



# Elect and be elected

The right of people with intellectual disabilities to vote and to stand for elections



Ambitions. Rights. Belonging.

# Contents

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Introduction.....	3
Restrictions on the right to vote and to be elected .....	4
Situation in the European Union .....	5
Consequences .....	8
Accessibility and support to exercise the right to vote and be elected .....	9
Accessible information.....	9
Support for decision-making in voting .....	10
Access to the voting process .....	10
Tools and resources .....	12

# Introduction

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The right to vote and be elected is one of the most fundamental rights of all European citizens. It is about taking part in the political process, being included in society and having our voice heard.

***“States Parties shall undertake 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 for persons with disabilities to vote and be elected”<sup>1</sup>***

Even though the UN Convention on the Rights of Persons with Disabilities reaffirms the right to vote and be elected for people with disabilities, there are still restrictions in the European Union (EU), especially for people with intellectual disabilities.

Lack of accessibility measures and support to make this right effective are lacking too.

This report is a [summary of findings](#) done in collaboration with Inclusion Europe members in 2019. It is updated with recent legal cases and developments.

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<sup>1</sup> Article 29 of the UN Convention on the Rights of Persons with Disabilities (CRPD)

# Restrictions on the right to vote and to be elected

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**Limitation** of the **legal capacity** of persons with intellectual disabilities and placement under guardianship are often the reason why people with intellectual disabilities are denied the right to vote or stand for election.

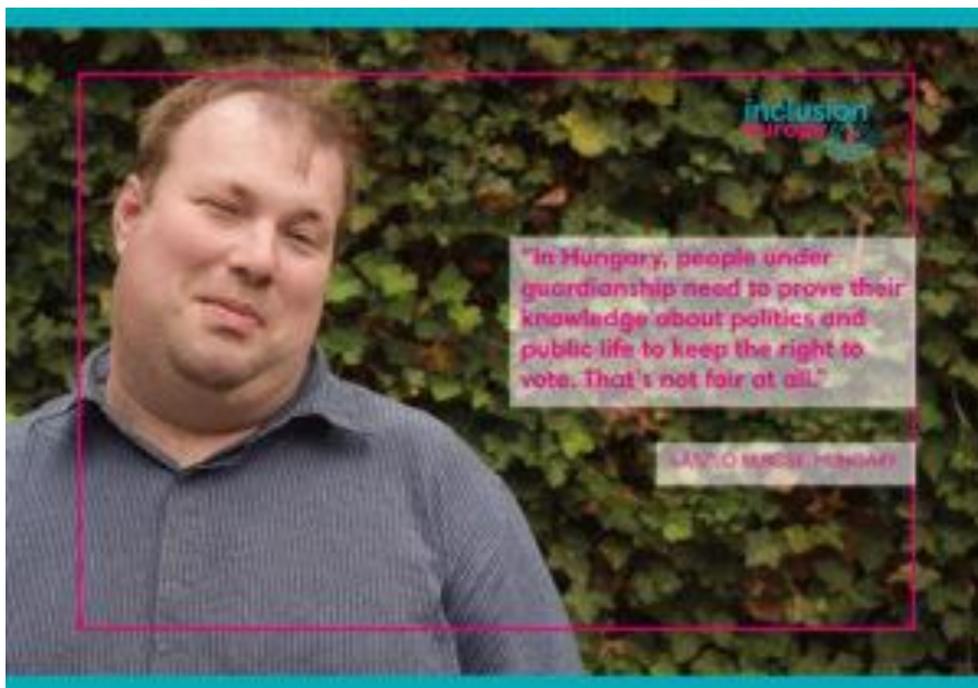
Restrictions happen either:

- **Automatically** once guardianship is established
- Following the **decision of a court based on the individual assessment** of the 'capability' to vote of the person

**In both cases, these restrictions are unacceptable.**

**Tests** aiming at assessing the capability to vote of persons with intellectual disabilities are discriminatory. No one else than persons with intellectual and psychosocial disabilities is required to prove their knowledge of the political system to be able to vote.

There used to be restrictions based on wealth, on instruction and knowledge, on religion, on skin colour or gender. Now the only exclusions left are based on judicial conviction or on legal capacity.



## Situation in the European Union

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Since the 2014 EU elections, **6 Member States have abolished restrictions** on the right to vote for people with intellectual disabilities: France, Germany, Spain, Denmark, Ireland and Slovakia.

