barriers included inaccessible polling stations, disabled people not being able to vote in private as ad hoc arrangements were put in place, a lack of disability awareness and equality training of returning officers and polling station staff. The Committee noted with concern that some people with disabilities reported having to vote in their car and that they were being challenged in polling booths when presenting alongside their PA or carer.[[35]](#footnote-35) |
| Is data available on the proportion of public buildings that are accessible for persons with disabilities? | No data identified | There is no register of accessible public buildings. |

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

In Ireland, the DPO Network notes that in its recent survey preparing for Ireland’s first UNCRPD report, 24% of people with a disability had difficulty in accessing their right to vote and that 55% had difficulty in contacting their local representative.[[36]](#footnote-36) The Oireachtas Joint Committee on Disability Matters heard that 52% of disabled voters surveyed after the General Election 2020 reported that they faced barriers to voting. Leading to polling day, these barriers included a lack of information in accessible formats and lack of knowledge on how to vote, or not being able to follow electoral debates because of inaccessible information. On polling day, barriers included inaccessible polling stations, disabled people not being able to vote in private as ad hoc arrangements were put in place and lack of availability of PAs to support individuals to vote due to the election taking place on a Saturday. In addition, a lack of disability awareness and equality training of returning officers and polling station staff was communicated as a significant barrier. The Committee were concerned to hear that some people with disabilities also reported having to vote in their car and that they were being challenged in polling booths when presenting alongside their PA or carer. The Committee wrote to the relevant Minister to make a series of recommendations.[[37]](#footnote-37)

Following the recommendation of the Irish Human Rights and Equality Commission[[38]](#footnote-38), the Oireachtas Joint Committee on Disability Matters undertook an investigation of the barriers to political participation for persons with disabilities and develops proposals for how these might be addressed. A report and recommendations was published in October 2022. [[39]](#footnote-39)

* 1. Political participation: Promising practices

The Irish Sign Language (ISL) Interpreting Team at the Houses of the Oireachtas are working towards integrating Irish Sign Language into aspects of the Irish parliament, including developing a new ISL glossary of parliamentary terminology. Parliamentary interpreting brings with it many challenges, one of which being the use of English parliamentary terminology where an ISL equivalent has not yet been established. The ISL team collaborated with twelve Deaf Interpreting students from the Centre for Deaf Studies, Trinity College Dublin, to co-create over eighty signs for parliamentary terms where previously an ISL equivalent was not formally established or known to the ISL team.[[40]](#footnote-40)

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