



# EUROPEAN HUMAN RIGHTS REPORT

ISSUE 6 - 2022

HUMAN RIGHTS REPORT ON POLITICAL  
PARTICIPATION OF PERSONS WITH DISABILITIES

European Disability Forum  
European Human Rights Report  
Issue 6 - 2022

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# Glossary

**Braille:** a tactile writing system used by people who are visually impaired, including those who are blind, deafblind or who have severe low vision. It can be read with fingertips either on embossed paper or by using refreshable braille displays that connect to computers and smartphone devices.

**Ballot paper:** the official voting paper on which all registered candidates, political parties or candidate lists are listed. Voters select the candidate or political party of their choice by marking or selecting on a ballot paper.

**Census data:** are official data providing detailed information on people living in a country and collected through an official population survey

**Concluding observations (of the CRPD Committee):** document adopted by the CRPD Committee as part of the review mechanisms of the implementation of the Convention on the Rights of Persons with Disabilities in States Parties. The document contains areas of concerns and recommendations for improvement.

**Council of Europe:** Europe's leading human rights organisation not related to the European Union (EU) institutions. It includes 47 Member States, 27 of which are members of the European Union.

**CRPD Committee:** The Committee on the Rights of Persons with Disabilities (CRPD) is the body of independent experts which monitors and reviews implementation of the Convention by the States Parties.

**Disability movement:** global social movement working to advance the rights of all persons with disabilities and their full inclusion in society. For instance, representative organisations of persons with disabilities, disability activists, organisations working in the disability field, and some human rights organisations are part of the disability movement.

**Disaggregated data:** data that has been broken down by detailed subcategories, for example by disability, gender, age or geographical location. It can reveal inequalities that otherwise may not be apparent in non-disaggregated data.

**Discrimination:** any distinction, exclusion or restriction based on one or several grounds (gender, race, disability, sexual orientation etc.) that damage or nullify the recognition, enjoyment, or exercise, on an equal basis with others, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field.

**Disabled people’s organisations (DPOs) / organisations of persons with disabilities:** organisations comprising a majority of persons with disabilities who represent the interests and defend the human rights of persons with disabilities through self-representation and advocacy.

**Early voting:** a voting procedure that enables voters to cast their vote ahead of election day, usually in person at specifically designated polling stations or through postal voting. Early voting usually takes place during a specific period prior election day.

**Easy-to-understand:** a method of presenting written or oral information to make it easier to understand. For example, ‘easy-to-read’<sup>1</sup> is an easy-to-understand written format. It is important for persons with intellectual disabilities and it facilitates everyone’s understanding.

**Election Management Body (EMB):** also called ‘Election Administration’ or ‘Election Commission’. This is usually divided in different tiers. The central commission, which administers the election process overall. The regional commissions (sometimes also called municipal election commissions, district election commissions, territorial election commissions or constituency election commissions), which administer the election process in a particular region, district or constituency. And the precinct election commissions (sometimes also called polling station commissions or polling boards), which administer the election process in a particular precinct or polling station.

**Electoral threshold:** is the minimum percentage of votes that a candidate or political party must receive to be awarded seats at the end of an elections. Not every electoral system foresees electoral thresholds.

**Electronic voting:** also known as ‘e-voting’, is an electronic-based method in which voters cast their votes using either stand-alone electronic voting machines or computers connected to the internet. In the case of electronic voting machines, the voter usually chooses their candidates using a touch-screen display at the polling station. In the case of internet voting (used in Estonia), citizens can vote remotely via a connected device.

**European Commission:** the EU’s politically independent executive arm. Its core responsibilities include proposing EU laws and policies and monitoring their implementation.

**European Court of Human Rights (ECtHR):** the legal body that interprets the European Convention of Human Rights and its Protocols, and adopts judgments on cases alleging violations of these treaties by Member States of the Council of Europe.

**European Parliament:** the elected parliamentary institution of the European Union which has the role to amend and adopt EU legislation along with the Council of the EU (the EU institution representing Member States). The European Parliament can adopt policy positions, but cannot initiate proposals for legislation.

**European Union (EU):** a unique economic and political union between 27 European countries.

**Guardianship:** guardianship allows some people to make life choices for others. Often this follows a court decision that considers that the person “is not able” to make day-to-day and/or life-changing decisions. Sometimes, people under guardianship are not allowed to vote, marry or take care of their children (see also ‘legal capacity’).

**Internet voting:** an alternative method through which a voter casts their ballot using an internet-based system. It does not require the voter to visit the polling station.

**Institutionalisation:** the fact of being placed, or placing someone, in an institution. An institution is any residential care where residents are isolated from the broader community and/or compelled to live together; residents do not have full control over their lives or over the decisions that affect them; and requirements of the organisation itself tend to take precedence over the residents’ individual needs.

**Legal capacity:** the legal right of a person to make day-to-day and life-changing decisions, for example opening a bank account, getting married, buying a house, etc.

**List system:** a system where voters vote for a list of candidates presented by a political party rather than for individuals. This method is used in most EU Member States. There are closed-list and open-list systems. The latter provides the possibility for voters to mark their preferences of candidates on the list.

**Mobile ballot box:** a transportable, secure, sealed box into which voters place their ballots. These allow for so-called ‘mobile voting’ and enable persons who cannot leave their place of residence to cast their votes in front of a mobile polling commission. Mobile ballot boxes are transported to the voter’s residence or to residential institutions.

**Mobile EU citizens:** non-national EU citizens living in another EU country who have the right to vote and stand for election in the European Parliament elections in their residence country and in the municipal elections.

**Optional Protocol:** is a treaty that complements and adds to an existing human rights treaty. For this reason, only States that have already agreed to be bound by a parent treaty may choose to be party to an optional protocol.

**Preferential voting:** a system in which voters are able to indicate their preferred candidate(s) on the ballot paper. Used in open-list systems.

**Proportional representation voting system:** a system through which political parties gain a number of parliamentary seats determined proportionally by the number of votes received. In case of a threshold, smaller political parties that received too few votes to pass the threshold could be excluded from the seat distribution.

**Postal voting:** process allowing voters to cast their ballots by post. The voter marks their ballots at home or any place other than a polling station. This process usually occurs prior to election day, with the ballot being mailed to the election authority.

**Proxy voting:** it is a form of voting in which a person may give their power to a representative to vote in their behalf. Proxy refers to the person who will represent the voter. Depending on the country, the proxy can be chosen by or for the voter.

**Reasonable accommodation:** necessary and appropriate modifications and adjustments, where required in a particular case, to ensure that persons with disabilities to enjoy or exercise of their human rights and fundamental freedoms on an equal basis with others. To be 'reasonable', the accommodation cannot impose a disproportionate or undue burden. Denial of reasonable accommodation is a form of discrimination.

**Single-transferable vote:** a type of ranked preferential voting system (used in Ireland and Malta) with multi-member constituencies. Voters rank candidates by placing them in a preferred order from '1', '2', '3', etc., with '1' being their preferred candidate. This system aims at proportional representation, as votes are transferred, if possible, when they would otherwise be wasted because the preferred candidate is eliminated.

## List of abbreviations

**CRPD** - Convention on the Rights of Persons with Disabilities

**DPO** - Disabled Persons' Organisation

**EMB** - Election Management Body

**EP** - European Parliament

**EU** - European Union

**MEP** - Member of the European Parliament

**ODIHR** - OSCE Office for Democratic Institutions and Human Rights

**OSCE** - Organization for Security and Cooperation in Europe



# Foreword

## EDF President, Yannis Vardakastanis



Every five years, the European Union is proud of carrying out one of the largest democratic exercise in the world.

We elect 705 Members of the European Parliament who represent the diversity of our Union. However, neither of these two statements are entirely true.

We, persons with disabilities, amount 15% of the total population and we do not enjoy the same political rights as other citizens. Millions of persons with disabilities do not vote in the European elections, since they cannot do so independently and in secret, because the elections are not accessible to us. In the worst cases, we are deemed not capable of participating in elections or running as candidates, and our political rights are automatically removed.

This is not new in the history of democracy. Suppressing the right to vote has always been used as a means of oppression: oppression based on race, on gender, on economic status and lastly on ability.

In 2017, the hemicycle of the European parliament was filled, not by MEPs, but by persons with disabilities from all over Europe, and one of the main demands to EU policy-makers was stated loud and clear: we want the same political rights. We want the EU to live up to its own treaties and to the UN Convention on the Rights of Persons with Disabilities. We launched a petition before the 2019 EU elections, and thousands of citizens supported our call, and more EU countries started to reform their national rules to respond to this demand.

Fortunately, we are overcoming this oppression. Yet there are still far too many disparities regarding the political rights of persons with disabilities among EU countries, and there are too few political candidates and elected politicians with disabilities at EU and national level. If we want to build a Europe of Equality, its leadership must be diverse and truly representative.

The European disability movement will continue working to realise the right to vote and the right to stand as candidate for persons with disabilities, in all corners of Europe, and at all political levels. This report aims to shed light on the progress made to date, and the challenges we still have ahead of us.

Democracy is the government of the people, for the people and by the people. We are people too, we are not invisible, **we are citizens with the right to participate in the present and future of the EU**, and there should be nothing about us without us.

## CoE Human Rights Commissioner, Dunja Mijatović

Modern democracies are based on pluralism and diversity, ensured through regular free and fair elections based on the principle of universal suffrage. When a large category of persons, such as persons with disabilities, is excluded from this process, this has two major negative consequences in addition to the damage caused by the discrimination involved in this exclusion. Firstly, these persons are deprived from any possibility of influencing the political process and the chance of shaping the policies and measures directly affecting their lives. Secondly, society as a whole is deprived of political representatives reflecting its full diversity, thus impoverishing the entire democratic process.



Yet, many member states of the Council of Europe still persist in depriving persons with disabilities of their right to vote and stand for election. This deprivation often overtly targets persons with intellectual or psychosocial disabilities, but in practice it also affects many other categories of persons with disabilities, for example because of the failure to ensure accessibility, or to provide for reasonable accommodation and the support necessary to exercise this right.