Belgium and Czechia have changed their laws to **end the automatic deprivation** of voting rights for people under guardianship.

***“It is an important step to recognise people with intellectual disabilities as citizens with the same rights as everybody else.”***  
*Jyrki Pinomaa, president of Inclusion Europe*

There are still around **800.000 people from 16 Member States deprived of their right to vote** in the EU elections based on their disabilities<sup>2</sup>.

In 2021, the **European Court of Human Rights ruled against the right to vote of people with disabilities under guardianship** in the case “Strøbye v. Denmark and Rosenlind v. Denmark” case recently ruled.

And finally, while there has been important progress related to the specific right to vote, the **right to stand for elections** has not been explicitly targeted by the recent reforms<sup>3</sup>.

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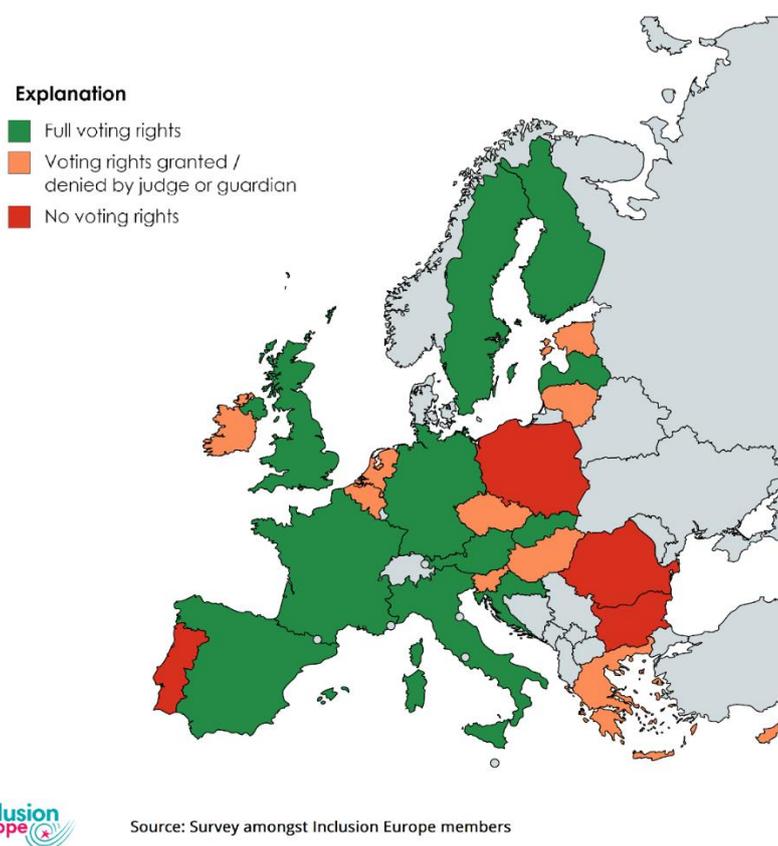
<sup>2</sup> European Economic and Social Committee (EESC), *The real right of persons with disabilities to vote in European Parliament elections - Information report (SOC/554) - 20/03/2019*

<sup>3</sup> For instance, in France, the article L200 of the Electoral Code not allowing people under all type of guardianship was not changed in parallel of the reform on the right to vote.

## Voting rights for people under guardianship in 2019<sup>4</sup>

- **12 countries with full voting rights**
  - *Austria, Croatia, Finland, France, Italy, Germany, Latvia, Malta, Slovakia, Spain, Sweden, United Kingdom*
- **10 countries with limited voting rights**
  - *Belgium, Cyprus, Czechia, Estonia, Greece, Hungary, Ireland, Lithuania, the Netherlands, Slovenia.*
- **4 countries with no voting rights**
  - *Bulgaria, Poland, Portugal, Romania.*

