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

Italy

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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 do not address political participation | In Italy, there is not a national disability strategy. Political participation of persons with disabilities is directly or indirectly dealt with in legislation. |
| Can persons deprived of legal capacity vote? | Full Participation | Art. 11 of the Law No. 180 of 13 May 1978[[1]](#footnote-2) on voluntary and mandatory health treatments eliminated the exclusion from political participation of persons deprived of civil capacity which was originally envisaged by the 1967 Consolidated Text on Active Political Rights[[2]](#footnote-3). |
| Is there a requirement under law to register to vote? | No, automatic registration | Voters’ lists (*liste elettorali*) are managed by Italian municipalities that automatically register all persons that live in the municipal territory and are entitled to political rights. |
| Are alternative ways of voting available to persons with disabilities? | Yes, disability-specific alternatives | If a person has one or more disabilities that make them a physically impeded voter, they have the right to assisted voting, i.e. to be accompanied to the polling station by another person who can help them express his or her vote (Article 29 of Law No. 104/1992 on social integration and assistance to people with disabilities[[3]](#footnote-4)). The prerequisite for assisted voting is therefore an impediment of a physical nature that prevents the material expression of the vote. By physically impeded the law means voters: i. blind; ii. amputees of the hands; iii. suffering from paralysis or another impediment of similar severity. If a person falls into one of these cases, they may therefore voluntarily choose a family member or other accompanying person, who may be a voter registered on the electoral list of any Italian municipality (as ruled by Law No. 17/2003 on the right to vote of voters with severe impairments[[4]](#footnote-5)). This legislation excludes from assisted voting voters with intellectual disabilities, as denounced and criticized by Anfass[[5]](#footnote-6), one of the most important associations representing people with intellectual disabilities and their families.  Eventually, Art. 1 of the Law-Decree No. 1/2006, converted into Law No. 22/2006, and for the Municipalities, states that voters suffering from serious disabilities such that it is impossible for them to leave their home, and voters suffering from serious disabilities who are in a condition of continuous and vital dependence on electromedical equipment such as to prevent them from leaving their home, shall be allowed to vote from their homes. |
| Is there legislation regulating how people living in long-term institutions may vote? | Yes, as part of legislation on alternative forms of voting | Voters living in long-term institutions have the right to participate in elections. This right applies to both people with disabilities and to other people at any title living in institutions. The way this right is enforced is governed by the Decree of the President of the Italian Republic No. 261/1957[[6]](#footnote-7) and it depends on the size of the concerned institution: i. hospital polling sections in hospitals and institutions with at least 200 beds, in the number of one for every 500 bed places or fractions of 500; ii. special polling stations in hospitals and institutions with at least 100 and up to 199 beds; iii. detached section offices (so-called flying polling stations in hospitals and small institutions (i.e. with less than 100 beds). This system is managed by municipalities and voters are requested to lodge a request within three days from the elections, sending a specific declaration stating the intention to vote in the place of treatment and, at the bottom, the certificate of the medical director of the institution. |
| Is there a legal duty to provide assistance in voting to persons with disabilities? | Yes, for all persons with disabilities | The right to vote is a constitutional right, governed by Art. 48 of the Italian Constitution. Moreover, the above-mentioned Laws No. 104/1992 and 17/2003 introduced specific measures to make sure that this right is enforceable in practice. |
| 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 | People with disabilities are protected from discriminations in compliance with the Law No. 67/2006[[7]](#footnote-8). This Law does not deal specifically with political rights; it is a general legislative framework on judicial protection against all types of discriminations targeting people with disabilities. |
| Is information on complaints mechanisms regarding political participation accessible to persons with disabilities? | No data |  |
| Have national courts considered cases related to the right to political participation of persons with disabilities? | No, no cases identified |  |
| Have non-judicial complaints mechanisms considered cases related to the right to political participation of persons with disabilities? | No, no cases identified |  |
| Are persons with disabilities members of the current national parliament? | No data identified |  |
| Is data available on the number of members of municipal/regional governments who have a disability? | No data 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 | In Italy, there is not a mandatory training. Some training initiatives are organised at local level; however, we could not find examples of training sessions focusing on these issues specifically. For instance, the municipality of Vicenza released a [training manual](https://www.comune.vicenza.it/file/125277-manuale_scrutatore_elezioni.pdf) for election officials focusing on election procedures, organisation of polling stations, identification of voters, ballot counting. The Region Friuli Venezia Giulia organised a [training session](https://autonomielocali.regione.fvg.it/aall/export/sites/default/AALL/Elezioni/corso_pres_seggi/) for election officials in view of the 2022 political elections; the training scheme focused on: composition and functioning of the poll station; preliminary procedures for the elections; voting procedures; ballot counting. However, the training also dealt with special polling stations, such as those set up in hospitals and institutions which can concern people with disabilities. |