This situation perpetrates age-old stigmas against persons with disabilities, which are damaging to all of society. Voting is also an important symbol of empowerment and inclusion and can affect the motivation of persons with disabilities to participate in public life and contribute to the societies they live in on an equal basis with others. This explains the particular attention the drafters of the United Nations Convention on the Rights of Persons with Disabilities attached to this right: it is one of the core pillars on which the realisation of the principle of “nothing about us without us” depends.

As Council of Europe Commissioner for Human Rights, I have consistently reminded member states that **no one should be deprived of their right to vote because of their disabilities**. There should be no exception to this principle, including for persons with intellectual and psychosocial disabilities.

Unfortunately, this timely report by the European Disability Forum shows in great detail the persistent infringement of this principle in many parts of Europe. I particularly appreciate the fact that the report illustrates the stark discrimination faced by persons with disabilities with many practical examples and personal testimonies.

This continued violation of one of the most fundamental human rights must stop. I hope that this report will contribute to raising awareness about this burning human rights issue, which I will never stop taking up in my work.

# Executive Summary

The European Parliament elections take place every five years and constitutes one of the largest democratic undertakings worldwide. Despite a minimum set of common rules in the European Union legal basis, EU Member States have almost complete discretion in how they arrange their elections. This creates disparities in the equal opportunities to participate in these elections among EU citizens and across countries; more so in the case of persons with disabilities.

In the 2019 European Parliament elections, approximately 400,000 persons with disabilities in 14 countries were deprived from their right to vote on the basis of their disability. Particularly worrying are the legal provisions in Bulgaria, Cyprus, Estonia, Greece, Luxembourg, Poland and Romania, where a person under total or partial guardianship is automatically denied voting rights. Recent cases of strategic litigation by Disabled Persons' Organisations (DPOs) and lawyers, with the support of committed politicians, resulted in substantial legal improvements in several countries prior to the last EU elections.

The right to stand as a candidate is even less common among EU countries. Only Austria, Denmark, Germany, Spain, Croatia, Italy, Netherlands and Sweden uphold the right for all persons with disabilities to stand for office. Unfortunately, there are very few examples of measures that have been put in place to support candidates with disabilities.

Four countries (Belgium, France, Cyprus and Greece) do not provide any alternative or advance means for voting, which de facto prevents all those voters who cannot attend the polling stations on election day from personally casting their vote. This lack of alternative methods of voting is particularly detrimental for persons with disabilities. In the case of Belgium and France, voters have the possibility of revealing their vote to a person who can act as proxy and vote on their behalf.

More positively, the majority of EU countries have set alternative and advance means for all voters, and some particularly for persons with disabilities. These include postal voting, early voting in accessible polling stations, the possibility to choose a more accessible polling station, internet voting (in the case of Estonia) and the provision of mobile ballot boxes visiting the person's home or key locations such as residential institutions or hospitals.

Lack of accessibility remains one of the main barriers for persons with disabilities to exercise their right to vote. This concerns not only polling stations but also the design of the ballot paper, the voting booth, the voting machines (as in the case of some parts of Belgium and Bulgaria) and any information or communication provided to voters, including through public media.

Several good practices have been put in place in different EU countries. Some of the most successful - in collaboration with DPOs - concern the provision of reasonable accommodation. This includes the possibility of alternative methods of casting votes (such as mobile ballot boxes), and the provision of assistive tools that facilitate casting a vote independently and secretly (such as Braille and tactile stencils).

In line with the CRPD, the majority of EU countries offer persons with disabilities the possibility of freely choosing assistance to vote. However, in Greece and Malta, only election officials can assist persons with disabilities, something that may effectively discourage voters to participate in the elections.

Last, even though the EU legal basis recognises equal treatment among EU citizens living in another Member State to participate in the European Parliament elections and in municipal elections, the provision of accessibility and reasonable accommodation greatly varies between countries and often decreases in local elections.

The European Parliament has expressed its intention of setting up common provisions for strengthening the EU's electoral system.<sup>2</sup> With the 2024 European Parliament elections approaching, we are urging EU and national decision makers to acknowledge, consider and implement our recommendations, which are presented in full at the end of the report. These recommendations include:

1. **Guaranteeing the right to vote and stand for election**, regardless of legal capacity status.
2. **Maximising accessibility** to the proceedings, facilities and materials of the elections.
3. **Providing reasonable accommodation** so that persons with disabilities can vote independently and secretly.
4. **Ensuring the free choice of assistance.**
5. **Cooperating with DPOs** to assess and define how to solve the legal and practical barriers that prevent persons with disabilities from participating in elections, both as voters and candidates.

# Introduction

The Sixth edition of the European Disability Forum's Human Rights Report focuses on the rights of persons with disabilities' to vote and to stand as candidate in the European Parliament elections, also known as 'EU elections'. The report explores the legal and practical barriers that prevent persons with disabilities from exercising the same political rights as other EU citizens.

Despite the ratification of the UN Convention on the Rights of Persons with Disabilities (CRPD) by the EU and all its Member States, millions of persons with disabilities cannot take part in democracy, because of these legal and practical barriers. Another consequence is that persons with disabilities are underrepresented in politics. In fact, in the current legislative term of the European Parliament, of the 705 European parliamentarians, there are only four MEPs with (visible) disabilities, even although persons with disabilities make up 15% of the population.

With the 2024 European Parliament election approaching, we investigate and analyse key information from the EU and its Member States relating to the political rights of persons with disabilities. Our main goal is to spread good practices and legal changes in line with the CRPD, and to improve democracy in the EU and all countries.

Therefore our Sixth Human Rights Report has the following objectives: To:

- 1. Explain the key obligations** on the right to vote and to stand for election under the CRPD.
- 2. Present up-to-date information** on the legal and practical barriers to voting and standing as a candidate in the European Parliament elections.
- 3. Examine the different measures put in place** to ensure equal access and opportunities in the European Parliament elections, with a focus on accessibility, alternative ways of voting, the secrecy of vote and free choice of assistance to vote.
- 5. Compare** whether the EU's right to vote in local and European elections in another EU country is a reality for persons with disabilities.
- 6. Highlight specific cases** that have brought about substantial change to the democratic rights of persons with disabilities.

7. **Raise awareness** amongst organisations of persons with disabilities, policy makers, governments and election officials on the comparative situation across the EU on the right to vote for persons with disabilities
8. **Provide recommendations** for EU and national policymakers.

This Human Rights report is structured as follows:

**Chapter 1** is common to each issue of EDF Human Rights Report; in it, we outline general progress on the CRPD in Europe and highlight which European countries are failing to meet their basic obligations.

**Chapter 2** describes the legal and policy framework used for this report. We describe important elements of this framework. It includes general comments and recommendations by the UN Committee on the Rights of Persons with Disabilities to EU Member States and the EU, and highlights the guidelines from the UN Special Rapporteur on the Rights of Persons with Disabilities.

**Chapter 3** presents and analyses the legal barriers to the right to vote and to standing as a candidate in the European Parliament elections. The chapter also gives an overview on different methods of voting across EU countries and looks at the specific challenges of women with disabilities.

**Chapter 4** looks at the extent to which Member States aim at ensuring equal access to elections for persons with disabilities. It focuses on the accessibility of the proceedings, facilities and materials of the elections, as well as the specific measures put in place as reasonable accommodation for persons with disabilities to vote independently. The chapter also explores which countries guarantee the secrecy of the vote, and the free choice of assistance by persons with disabilities.

**Chapter 5** presents the rights of EU citizens with disabilities residing in another EU country, also known as ‘mobile EU citizens’, to vote in the European Parliament and municipal elections.

**Chapter 6** presents specific cases that have brought about substantial changes in the political rights of persons with disabilities.

**Chapter 7** offers our conclusions and recommendations for EU policy makers, EU Member States and European and national political parties.

## Methodology

This report was prepared by the Secretariat of the European Disability Forum under the guidance of its Human Rights Committee, Board of Directors and with the input of its members.

Research was conducted and data collected at the national level by the network of experts of Election-Watch.EU, referencing the Organization for Security and Co-operation in Europe (OSCE) / Office for Democratic Institutions and Human Rights (ODIHR) methodology<sup>3</sup>. This consists of:

- Analysing the elections process before, during, and after election day.
- Looking at the pre-election environment and for violations such as administrative constraints and disregard for fundamental civil and political rights.
- Reviewing the legal framework, the performance of the administration of the election, the conduct of the campaign, the media environment and equitable media access, the complaints and appeals process.
- Observing on election day.
- Reviewing voting, counting and tabulation as well as the announcement of results.
- Assembling the data to compare the situation across EU Member States.
- Election-Watch.EU also engaged closely with EDF members at national level in the research and data-gathering process.

**Disclaimer: There is no EU agency or body focused on the EU elections, and no comprehensive data available concerning political participation of persons with disabilities. Election-Watch.EU, the EDF secretariat and EDF members have done their best to research and provide accurate data on the situation of persons with disabilities in EU Member States with regards to their political participation. Should you notice that some of the information published in this report is not fully accurate or needs to be updated, please contact us, to allow us to update the information as required.**



# Chapter 1: CRPD Update in Europe

The CRPD is an international human rights treaty, which reaffirms that persons with disabilities should enjoy all human rights and fundamental freedoms. It clarifies that persons with disabilities have the right to participate in civil, political, economic, social and cultural life in the community, just like everyone else. It stipulates what public and private authorities must do to ensure and promote the full exercising of these rights by all persons with disabilities.

It was adopted in 2006 by the General Assembly of the United Nations (UN). A total of 184 countries, including the European Union and all its Member States, are States Parties to the CRPD. It is also the world's most quickly ratified international human rights treaty<sup>4</sup>.

## Ratification of the CRPD

In Europe, the CRPD has also been rapidly ratified. The EU has been a State Party to the CRPD since 2011. By March 2018, all EU Member States, and the EU, had ratified the Convention. This is the first time that there has been universal ratification of an international human rights treaty in the EU. Other countries in Europe that have ratified the CRPD include Albania, Andorra, Iceland, Monaco, Montenegro, North Macedonia, Norway, San Marino, Serbia and Turkey. Liechtenstein is the last remaining country in Europe not to have ratified the CRPD.