### Voting rights for people under guardianship

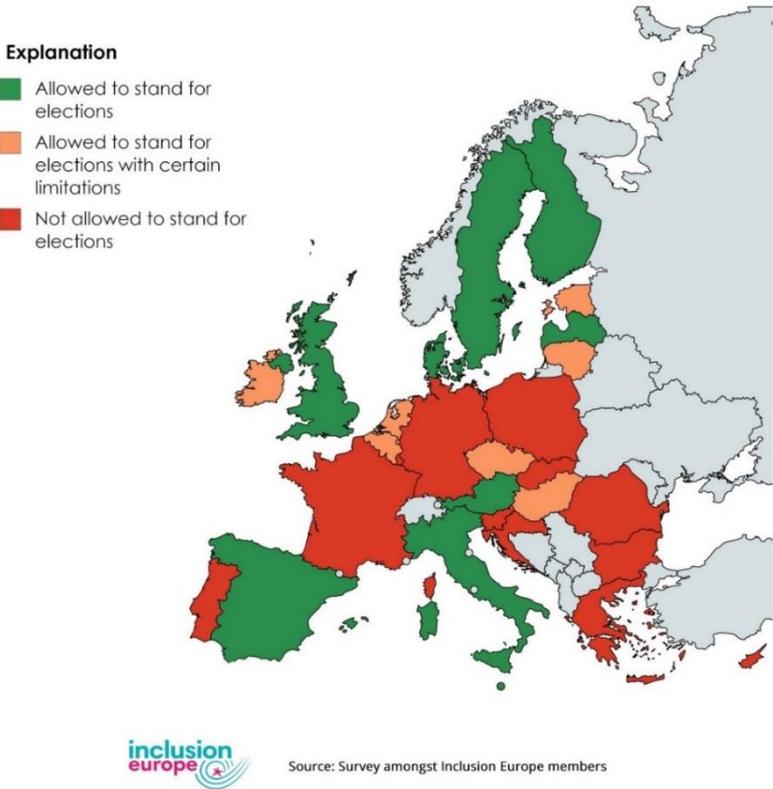


<sup>4</sup> [Summary of findings](#) done in collaboration with Inclusion Europe members in 2019. No information was provided for Luxembourg and Denmark.

## Right to stand for elections of people under guardianship in 2019<sup>5</sup>

- **9 countries without restrictions**
  - *Austria, Denmark, Finland, Italy, Latvia, Malta, Spain, Sweden, United Kingdom.*
- **7 countries with certain limitations.**
  - *Belgium, Czechia, Estonia, Hungary, Ireland, Lithuania, the Netherlands.*
- **12 countries where it's not allowed**
  - *Bulgaria, Croatia, Cyprus, France, Germany, Greece, Luxemburg, Poland, Portugal, Romania, Slovakia, Slovenia*

Possibility to stand for elections for people under guardianship



<sup>5</sup> [Summary of findings](#) done in collaboration with Inclusion Europe members in 2019.

## Consequences

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The widespread deprivation of the right to vote and to stand for elections leads to a general **lack of political participation** for many persons with intellectual disabilities in Europe.

***“To vote is the duty of every citizen. It’s a way to express yourself. We are citizens like everyone else. Voting is important because it can help us make our dreams come true”.***

*Dany and Lucette Blanquart, France.*

### **Voting is important for empowerment and inclusion.**

States forbidding people with intellectual disabilities to vote and stand for elections prevent their meaningful participation and representation in the community. It prevents the election of representatives that advocate for people with intellectual disabilities’ rights, needs and interests.

It takes away their chance of shaping the policies and measures directly affecting their lives and perpetuates exclusion and long-standing stigmas.

The Council of Europe Commissioner for Human Rights criticised the existing limitations on voting rights for people with intellectual disabilities and said they were in conflict with the most fundamental values of modern democracies: pluralism, diversity and inclusion.<sup>6</sup>

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<sup>6</sup> [Third party intervention by the Council of Europe Commissioner for Human Rights, CommDH\(2018\)16, 9 July 2018.](#)

# Accessibility and support to exercise the right to vote and be elected

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*“Voting procedures, facilities and materials [must be] appropriate, accessible and easy to understand and use” and people with disabilities must be allowed “assistance in voting by a person of their choice”<sup>7</sup>*

When people with intellectual disabilities have the right to vote or to stand for elections, there might still be accessibility barriers making it impossible for them to do it.

People with intellectual disabilities find it difficult to take part in elections due to the **complexity** and **volume** of **information** about voting and the electoral process, which is often too **difficult to understand**.

They often encounter problems because **polling station officials** are not aware of how to assist people with intellectual disabilities. Guidelines on how to assist voters generally apply to people with physical, sensory disabilities or the elderly, overlooking the needs of people with intellectual disabilities.