| Are there mechanisms in place to ensure consultation and involvement of DPOs in the development of laws and policies which affect them? | Yes, mechanisms established by law | In Italy, the Law No. 18/2009[[8]](#footnote-9) ratified the UN CRPD; its Art. 3 also set up the National Observatory on the Condition of Persons with Disabilities (*Osservatorio nazionale sulla condizione delle persone con disabilità*). The Observatory has advisory and technical-scientific support functions for the elaboration of national policies on disability with the aim of evolving and improving information on disability in Italy and, at the same time, providing a contribution to improving the level of effectiveness and adequacy of policies. The Observatory’s [members](https://www.osservatoriodisabilita.gov.it/it/composizione/) include representatives of the Italian Government and of associations representing persons with disabilities, as well as other associations and trade unions. |
| Do national authorities provide guidelines on how to make polling stations accessible? | No detailed guidance available | In Italy, in 2022 the Ministry of the Interior released a document providing Indications for the Polling Stations (*Istruzioni per le operazioni degli uffici elettorali di sezione*) in view of the 2022 political elections[[9]](#footnote-10). Point 8.5 of the document provides basic indication on how to make polling stations accessible for voters with wheelchairs; moreover, Point 16.6 establishes that voters with physical impairments assigned to non-accessible polling stations have the right to vote in other stations that are accessible in the same municipality. Eventually, Point 16.7 provides indications on the vote of persons with disabilities entitled to be accompanied during the vote. |
| Does the website which provides instructions for voting and information on candidates meet accessibility standards? | No > to be modified | Information is provided by the website of the Ministry of the Interior through FAQs sections. This is the [section](https://dait.interno.gov.it/elezioni/faq/faq-elezioni-politiche-2022) for the 2022 political elections; this is the [section](https://dait.interno.gov.it/elezioni/faq/faq-elezioni-amministrative-2023) for the 2023 administrative elections. |
| Are some television programmes providing instructions for voting and information on candidates subtitled? | Not available > | To be modified as follows:  Public TV traditional and social media channels provide for targeted information/instructions ( https://www.rai.it/dl/easyweb/Sottotitoli-b9ff6824-c27e-4249-b51d-61d2b565b95c.html). |
| 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 | Public TV channels have broadcasted [videos](https://www.raiplay.it/video/2022/08/Elezioni-2022---Come-si-vota-f91c4b30-268e-4ccc-954b-53a00bd3ec46.html) providing instructions for the 2022 political elections in sign language. |
| Are some television programmes providing instructions for voting and information on candidates audio described? | Yes | Public TV traditional and social media channels provide for targeted information/instructions ( <https://www.rai.it/dl/easyweb/Sottotitoli-b9ff6824-c27e-4249-b51d-61d2b565b95c.html> ). |
| Were some political party manifestos provided in accessible formats during the most recent elections? | No political parties provided accessible manifestos |  |
| Are there legal accessibility standards for public and private providers of internet and web-based public information? | Yes, covering public only | In Italy, in December 2022 the Agency for Digital Italy (*Agenzia per l’Italia Digitale* – AGID) released Guidelines on Accessibility of IT Tools[[10]](#footnote-11), providing indications on technical requirements for the accessibility of IT tools, including websites and mobile applications. The Guidelines were drafted after consulting the most representative associations of persons with disabilities, as well as IT companies. Moreover, the Italian branch of the World Wide Web Consortium (W3C) launched the [Web Accessibility Initiative (WIA)](https://www.w3c.it/accessibilita.html) providing indications on how to ensure accessibility of IT contents and tools: however, this document is not binding.  The Legislative Decree No. 222 of 13 December 2023 on “Provisions on the upgrading of public services for inclusion and accessibility”[[11]](#footnote-12) introduced the obligation for all providers of public services to introduce measures to ensure the accessibility of the services to persons with disabilities. The Legislative Decree also envisages the direct involvement of civil-society organisations representing persons with disabilities in identifying the measures that are needed to ensure accessibility and inclusion. This provision does not directly focus on internet and web-base public information. |
| Are there legal accessibility standards for public and private providers of media? | Yes, covering public only | See the AGID Guidelines mentioned in the previous row. |
| Are there mandatory accessibility standards for national and local authority buildings in the election context? | Partially | In Italy, some indications are provided by the law concerning the characteristics of buildings where elections take place[[12]](#footnote-13). According to these indications, four voting booths must be set up, one exclusive for voters with disabilities; moreover, the building must be accessible from the street level to allow the access of persons with physical disabilities. The legislation to eliminate architectonical barriers – the Decree of the President of the Italian Republic No. 503/1996 on public buildings[[13]](#footnote-14) and the Law No. 220/2012 on private buildings[[14]](#footnote-15) – does not deal specifically with buildings used for elections. |
| Are there legal accessibility standards for polling stations in place? | Yes, for all polling stations | As reported in previous row, some indications are provided by the law concerning the characteristics of buildings where elections take place[[15]](#footnote-16). According to these indications, four voting booths must be set up, one exclusive for voters with disabilities; moreover, the building must be accessible from the street level to allow the access of persons with physical disabilities. |
| 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 Italy, in view of the September 2022 political elections, associations of persons disabilities got vocal denouncing practical impediments to political participation. The Italian Federation for Overcoming Disability (*Federazione Italiana per il Superamento dell’Handicap –* FISH) issued a statement[[16]](#footnote-17) reporting that once again materials disseminated during the election campaign were not always accessible and easy to understand. Moreover, FISH’s president stressed that there is still a lack, despite repeated appeals, of clear and precise regulations guaranteeing supported voting by persons with intellectual disabilities. According to FISH, persons with disabilities willing to vote must rely on the intelligence and common sense of those who will be called upon to preside over the polling stations.