**EDF calls on Liechtenstein to ratify the CRPD without further delay.**

## The ratification of the CRPD in Europe



● Countries that ratified the CRPD (43)

- |                    |                           |                    |
|--------------------|---------------------------|--------------------|
| 1 Iceland          | 15 Switzerland            | 29 Montenegro      |
| 2 United Kingdom   | 16 San Marino             | 30 Albania         |
| 3 Ireland          | 17 Italy                  | 31 North Macedonia |
| 4 France           | 18 Malta                  | 32 Greece          |
| 5 Monaco           | 19 Sweden                 | 33 Finland         |
| 6 Andorra          | 20 Poland                 | 34 Estonia         |
| 7 Spain            | 21 Czechia                | 35 Latvia          |
| 8 Portugal         | 22 Slovakia               | 36 Lithuania       |
| 9 Norway           | 23 Austria                | 37 Belarus         |
| 10 Denmark         | 24 Hungary                | 38 Ukraine         |
| 11 the Netherlands | 25 Slovenia               | 39 Moldova         |
| 12 Belgium         | 26 Croatia                | 40 Romania         |
| 13 Germany         | 27 Bosnia and Herzegovina | 41 Bulgaria        |
| 14 Luxembourg      | 28 Serbia                 | 42 Turkey          |
|                    |                           | 43 Cyprus          |

● Countries that did not ratify the CRPD (1)

- 44 Liechtenstein

## Submission of initial report to the CRPD Committee

States Parties are obliged to submit an initial report to the CRPD Committee on measures taken to implement the CRPD two years after it comes into force in their country. To date, two European countries have yet to send their first state report to the CRPD Committee, thereby blocking the Committee's review process on progress made by those countries towards the implementation of the CRPD. This is the case for both Romania (State report was due by 3 March 2013) and San Marino (State report was due by 22 March 2010).

**EDF calls on Romania, and San Marino to urgently submit their initial State report to the CRPD Committee.**

## The ratification of submission of the initial report to CRPD Committee



● Countries who have not yet submitted a state report (2)

① San Marino

② Romania

## Optional Protocol to the CRPD

The Optional Protocol to the CRPD allows individuals, groups of individuals or third parties to submit a complaint to the CRPD Committee over human rights violations. Complaints may only be made against a State Party that has ratified the Optional Protocol. If the CRPD Committee finds that the State Party has failed in its obligations under the CRPD, it will issue a decision requiring that the violation be remedied and that the State Party provide follow-up information.

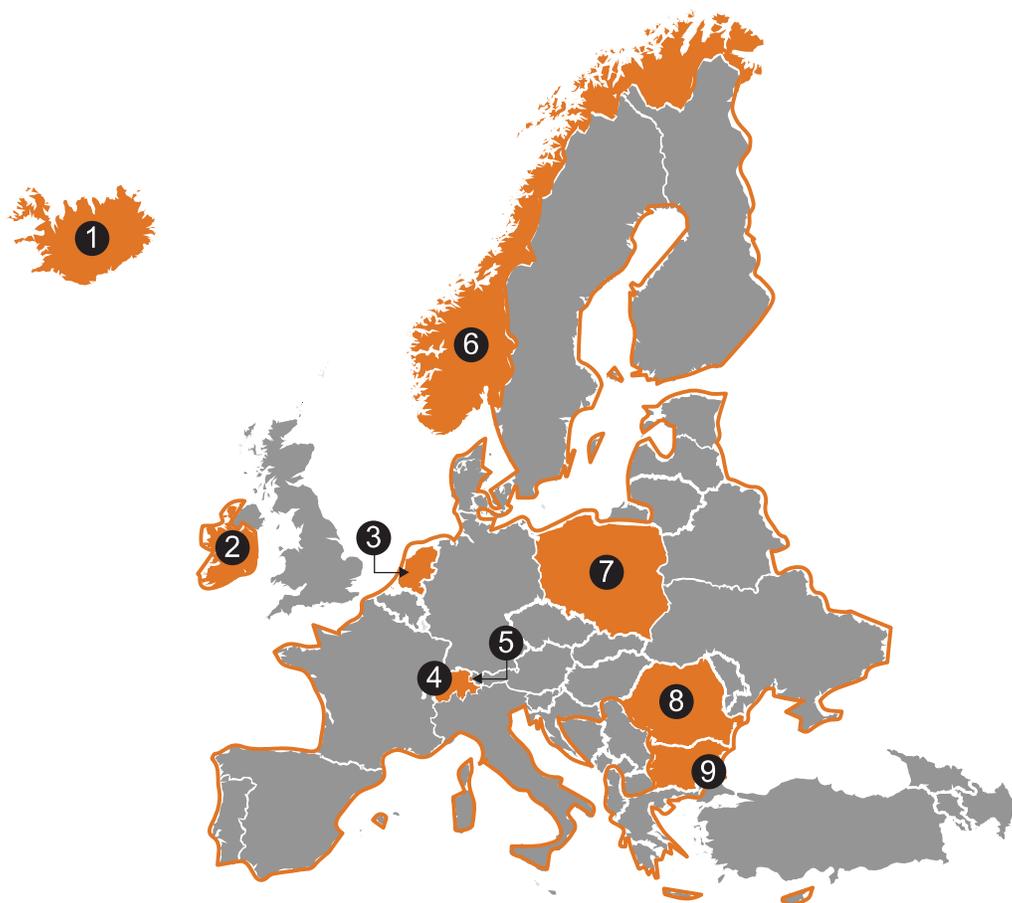
23 EU Member States, as well as all EU candidate countries and the UK, have ratified the Optional Protocol. Norway, Iceland, and Liechtenstein yet to ratify it.

**The CRPD Committee calls on each State Party to ratify the Optional Protocol.**

**EDF calls on the EU, as well as Bulgaria, Iceland, Ireland, Liechtenstein, the Netherlands, Norway, Poland, Romania and Switzerland, to ratify the Optional Protocol.**

You can read the full text of the CRPD and the Optional Protocol on the web page of the CRPD Committee<sup>5</sup>.

## Ratification of the Optional Protocol (OP)



● Countries who have not ratified the OP (9)

① Iceland

② Ireland

③ the Netherlands

④ Switzerland

⑤ Liechtenstein

⑥ Sweden

⑦ Poland

⑧ Romania

⑨ Bulgaria

○ European Union



# Chapter 2: International Human Rights

## Standard on the right to vote and to stand for election

The right to political participation, including the right to vote and to stand for election, are enshrined in several international human rights treaties, including article 21 of the **Universal Declaration of Human Rights**<sup>6</sup> (1948) and article 25 of the **International Covenant on Civil and Political Rights**<sup>7</sup> (1966). While these treaties recognise the right to political participation of all citizens, it is the CRPD that clarifies and enshrines this right for persons with disabilities. Despite the international human rights framework, it is extremely common for persons with disabilities to be deprived of this right, purely on the basis of their disability. Depriving people of the right to vote highlights the extreme levels of discrimination and marginalisation that persons with disabilities face in society.

## UN Convention on the Rights of Persons with Disabilities

Article 29 of the CRPD guarantees the political rights of persons with disabilities on an equal basis with others. It requires States Parties to the Convention to take measures to ensure the right to vote and the right to stand for elections of all persons with disabilities.

### Right to vote

#### Under the Convention, States should:

- Ensure that “voting procedures, facilities and materials are appropriate, accessible and easy to understand and use”. (Article 29(a)(i))
- Protect “the right of persons with disabilities to vote by secret ballot in elections and public referendums without intimidation”. (Article 29(a)(ii))
- Guarantee “the free expression of the will of persons with disabilities as electors and to this end, where necessary, at their request, allowing assistance in voting by a person of their own choice”. (Article 29(a)(iii))

## Right to stand for election

### Under the Convention, States should:

- Protect the right of persons with disabilities “to stand for elections, to effectively hold office and perform all public functions at all levels of government, facilitating the use of assistive and new technologies where appropriate”. (Article 29(a)(ii))

Political rights are connected to several other rights of persons with disabilities protected by the Convention, including the right to equality and non-discrimination (article 5), accessibility (article 9), equal recognition before the law (article 12), living independently and being included in the community (article 19) and freedom of communication and information (article 21). Lack of accessibility in the elections, removal of legal capacity, institutionalisation and disability-based discrimination are among the many barriers faced by persons with disabilities in voting and in standing for election.

The CRPD Committee addresses the political rights of persons with disabilities in several of its General Comments<sup>8</sup>. In **General Comment No. 1 on equal recognition before the law**, the Committee explains that denial or restriction of legal capacity has been used to deny political participation - particularly the right to vote - to certain persons with disabilities, which should never be the case<sup>9</sup>. The Committee also recognises that “the voices of women and girls with disabilities have historically been silenced, which is why they are disproportionately underrepresented in public decision-making” in its **General Comment No. 3 on women with disabilities**.

**General Comment No. 6, on equality and non-discrimination**, sees exclusion of persons with disabilities from political life as a form of disability-based discrimination and makes recommendations to States Parties to the Convention.

## The CRPD Committee's recommendations to States Parties in General Comment No. 6<sup>10</sup>

“Exclusion from electoral processes and other forms of participation in political life are frequent examples of disability-based discrimination. They are often closely linked to denial or restriction of legal capacity. States parties should aim to”:

- Reform laws, policies and regulations that systematically exclude persons with disabilities from voting and/or standing as candidates in elections;
- Ensure that the electoral process is accessible to all persons with disabilities, including before, during and after elections;
- Provide reasonable accommodation to individual persons with disabilities and support measures based on the individual requirements of persons with disabilities to participate in political and public life;
- Support and engage with representative organisations of persons with disabilities in political participation process at the national, regional, and international levels, including by consulting with such organisations in matters that concern persons with disabilities directly;
- Create information systems and legislation that allow for the continuous political participation of persons with disabilities, including between elections.