## Accessible information

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Electoral information must be available and widely disseminated in **accessible formats** to enable persons with intellectual disabilities to vote as independently as possible.

Information should be provided about all aspects of the electoral process in Easy-to-read including:

- How to register for a vote
- The different political parties
- The national political system

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<sup>7</sup> Article 29 of the UN CRPD

- The different types of elections

**Political parties** should ensure that accessible information on candidates and policies is available.

**Consultation with people with intellectual disabilities and their representative organisations** is key in ensuring the development of accessible information.<sup>8</sup>

## Support for decision-making in voting

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**Providers of support and assistance** to people with intellectual disabilities should receive training and information on what type of support is permitted or not, as well as respect for the secrecy of the vote.

Support should focus on discussing and identifying the best interest together with the person with intellectual disabilities.

Supporters must fully accept and **respect** the **electoral decision** of people with intellectual disabilities.

## Access to the voting process

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Polling station officials should be made aware of the voting rights of persons with intellectual disabilities through appropriate **training and guidelines** and polling stations should respect **universal accessibility** standards.

Organised adapted **transport** should be available to take people to polling stations who may otherwise find it difficult (for example, people living in residential institutions or people with reduced mobility).

People with intellectual disabilities should be supported if necessary in the polling booth by a **person they trust**, according to Article 29 of the UNCRPD.

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<sup>8</sup> For instance, Enable Scotland launched the Enable the Vote campaign to support people who have intellectual disabilities in exercising their right to vote by producing factsheets and holding accessible hustings. Last campaigns proved highly successful, with more than 80 percent of people who engaged with the campaign using their vote in the Scottish Parliamentary Election in 2016, and 91 percent exercising their vote in the Local Council Elections in 2017. More info [here](#).

# Voting rights & accessibility: Problems > Solutions



## Denying the right to vote

In many countries, people with intellectual disabilities are either not allowed to vote, or only if a judge or guardian allows it.



## Change the law!

Spain and Denmark led the way in 2018 and adapted their national laws to grant people the right to vote.



## Accessibility

The voting process is often complicated and confusing. Elections are not accessible.



## Make it easy!

Easy-to-read manifestos, candidate's pictures on the voting slips, accessible election meetings: all these things help.



## Lack of time

Caring responsibilities may prevent some people from voting.



## Bring the ballot to the people

Postal, proxy & online voting are just some ways to lower barriers for people who don't have time to go to a polling station.



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# Tools and resources

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[Elect - Inclusion Europe \(inclusion-europe.eu\)](http://inclusion-europe.eu)

## How to make elections easier to understand and take part in

- [Voting for all!](#)
- [Volby pro všechny](#)
- [Un vote pour tous!](#)

## Recommendations for Accessible Elections in Europe

- [Recommendations for Accessible Elections in Europe](#)
- [Doporučené postupy pro přístupné volby](#) a ve snadném čtení: [Jak udělat volby přístupnější](#)
- [Recommandations pour des élections accessibles en Europe](#)

## Good Practices for Accessible Elections

- [Good practices in Europe](#)
- [Dobrá praxe pro přístupné volby v Evropě](#)

## Right to decide and political life

- [Right to decide and political life. How \(the denial of\) legal capacity impacts citizenship \(.pdf\)](#)
- [Right to decide and political life – easy-to-read \(.pdf\)](#)
- [Droit de décider et vie politique De quelle manière \(le déni de\) la capacité juridique impacte la citoyenneté ? \(.pdf\)](#)
- [Entscheidungsrechte und politisches LebenWie die Versagung der Rechtsfähigkeit sich auf die Staatsbürgerschaft auswirkt \(.pdf\)](#)
- [Prawo do podejmowania decyzji i do uczestnictwa w życiu politycznymJak zdolność do czynności prawnych \(lub jej brak\) wpływa na obywatelskość \(.pdf\)](#)
- [A döntéshez való jog és a politikai élet Könnyen érthető változat A vastag betűs szavak magyarázatát a szöveg végén találod \(.pdf\)](#)

[The real right of persons with disabilities to vote in European Parliament elections](#)

[The need to guarantee real rights for persons with disabilities to vote in European Parliament elections \(additional opinion\)](#)



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**20 million people with intellectual disabilities and their families from 39 countries.**



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