Similarly, the association Anfass[[17]](#footnote-18) mentioned above stressed that only persons with specific types of disabilities (such as physical and sensorial ones) are entitled to be assisted by a third person when voting. Accompaniment is not provided to persons with intellectual disabilities who, if they have no visible physical disabilities, may still need appropriate support in voting. Anfass also urged political authorities to define clear and precise regulations that guarantee supported voting for persons with intellectual disabilities.

In Italy, in April 2022 the Italian Government released a White Book[[18]](#footnote-19) on political participation and on strategies and measures to foster it. Despite not being specifically focused on political participation of persons with disabilities, the White Book recognizes the need to introduce actions to foster participation of this sub-group of the population. In this respect, Section 2.6 provides indications on measures to be implemented: i. publication on the institutional websites of the municipalities, of the lists of voting polls free of architectural barriers; ii. the extension of the possibility of voting on election day in a polling station of architectural barriers, other than the one where the person with disabilities is registered on the electoral list, introducing a Digital Election Pass; iii. reinforcement and enhancement of the free public transport service to enable people to reach the polling station; iv. enhancement and simplification of home voting.

* 1. Political participation: Promising practices

In Italy, associations of persons with disabilities have implemented over the years some good practices to foster political participation of persons with disabilities.

The association Anfass has implemented during the period 2017-2019 the Capacity project[[19]](#footnote-20) to promote social inclusion and active participation of persons with disabilities. The project – financed with national funds – had two key goals: i. The analysis of the Italian regulatory legal system, also against the EU law and other national legal systems; ii. The testing of innovative models and practices to support decision-making and for full social inclusion and the production of toolkits (guides, tutorials, exercises, IT resources) aimed at people with disabilities, families, service providers, justice, and social system operators. The final outcome of the project consisted in the drafting of Toolkits destined to persons with disabilities[[20]](#footnote-21) and their families[[21]](#footnote-22), social services[[22]](#footnote-23) and professionals of the legal and justice system[[23]](#footnote-24). All these toolkits mentioned the right to vote as a pivotal dimension of active citizenship, providing information and practical recommendations on how to implement this right in practice.