In **General Comment No. 2 on accessibility**, the Committee refers to the accessibility of voting procedures, facilities and materials. This includes the accessibility of political meetings and the necessity to ensure that persons with disabilities who are elected to public office have equal opportunities to carry out their mandate in an accessible manner<sup>11</sup>.

## Reservations and declarations on legal capacity and political participation

When ratifying the CRPD, three EU Member States (Estonia, France and the Netherlands) entered a declaration, and one Member State (Poland) raised a reservation with respect to the CRPD article 12 on equal recognition before the law. This means that these countries will implement article 12 in accordance with their respective national legislation, which in each case allows for restrictions on the right to vote of persons deprived of legal capacity, as we will see in the following chapters.

## Recommendations by the CRPD Committee to the EU and EU Member States

In 2015, the CRPD Committee reviewed the implementation of the CRPD by the EU for the first time. It adopted specific recommendations on political participation.

### CRPD Committee's Concluding Observations to the EU

Below are the CRPD Committee's Concluding Observations to the EU, with a focus on participation in political and public life (CRPD art. 29):

- The Committee notes with deep concern that across the European Union, persons with disabilities, especially those deprived of their legal capacity or residing in institutions, cannot exercise their right to vote in elections and that participation in elections is not fully accessible.
- The Committee recommends that the European Union take the necessary measures, in cooperation with its Member States and representative organisations of persons with disabilities, to enable all persons with all types of disabilities, including those under guardianship, to enjoy their right to vote and stand for election, including by providing accessible communication and facilities.

The CRPD Committee also adopted recommendations on political rights for 22 EU Member States. It expressed concerns over the inaccessibility of information and communications relating to elections, inaccessibility of polling stations, ballot papers being inaccessible to blind voters, removal of the right to vote and to stand for election of people with intellectual and psychosocial disabilities, the lack of - or inadequate - assistance for voting and the lack of data on exercising the right to vote by persons with disabilities.

Among other recommendations, the Committee stressed the need to:

- Withdraw laws that restrict the right of persons with disabilities to vote and to stand for elections.
- Restore the rights to all persons with disabilities affected by voting restrictions.
- Ensure that all electoral procedures, facilities and materials are accessible for all persons with disabilities, ensuring the right of persons with disabilities to a secret ballot, and support their political rights through the use of communication in sign language, Braille, and easy-to-read format.
- Ensure that those mechanisms put in place to facilitate voting assistance are developed in close consultation with organisations of persons with disabilities, to ensure that they suit their needs.
- Provide support and facilitation services to ensure all persons with disabilities can exercise their right to vote, including persons with intellectual and/or psychosocial disabilities.
- Collect reliable and disaggregated statistics and data on the political participation of persons with disabilities as voters and as candidates of elections.

An overview of the recommendations to EU Member States is available on EDF's website<sup>12</sup>.

## Lagging behind: the European Convention on Human Rights and jurisprudence of the European Court of Human Rights

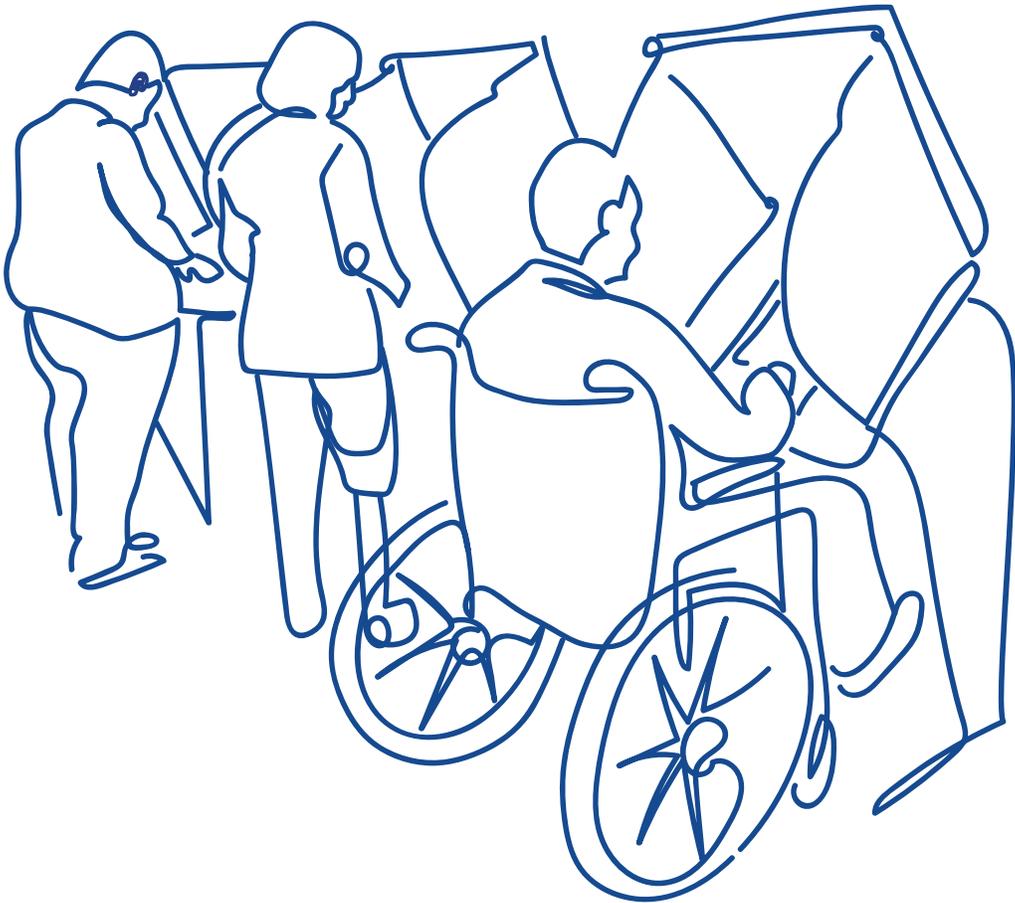
The Convention for the Protection of Human Rights and Fundamental Freedoms known as the European Convention on Human Rights was adopted by the Council of Europe (CoE) - an intergovernmental organisation composed of 47 Member States - in 1950. Two years later, the Council of Europe adopted a protocol that added new fundamental rights to those protected under the Convention, including on the right to free elections by secret ballot<sup>13</sup>.

Since then, this article has been interpreted by the European Court of Human Rights<sup>14</sup>. Despite the adoption of the CRPD and its current ratification by 46 of the 47 States of the Council of Europe, the Court fails to recognise and protect the political rights of persons with disabilities. Several judgments adopted in 2021 failed to promote and protect the political rights of persons with disabilities. In February 2021, the court ruled - in [Strøbye v. Denmark and Rosenlind v. Denmark](#) - against the right to vote of persons under guardianship who are also deprived of their legal capacity. Instead, it favoured a legal scheme that discriminates against, and excludes, persons with disabilities<sup>15</sup>. In May 2021, the Court adopted a similar judgment - in the case [Caamaño Valle v. Spain](#) - where it considered proportionate the removal of the right to vote of a woman with intellectual disabilities under partial guardianship<sup>16</sup>. In the judgment adopted in October 2021 - in [Toplak and Mrak v. Slovenia](#) - the court failed to remove obstacles for voters with disabilities. While the court recognised that polling places in Europe must be accessible for persons with disabilities, it ruled that persons with disabilities are not required to use the same entrances as voters without disabilities, and that voters with disabilities do not have to cast secret ballots<sup>17</sup>.

These regressive decisions were a setback to disability rights campaigners in Europe, and were criticised by experts of the United Nations (UN). The UN Special Rapporteur on the Rights of Persons with Disabilities and the CRPD Committee urged the European Court of Human Rights to [rethink the vote ban for persons with intellectual disabilities](#).

In a second case, the Council of Europe’s Commissioner for Human Rights had made an intervention on the case, explaining that “developments within the UN system and Council of Europe demonstrated a clear evolution in terms of the clarification of international obligations and that there was a consensus (...) to the effect that the withdrawal of political rights on the basis of a disability (including cognitive impairment) and mental health status was unacceptable”. There was also a strong opinion made by one of the judges based on the CRPD<sup>18</sup>.

**EDF urges the European Court of Human Rights to respect its own jurisprudence<sup>19</sup> by recognising the consensus and common values emerging from the wide-spread ratification of the CRPD and to align its interpretation of the European Convention of Human Rights with the CRPD, including in cases related to the rights of persons with disabilities to vote and stand for election.**



# Chapter 3: The right to vote and stand for elections of persons with disabilities

## Legal framework

The legal basis of the European Parliament elections arises from the Treaty of the EU, the Treaty on the Functioning of the EU<sup>20</sup> and the Election Act of September 1976, as amended in 2002<sup>21</sup>. This legal framework is supplemented by Directives, Regulations and other secondary legislation. For example, the Council Directive 93/109/EC lays down the arrangements for exercising the right to vote and to stand as a candidate in European Parliament elections for ‘mobile EU citizens’ (these are citizens of the Union residing in a Member State of which they are not a national)<sup>22</sup>.

The common rules for the European elections can be summarised as follows:

- The number of Members of the European Parliament (MEPs) should not exceed 750, plus the President.
- Representation of citizens must be “degressively proportional”, with smaller Member States having at least six MEPs, and larger Member States up to 96. This means that populous countries may have many more MEPs, but countries with smaller populations are also guaranteed a minimum representation in the EP.
- The office of an MEP is incompatible with that of member of the government of a Member State, member of the European Commission, member of a national parliament and EU staff, among others. This means that an MEP cannot hold any of these other functions simultaneously.
- EU citizens have the right to vote and to stand as candidates in EU Member States in which they reside, under the same conditions as nationals of that country.
- The elections must be based on proportional representation and use either the list or single transferable vote system.
- A maximum threshold of 5% of the votes nationally can also be set by the Member States for the allocation of seats in the European Parliament. From the 2024 elections onwards, countries with more than 35 seats in the EU Parliament will be obliged to set a minimum threshold of 2-5% for political parties to be included in the distribution of seats.

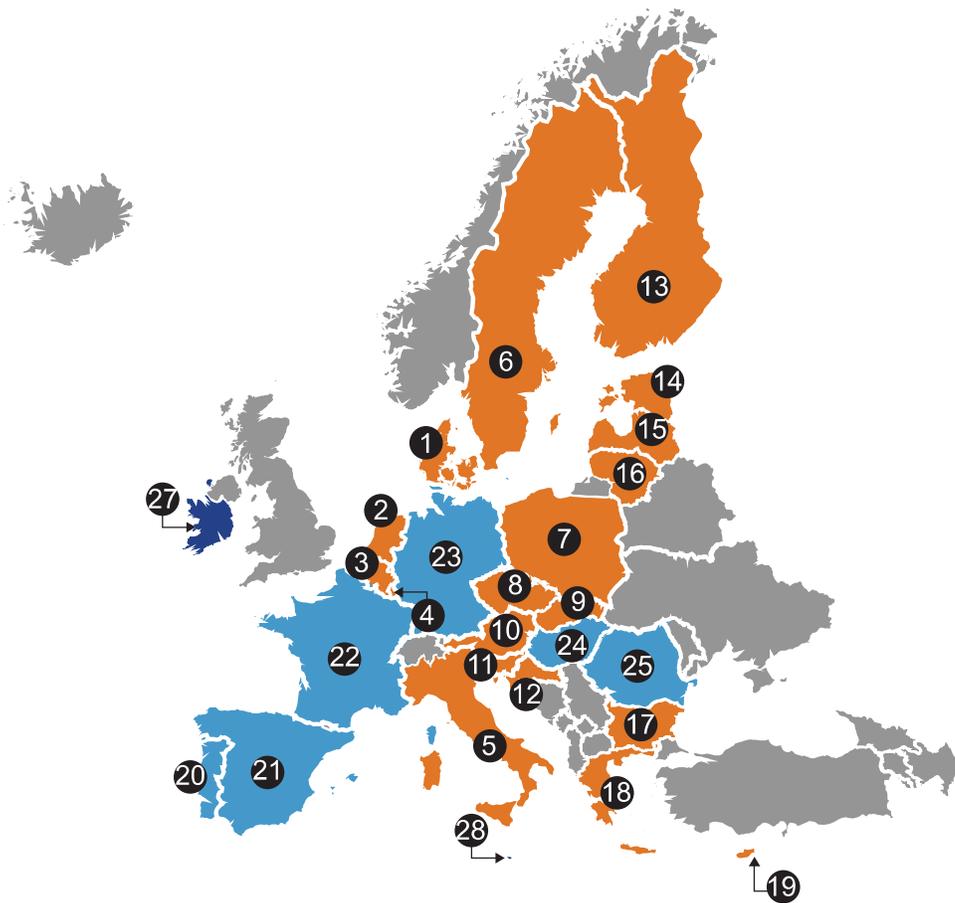
As well as the common provisions in EU legislation, EP elections are regulated by national laws, and it is each Member State's right to establish its own legal framework and details of the electoral system<sup>23</sup>. Also, there is no central Election Management Body (EMB) at European level. Thus the European elections can be considered as 27 de facto separate elections to a supranational body.

There is considerable variation concerning the electoral systems in the EU. For example, in the majority of Member States, voters have the possibility of casting a preferential vote to influence which candidates will be elected, while in six Member States the lists are closed (Germany, Spain, France, Hungary, Portugal, and Romania), with the political parties determining the order of candidates on the ballot. The single transferable vote system is used in two Member States (Ireland and Malta). In addition, there are also differences between Member States on the threshold to allocate an MEP.

Outside the principle of equal treatment between nationals and non-nationals of other Member States, EU legislation is silent on who has the right to vote in the European elections. There are also no provisions in EU law to limit voting in the European elections to EU citizens. France and the Netherlands have extended the right to vote in European elections to citizens of their overseas territories.

Voting is mandatory in five countries - Belgium, Bulgaria, Cyprus, Greece and Luxembourg<sup>24</sup> - whereas in the rest it is optional. Another difference is the voting age, which also varies between countries. In most Member States, it is 18; in Austria and Malta it is set at 16 and in Greece it is 17. Voting age in Hungary is 18, but married citizens of at least 16 years of age also have the right to vote<sup>25</sup>.

## Application of the different electoral systems across EU Member States for European Parliament elections



### ● Casting a preferential vote (19)

- |                   |            |             |
|-------------------|------------|-------------|
| ① Denmark         | ⑧ Czechia  | ⑮ Latvia    |
| ② the Netherlands | ⑨ Slovakia | ⑯ Lithuania |
| ③ Belgium         | ⑩ Austria  | ⑰ Bulgaria  |
| ④ Luxembourg      | ⑪ Slovenia | ⑱ Greece    |
| ⑤ Italy           | ⑫ Croatia  | ⑲ Cyprus    |
| ⑥ Sweden          | ⑬ Finland  |             |
| ⑦ Poland          | ⑭ Estonia  |             |

### ● Closed lists with order of candidates determined by political parties (6)

- |            |           |           |
|------------|-----------|-----------|
| ⑳ Portugal | ⑳ France  | ⑳ Hungary |
| ㉑ Spain    | ㉒ Germany | ㉓ Romania |

### ● Single-transferable vote (2)

- |           |         |
|-----------|---------|
| ㉗ Ireland | ㉘ Malta |
|-----------|---------|

Definitions of the different voting methods are available in the glossary, pages 6 to 9.

## The right to vote of persons with disabilities

Despite the fact that the CRPD has been ratified by the EU and all its Member States, the extent to which it is implemented varies with regards to the realisation of the right to vote of persons with disabilities.

In 14 Member States, persons with disabilities who are under total or partial guardianship are deprived from their voting rights. There are no reliable and comparable EU-wide data on the number of persons with disabilities deprived of legal capacity, affecting mostly (but not only) those with intellectual and psychosocial disabilities. This discriminatory situation - contrary to the CRPD - may also entail the potential or automatic deprivation of the person's voting rights, depending on the country.



The first time I tried to vote was in 2007, when I was 20 years old. I went to the polling station, and they told me I was not in the voting list! I was very surprised, because I was well over the legal age to vote. I was very annoyed that I could not do something that all my family and friends could do, I felt invisible. They didn't even tell me why I was not on the list. It took more than two years for me and my family to discover why, and thanks to the help of organisations like Plena Inclusion. They told me that I was under full guardianship. The authorities and the courts were afraid that people would take advantage of me and influence my vote, so they decided to remove my right to vote. This is unfair; I am a citizen like any other and should have the same rights. It was very difficult to get my right to vote back. Even when we knew why, the authorities were not able to tell us exactly how to do it: first, they told me to go to a psychiatric hospital to do a test, then they told me it had to see my family doctor.

When I finally took the test, they asked me weird and difficult questions such as: “What is the speed of light?” “Who was Catherine the Great?” “Who was Isaac Newton?” And I wonder...how is this related to voting? It is very unfair. This whole process took a long time: I was only able to vote in 2018, more than ten years after I tried to vote for the first time. There is much that needs to be improved: all persons with disabilities need to have the right to vote and we need more documents in easy to read. Right now, there are people that have to choose between their rights and the possibility of having a disability allowance. This is an unfair choice.

**Adolfo Barroso - Spain**

Positively, during recent years, several Member States initiated reviews with the aim of removing or narrowing the restrictions on the right to vote. Countries such as Germany, France, Spain and Slovakia removed these limitations, while Belgium, Denmark, Lithuania and Portugal reduced them<sup>26</sup>. Such reforms constitute a positive trend, something also noted by the European Union Agency for Fundamental Rights (FRA)<sup>27</sup>.

13 Member States (Austria, Germany, Denmark, Spain, Finland, France, Croatia, Ireland, Italy, Latvia, Netherlands, Sweden and Slovakia) legally uphold the right to vote for all persons with disabilities, without restrictions, in European Parliament elections.

The remaining 14 countries can or do deprive certain persons with disabilities of the right to vote, particularly persons with intellectual and psychosocial disabilities whose legal capacity is reduced or totally removed. As a result, according to the European Economic and Social Committee<sup>28</sup>, approximately 400,000 people with disabilities were denied their right to vote in the 2019 EU elections.

In seven of these 14 Member States, placing a person under guardianship does not automatically imply the loss of voting rights. However, the court or authority taking the decision to place someone under guardianship may also decide to restrict the voting rights. This may happen in Belgium, Czechia, Hungary, Lithuania, Malta, Portugal and Slovenia.

However, in the remaining seven Member States, people with disabilities who are legally incapacitated are automatically denied the right to vote. This is the case in Bulgaria, Cyprus, Estonia, Greece, Luxembourg, Poland and Romania.

Persons with disabilities under guardianship are automatically deprived of their right to vote on the basis of different legal provisions. Such provisions come from either the national constitution, such as in the case of Greece, or from the national electoral law, such as in Bulgaria. In Hungary, for example, the Fundamental Law and the Act on Election Procedures enables the courts to withdraw the right to vote from citizens through individual decisions due to intellectual or psychosocial disability or criminal conviction.