Moreover, associations have also released easy-to-read guides to support persons with disabilities in view of elections, providing information on the voting procedure and how to choose their candidates. For instance, Anfass developed a guide for the 2022 political elections[[24]](#footnote-25); and the Italian Association of Persons with the Down Syndrome (*Associazione Italiana Persone Down –* AIPD) developed a similar guide for the 2022 elections[[25]](#footnote-26), but also earlier for the 2019 European elections[[26]](#footnote-27), both titled “Your vote counts!”.

1. [Legge 13 maggio 1978, n. 180](https://www.gazzettaufficiale.it/eli/id/1978/05/16/078U0180/sg), “Accertamenti e trattamenti sanitari volontari e obbligatori”. [↑](#footnote-ref-2)
2. [Decreto del Presidente della Repubblica 20 marco 1967, n. 223](https://www.normattiva.it/uri-res/N2Ls?urn:nir:stato:decreto.del.presidente.della.repubblica:1967-03-20;223!vig=), “Approvazione del testo unico delle leggi per la disciplina dell'elettorato attivo e per la tenuta e la revisione delle liste elettorali”. [↑](#footnote-ref-3)
3. [Legge 5 febbraio 1992, n. 104](https://www.gazzettaufficiale.it/eli/id/1992/02/17/092G0108/sg), “Legge-quadro per l'assistenza, l'integrazione sociale e i diritti delle persone handicappate”. [↑](#footnote-ref-4)
4. [Legge 5 febbraio 2003, n. 17](https://www.normattiva.it/uri-res/N2Ls?urn:nir:stato:legge:2003;17), “Nuove norme per l'esercizio del diritto di voto da parte degli elettori affetti da gravi infermità”. [↑](#footnote-ref-5)
5. Anfass (2022), “[Il diritto di voto negato ai più fragili](https://www.anffas.net/it/news/17230/il-diritto-di-voto-negato-ai-piu-fragili/)”, 20 September 2022. [↑](#footnote-ref-6)
6. [Decreto del Presidente della Repubblica 30 marzo 1957, n. 361](https://www.normattiva.it/uri-res/N2Ls?urn:nir:stato:decreto.del.presidente.della.repubblica:1957-03-30;361!vig=), “Approvazione del testo unico delle leggi recanti norme per la elezione della Camera dei deputati”. [↑](#footnote-ref-7)
7. [Legge 1° marzo 2006, n. 67](https://www.normattiva.it/uri-res/N2Ls?urn:nir:stato:legge:2006-03-01;67!vig=#:~:text=%C3%88%20persona%20handicappata%20colui%20che,svantaggio%20sociale%20o%20di%20emarginazione.), “Misure per la tutela giudiziaria delle persone con disabilità vittime di discriminazioni”. [↑](#footnote-ref-8)
8. [Legge 3 marzo 2009, n. 18](https://www.handylex.org/legge-3-marzo-2009-n-18/#:~:text=dinanzi%20alla%20legge-,1.,tutti%20gli%20aspetti%20della%20vita.), “Ratifica ed esecuzione della Convenzione delle Nazioni Unite sui diritti delle persone con disabilità, con Protocollo opzionale, fatta a New York il 13 dicembre 2006 e istituzione dell’Osservatorio nazionale sulla condizione delle persone con disabilità”. [↑](#footnote-ref-9)
9. Ministero dell’Interno (2022), “[Elezioni della Camera dei deputati e del Senato della Repubblica. Istruzioni per le operazioni degli uffici elettorali di sezione](https://dait.interno.gov.it/documenti/pubb_03_politiche_ed.2022.pdf)”, 25 settembre 2022. [↑](#footnote-ref-10)
10. AGID (2022), “[Linee guida sull’accessibilità degli strumenti informatici](https://www.agid.gov.it/sites/default/files/repository_files/linee_guida_accessibilita_versione_rettifica_del_21_dic_2022_rev_rscc.pdf)”, 21 December 2022. [↑](#footnote-ref-11)