## **The right to stand as a candidate**

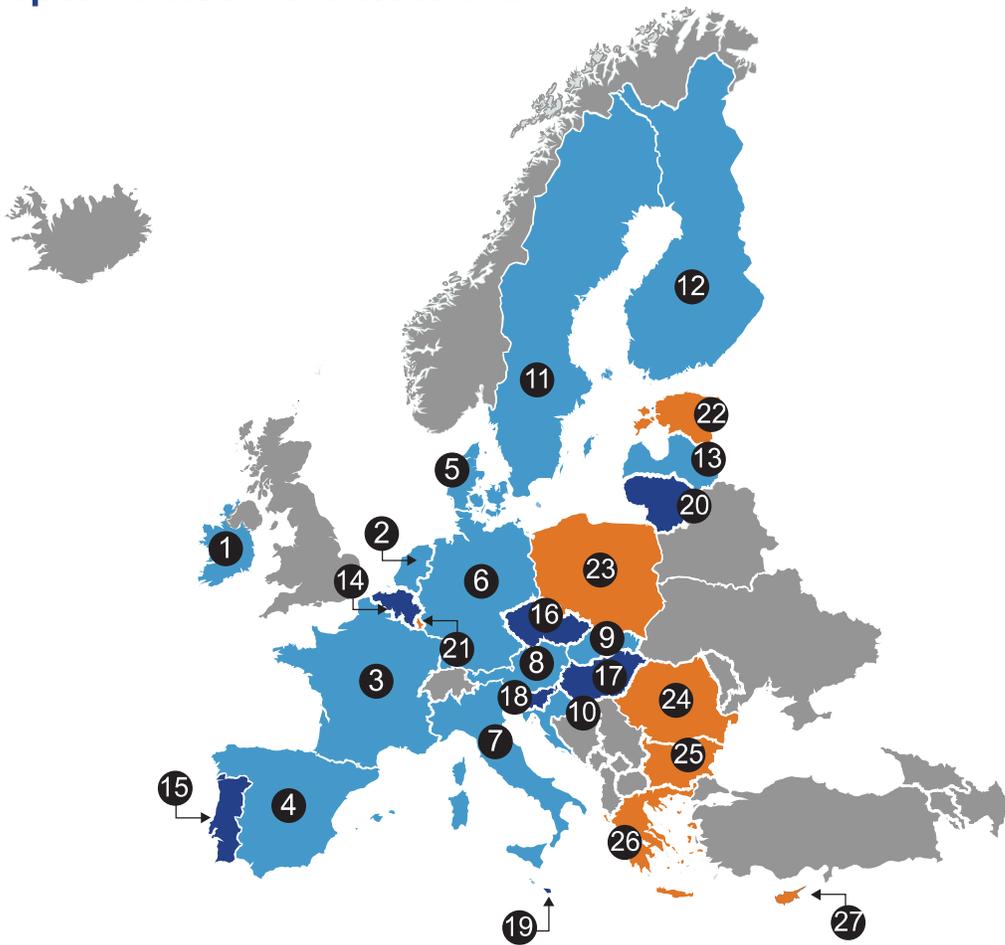
The right to stand as a candidate usually requires the person to be a registered voter. Therefore, persons deprived of the right to vote will also be prevented from standing as candidates. This is the case in countries such as Poland or Portugal.

However, the number of Member States upholding the right to stand as candidate is lower than that for ensuring the right to vote. Only eight EU Member States (Austria, Denmark, Germany, Spain, Croatia, Italy, Netherlands, and Sweden) also guarantee the right to stand for office for all persons with disabilities, without restrictions, in the European Parliament elections.

Contrary to the CRPD, the remaining Member States set out eligibility criteria that impose limitations on the right to stand as a candidate based on psychosocial or intellectual disabilities and/or lack of legal capacity.

In some Member States, such as Latvia, Lithuania, Luxembourg and Slovakia, individuals declared legally incapacitated by the court cannot stand for election to the European Parliament or municipal councils. Romania connects the right to stand with the fact that only citizens who have the right to vote can be members of political parties. In Ireland, those

## The right to vote of persons with disabilities for European Parliament elections



● Countries upholding the right to vote without exemptions (13)

- |                   |            |           |
|-------------------|------------|-----------|
| ① Ireland         | ⑥ Germany  | ⑪ Sweden  |
| ② the Netherlands | ⑦ Italy    | ⑫ Finland |
| ③ France          | ⑧ Austria  | ⑬ Latvia  |
| ④ Spain           | ⑨ Slovakia |           |
| ⑤ Denmark         | ⑩ Croatia  |           |

● Countries with a possibility of restricting the right to vote (7)

- |            |            |             |
|------------|------------|-------------|
| ⑭ Belgium  | ⑰ Hungary  | ⑲ Malta     |
| ⑮ Portugal | ⑱ Slovenia | ⑳ Lithuania |
| ⑯ Czechia  |            |             |

● Countries denying the right to vote to persons under guardianship (7)

- |              |            |          |
|--------------|------------|----------|
| ⑳ Luxembourg | ㉔ Romania  | ㉖ Greece |
| ㉑ Estonia    | ㉕ Bulgaria | ㉗ Cyprus |
| ㉓ Poland     |            |          |

who are considered to be “of unsound mind” may be disqualified from standing as candidate for Irish Parliament and EP elections. However, available information indicates that no candidate in Ireland has ever been disqualified on the basis of “unsound mind”. Yet it is arguable that candidates could be disqualified based on psychosocial disabilities.

No Member States foresee any specific support to candidates with disabilities and there are no public funds to cover their costs for campaigning. This has triggered many DPOs to point at the many barriers preventing persons with disabilities from considering running for office<sup>29</sup>. This also results in the underrepresentation of persons with disabilities among policy makers. However, positively, in Malta the new national disability strategy includes actions to promote and support candidates with disabilities<sup>30</sup>.

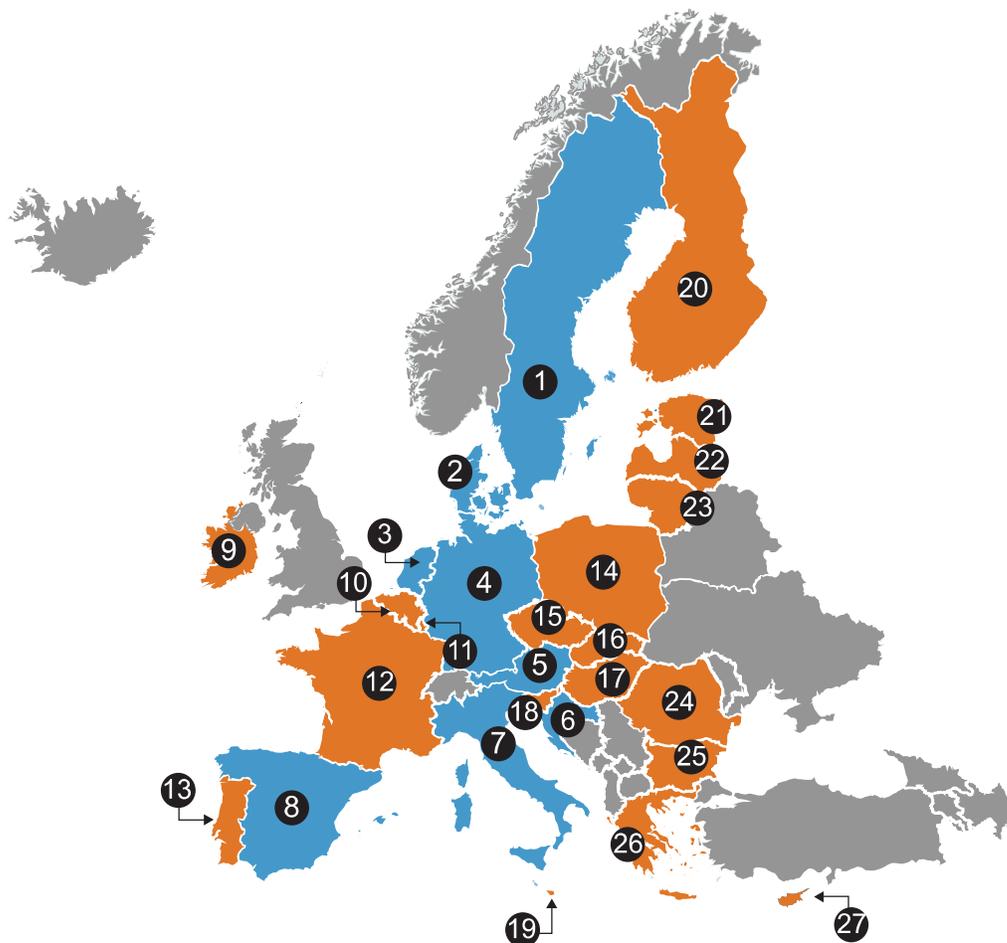
While there are many barriers preventing persons with disabilities from running as candidates, there are also encouraging cases in which persons with disabilities have managed to overcome them. In northern France, in the city of Arras, Eleonore Laloux was a candidate for the 2020 municipal election and became “the first, and so far only, person with Down syndrome to be elected to public office in France”<sup>31</sup>. In the autumn of 2021, she was also awarded membership in the National Order of Merit for her efforts to bring inclusion and accessibility to all aspects of government.

“

I got into politics and I wasn't given much support, so it wasn't easy to be a politician when you really didn't know and you didn't get the support that you need. I mean, one of the challenges that I had was that you have double the cost in order to be mobile, to incorporate your disability within the work that you do. We don't have an accessible society out there, so it is a challenge, but you have to try to manage within it anyway.

**Jamie Bolling, Sweden.**

## EU Member States and right to stand as candidate to European Parliament elections for persons with disabilities



● Countries upholding the right to stand as candidate without restrictions (8)

- |                   |           |
|-------------------|-----------|
| ① Sweden          | ⑤ Austria |
| ② Denmark         | ⑥ Croatia |
| ③ the Netherlands | ⑦ Italy   |
| ④ Germany         | ⑧ Spain   |

● Countries with limitations to the right to stand as candidate (19)

- |              |             |           |             |
|--------------|-------------|-----------|-------------|
| ⑨ Ireland    | ⑬ Portugal  | ⑰ Hungary | ⑳ Finland   |
| ⑩ Belgium    | ⑭ Poland    | ⑱ Malta   | ㉑ Estonia   |
| ⑪ Luxembourg | ⑮ Czechia   | ㉒ Latvia  | ㉓ Lithuania |
| ⑫ France     | ⑯ Slovakia  | ㉔ Romania | ㉕ Bulgaria  |
| ⑬ Portugal   | ⑰ Hungary   | ㉖ Greece  | ㉗ Cyprus    |
| ⑭ Poland     | ⑱ Malta     |           |             |
| ⑮ Czechia    | ⑲ Slovakia  |           |             |
|              | ⑳ Finland   |           |             |
|              | ㉑ Estonia   |           |             |
|              | ㉒ Latvia    |           |             |
|              | ㉓ Lithuania |           |             |
|              | ㉔ Romania   |           |             |
|              | ㉕ Bulgaria  |           |             |
|              | ㉖ Greece    |           |             |
|              | ㉗ Cyprus    |           |             |

## Voter registration and data disaggregation

No centralised population or voter's roll exists at the European level for the European elections<sup>32</sup>. With the exception of four Member States (Czechia, Ireland, Italy and Poland), which still retain decentralised voter rolls at municipal level, all other 23 Member States have a centralised voter's roll.

Only in Cyprus do voters have to actively register themselves at local administrative offices. In other EU countries, the names of citizens are automatically added to the voter's roll once eligible.

In Italy and Lithuania, the registration authorities also prepare a list of 'special voters', which includes persons with disabilities, those staying in hospitals and living in residential institutions who intend to vote at these venues. In some cases, these persons with disabilities have to provide a medical certificate in order to vote in these locations. In Lithuania, the administration of the residential institution prepares the list of the residents who want to vote; only those in the list will be given the ballots by the election commission.

Finally, as an example of good practice, Austria recently modernised its voter registration system to allow for online participation and facilitates accessibility of voter initiatives and referenda for persons with disabilities.

Therefore, apart from some additional administrative steps for certain persons with disabilities in some countries who want to request measures of reasonable accommodation, in most countries the voter registration is not burdensome for persons with disabilities because they are registered automatically.

While the CRPD Committee and some EU bodies have called on Member States to disaggregate electoral data by disability and gender type, most EU countries have not implemented such provisions. Countries such as Italy and France do hold official data of registered voters disaggregated by gender, but not by disability.

However, in few Member States, statistical data is available on the participation of persons with disabilities in elections. For example, Germany's data shows that there are about 7.7 million eligible voters with severe disabilities, representing 11.9% of the total electorate in 2019<sup>33</sup>.

In Sweden, the national statistics institute made its first report on participation in general elections with disaggregated data - including by disability - in 2015<sup>34</sup>. However, there are still challenges when it comes to data on the participation of persons with intellectual disabilities. An

additional challenge is disaggregation at local level, in order to evaluate whether the measures put in place for persons with disabilities actually result in a higher level of participation.

Another good practice can be found in the Netherlands Institute for Human Rights, which has been monitoring the implementation of national obligations to ensure the right to vote for persons with disabilities.

## **Women with disabilities participation in political life**

*By Aoife Price*

Women are a minority in political leadership positions throughout Europe today. Women with disabilities are a minority within this minority, and face specific challenges in engaging in political life, facing multiple and intersectional forms of discrimination<sup>35</sup>.

The opportunities that arise in standing for, and being elected, are wide ranging. Involvement in politics allows you to directly influence decisions being made, and to make decisions through a particular prism of gender and disability, which is beneficial for society<sup>36</sup>. When people see women with disabilities standing and being elected, it changes people's perceptions of women with disabilities and addresses biases that exist within the electorate. Such biases include stereotypes, prejudices and limited exceptions from society that have evolved from a charity and medical model of disability<sup>37</sup>.

We need champions to stand for election, to build a pattern that can be sustained. However, standing for election is not without its challenges. Adequate financial support is needed, not only for people with disabilities in general but also specific support for women with disabilities, including financial support prior to the election<sup>38</sup>. Not living in an accessible society makes it very difficult to gain representation. This includes living in societies that do not have adequate levels of accessible transport, segregated education and restrictions around legal capacity. Violence against women is also an issue for women with disabilities, which may restrict their participation on many levels. This includes their right to vote and to stand for election, because of cohesive and other types of control<sup>39</sup>.

Those who stand successfully for election usually come from a strong network of support that enables them to make a difference. It is therefore important that we support women with disabilities, both in standing for election and throughout their term in office if elected. Leadership and mentorship programmes can be seen as having the potential to increase the number of women with disabilities able to stand for, and gain, election<sup>40</sup>.

If women with disabilities remain out of politics, their concerns will remain unheard, so it is important that support is available for women interested in political participation. The European Social Survey shows that people with disabilities are interested – often more than non-disabled people – in politics, but they, and particularly women with disabilities, remain underrepresented at all levels<sup>41</sup>.



I speak for many people with disabilities who are not able to raise their voices. When other colleagues in the European Parliament see you, they start seeing the importance of our issues, and they take you seriously. It gives you the space to say: “Okay, I am here”, the only one, and that is not positive, but you have the power. People listen to your voice; you can motivate other women and girls with disabilities to think. It is not forcibly said, but if you are a politician in a government or a parliament, you can really change something that makes a difference for persons with disabilities or women. And if we don’t want others talking about us, we have to go outside and talk for ourselves.

**MEP Katrin Langensiepen, Germany**

## Different ways of voting

As explained above, EU Member States use different voting systems. This also means that there are differences in how, when and by which means voters can cast their votes.

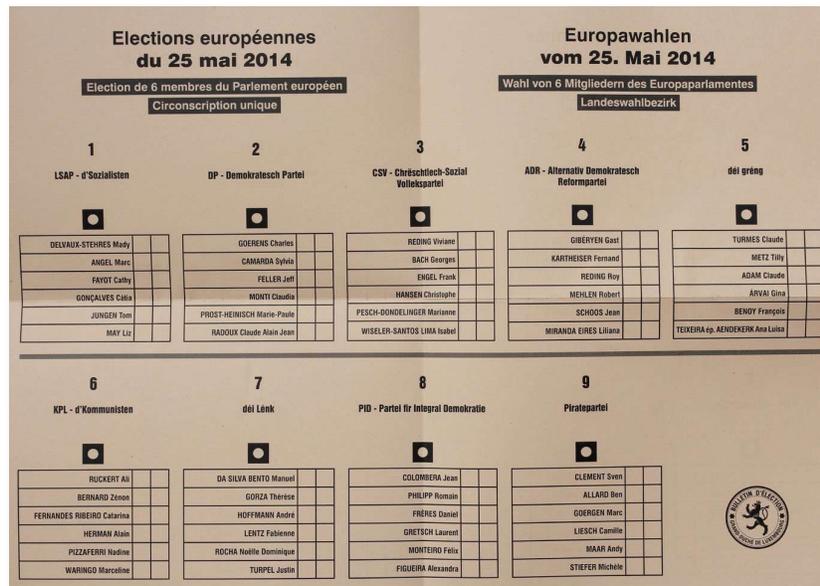
For example, European Parliament elections are mostly conducted on a Sunday. However, in the Netherlands where they are held on a Thursday, in Ireland on a Friday, in Malta, Latvia, and Slovakia on a Saturday, and in Czechia – where voting takes place on two days – on Fridays and Saturdays. Another difference is that voting is compulsory in five countries: Belgium, Bulgaria, Luxembourg, Greece and Cyprus. The identification documents

that are requested to vote also vary between countries.

On the mechanics of how to vote, there are even more differences among Member States. Electronic voting by machine is used in parts of Belgium and Bulgaria<sup>42</sup>, while in Estonia, in addition to voting with paper ballots in polling stations, there is also an option of internet voting.

In most Member States, voters express their will by marking their ballot with an “X”, a tick, or a circle (Austria, Belgium, Bulgaria, Cyprus, Croatia, Denmark, Germany, Hungary, Italy, Lithuania, Luxembourg, the Netherlands, Poland, Portugal and Slovenia), and, in the case of Romania, by using a stamp<sup>43</sup>. In Italy, voters who want to cast a preferential vote have to handwrite the name of the candidate on the ballot. Similarly, in Estonia, Lithuania and Finland, voters also must handwrite the number of their party or candidate in a rectangle or circle. In Ireland and Malta, the voter has the option of giving numerical preferences to as many or as few candidates as they like<sup>44</sup>.

In Spain, Czechia, France, Greece, Latvia<sup>45</sup>, Sweden and Slovakia, voters select the party they want to vote for on the ballot paper. In Sweden and Portugal - unlike in most countries - the polling station officials, and not the voter, place the ballot into the ballot box, whereas in Italy and Belgium the voters must be the last ones who touch the ballot. These different ways of voting may come with different accessibility challenges and potential solutions that we will explore in the following sections.



[Ballot paper European Parliament elections 2014 in Luxembourg](#) ©Government of the Grand-Duchy of Luxembourg / Zinneke

**LIETUVOS RESPUBLIKOS RINKIMAI | EUROPOS PARLAMENTA**  
2019 m. gegužės 26 d.  
RINKIMŲ BIULETENIS

Rinkimų lemiamoji antspaudo vieta

**ŽYMĖJIMO PAVYZDYS**

**PAŽYMĖKITE TIK VIENĄ SĄRAŠĄ, UŽ KURĮ BALSUOJATE**

Biuletenis privalo būti antspaudojamas.