11. Legislative Decree No. 222 of 13 December 2023 on “Provisions on the upgrading of public services for inclusion and accessibility” ([Decreto Legislativo 13 dicembre 2023, n. 222](https://www.normattiva.it/uri-res/N2Ls?urn:nir:stato:decreto.legislativo:2023-12-13;222)*, “Disposizioni in materia di riqualificazione dei servizi pubblici per l'inclusione e l'accessibilità, in attuazione dell'articolo 2, comma 2, lettera e), della legge 22 dicembre 2021, n. 227”).*  [↑](#footnote-ref-12)
12. Ministero dell’Interno, [Circolare N. 4/2021](https://dait.interno.gov.it/documenti/circ-004-dait-servelet-23-02-2021.pdf). [↑](#footnote-ref-13)
13. [Decreto del Presidente della Repubblica 24 luglio 1996, n. 503](https://www.gazzettaufficiale.it/eli/id/1996/09/27/096G0512/sg), “Regolamento recante norme per l'eliminazione delle barriere architettoniche negli edifici, spazi e servizi pubblici”. [↑](#footnote-ref-14)
14. [Legge 11 dicembre 2012, n. 220](https://www.normattiva.it/uri-res/N2Ls?urn:nir:stato:legge:2012-12-11;220), “Modifiche alla disciplina del condominio negli edifici”. [↑](#footnote-ref-15)
15. Ministero dell’Interno, [Circolare N. 4/2021](https://dait.interno.gov.it/documenti/circ-004-dait-servelet-23-02-2021.pdf). [↑](#footnote-ref-16)
16. FISH (2022), “[Che sia realmente garantito il diritto di voto alle persone con disabilità](https://www.fishonlus.it/che-sia-realmente-garantito-il-diritto-di-voto-alle-persone-con-disabilita/)”, 23 September 2022. [↑](#footnote-ref-17)
17. Vita (2022), “[Dov’è il diritto di voto delle persone con disabilità](https://www.vita.it/comitato-editoriale/dove-il-diritto-di-voto-delle-persone-con-disabilita/)”, 8 September 2022. [↑](#footnote-ref-18)
18. Dipartimento per le riforme istituzionali (2022), “[Per la partecipazione dei cittadini. Come ridurre l’astensionismo e agevolare il voto](https://www.riformeistituzionali.gov.it/media/1420/libro-bianco-edprovvisoria-13042022.pdf)”, April 2022. [↑](#footnote-ref-19)
19. Information on the project is available at the Anfass [website](https://www.anffas.net/it/progetti-e-campagne/capacity-la-legge-e-eguale-per-tutti/). [↑](#footnote-ref-20)
20. The toolkit for persons with disabilities is available at the Anfass [website](https://www.anffas.net/dld/files/TOOLKIT%20PERSONE%20CON%20DISABILITA'.pdf). [↑](#footnote-ref-21)
21. The toolkit for families of persons with disabilities is available at the Anfass [website](https://www.anffas.net/dld/files/TOOLKIT%20FAMIGLIE.pdf). [↑](#footnote-ref-22)
22. The toolkit for social services is available at the Anfass [website](https://www.anffas.net/dld/files/TOOLKIT%20OPERATORI.pdf). [↑](#footnote-ref-23)
23. The toolkit for professionals of the legal and justice system is available at the Anfass [website](https://www.anffas.net/dld/files/TOOLKIT%20OPERATORI%20SETTORE%20LEGALE.pdf). [↑](#footnote-ref-24)
24. Anfass (2022), “[Le elezioni del 25 settembre 2022 in versione facile da leggere](https://www.anffas.net/dld/files/LE%20ELEZIONI%20DEL%2025%20SETTEMBRE%202022_LINGUAGGIO%20FACILE%20DA%20LEGGERE.pdf)”, September 2022. [↑](#footnote-ref-25)
25. AIPD (2022), “[Il tuo voto conta! Elezioni 25 settembre 2022](https://www.aipd.it/site/wp-content/uploads/2022/09/IL-TUO-VOTO-CONTA-elezioni25settembre2022.pdf)”, September 2022. [↑](#footnote-ref-26)
26. AIPD (2019), “[Il tuo voto conta! Elezioni europee 26 maggio 2019](https://www.aipd.it/site/wp-content/uploads/2019/05/GUIDAelezioni26maggio2019.pdf)”, May 2019. [↑](#footnote-ref-27)