**1 VISUOMENINIS RINKIMŲ KOMITETAS „PREZIDENTO ROLANDO PAKSIO JUDEJIMAS“**

**2 LIETUVOS VALSTIEČIŲ IR ŽALIŲJŲ SĄJUNGA**

**3 LIETUVOS ŽALIŲJŲ PARTIJA**

**4 LIETUVOS SOCIALDEMOKRATŲ PARTIJA**

**5 TĖVINIS SAJUNGA-LIETUVOS KRIKŠČIONIŠKŲ DEMOKRATAI**

**6 VISUOMENINIS RINKIMŲ KOMITETAS „LEMIAMAS ŠUOLIS“**

**7 LIETUVOS CENTRO PARTIJA**

**8 „VALDEMARO TOMAŠEVSKIO BLOKAS“ - KRIKŠČIONIŠKŲ SEIMŲ SAJUNGOS IR RUSŲ ALJANSŲ KONCIJA**

**9 DARBO PARTIJA**

**10 VISUOMENINIS RINKIMŲ KOMITETAS „STIPRI LIETUVA VIENGOJE EUROPOJE“**

**11 LIETUVOS SOCIALDEMOKRATŲ DARBO PARTIJA**

**12 VISUOMENINIS RINKIMŲ KOMITETAS „VYTAUTAS RĄDVILAS: SUSIJUSI ŽŪKIMĖ VALSTYBĖ“**

**13 VISUOMENINIS RINKIMŲ KOMITETAS „AUSROS MALDIKIENĖS TRAUKINYS“**

**14 LIETUVOS LAISVĖS SAJUNGA (LIBERALAI)**

**16 LIETUVOS RESPUBLIKOS LIBERALŲ SĄJŪDIS**

**17 PARTIJA TVARKA IR TEISINGUMAS**

**PIRMŲO BALSŲ**

0000000 N

EP Elections 2019, ballot paper Lithuania ©Friedrich Pukelsheim, Augsburg University, and © Kai-Friederike Oelbermann, Anhalt University of Applied Sciences

**ELEIÇÃO PARA O PARLAMENTO EUROPEU**

Partido Comunista dos Trabalhadores Portugueses	PCTP/MRPP		<input type="checkbox"/>
Partido Democrático Republicano	PDR		<input type="checkbox"/>
PESSOAS-ANIMAIS-NATUREZA	PAN		<input type="checkbox"/>
Partido Socialista	PS		<input type="checkbox"/>
Aliança	A		<input type="checkbox"/>
Partido Nacional Renovador	PNR		<input type="checkbox"/>
Nós, Cidadãos!	NC		<input type="checkbox"/>
Partido Trabalhista Português	PTP		<input type="checkbox"/>
Partido Social Democrata	PPD/PSD		<input type="checkbox"/>
Bloco de Esquerda	B.E.		<input type="checkbox"/>
Iniciativa Liberal	IL		<input type="checkbox"/>
Movimento Alternativa Socialista	MAS		<input type="checkbox"/>
CDS - Partido Popular	CDS-PP		<input type="checkbox"/>
Partido Unido dos Reformados e Pensionistas	PURP		<input type="checkbox"/>
BASTA!	PPM,PPV/CDC		<input type="checkbox"/>
LIVRE	L		<input type="checkbox"/>
CDU - Coligação Democrática Unitária	PCP-PEV		<input type="checkbox"/>

EP Elections 2019, ballot paper Portugal ©Friedrich Pukelsheim, Augsburg University, and © Kai-Friederike Oelbermann, Anhalt University of Applied Sciences



## Alternative and advance means of voting

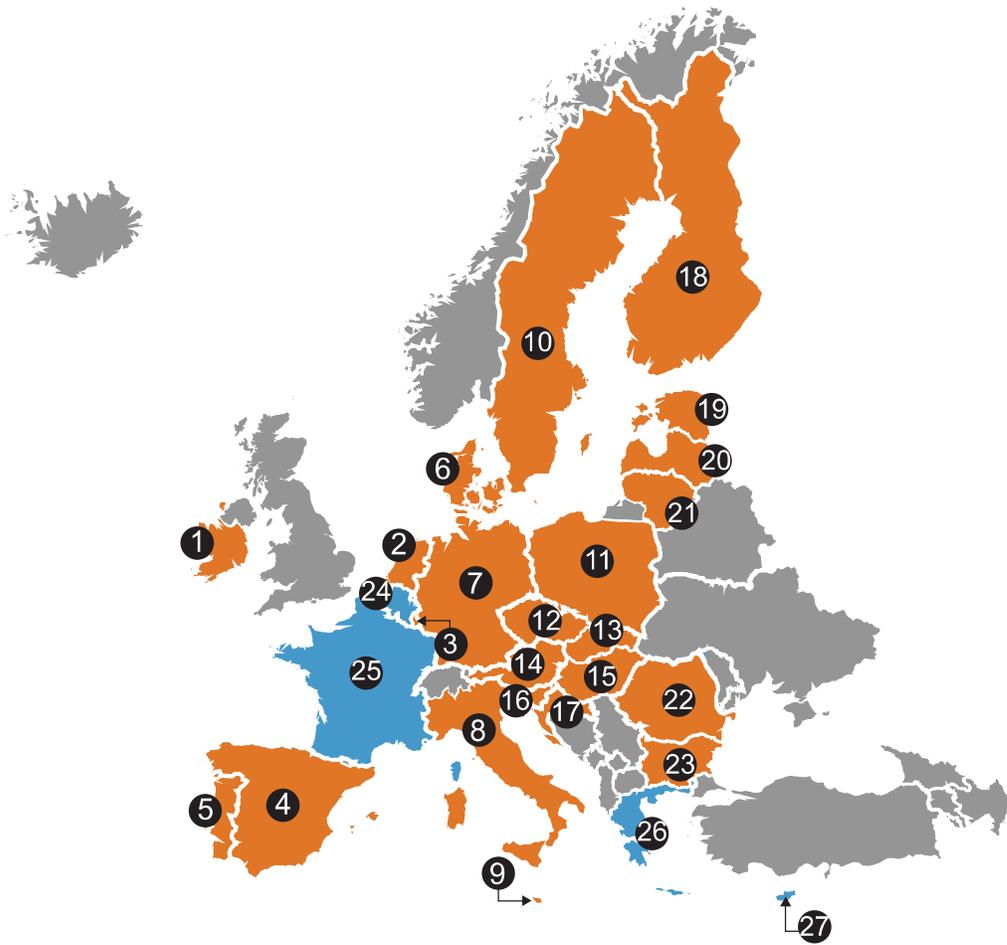


[Advance voting in Malmö](#) ©Ankara, [CC BY-SA 3.0](#)

With the intention of facilitating greater electoral participation, most Member States offer a variety of alternative and advance voting methods in addition to voting in polling stations on election day. However, these alternative and advance means of voting are not consistently available in all Member States nor to all voters, raising questions of equality of opportunity in exercising the right to vote across the EU.

The main alternatives to physically going to the polling stations on the election day are early voting in person, postal voting, and internet voting. For many persons with disabilities, these alternative approaches to casting their vote are more accessible and convenient. In fact, in some countries the option of early or postal voting is available only to voters with disabilities.

## EU Members States having alternative and advance means of voting available to persons with disabilities



● Countries with alternative and/or advance means of voting (23)

① Ireland

② the Netherlands

③ Luxembourg

④ Spain

⑤ Portugal

⑥ Denmark

⑦ Germany

⑧ Italy

⑨ Malta

⑩ Sweden

⑪ Poland

⑫ Czechia

⑬ Slovakia

⑭ Austria

⑮ Hungary

⑯ Slovenia

⑰ Croatia

⑱ Finland

⑲ Estonia

⑳ Latvia

㉑ Lithuania

㉒ Romania

㉓ Bulgaria

● Countries with no alternative or advance means of voting (4)

⑳ Belgium

㉑ France

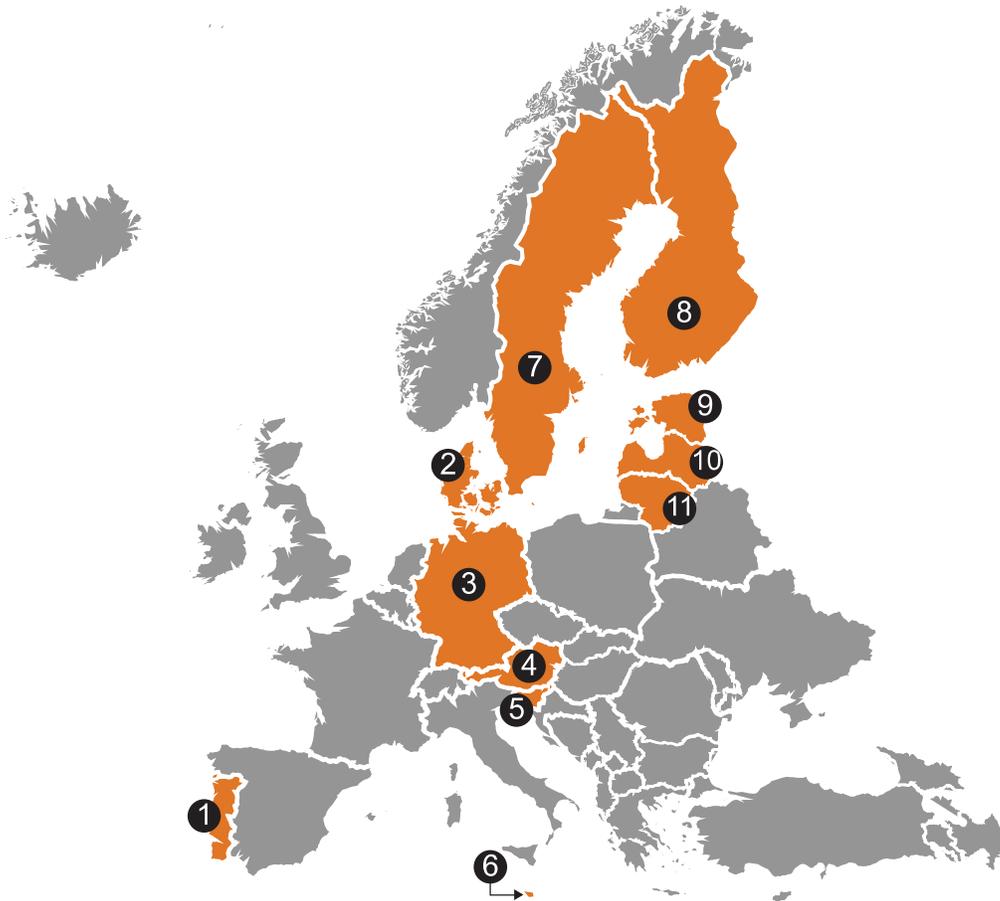
㉒ Greece

㉓ Cyprus

Furthermore, to facilitate the right to vote of persons with disabilities, several countries have introduced additional alternative measures for voting for persons with disabilities, including mobile ballot boxes and the possibility of changing polling stations. These appropriate measures can be considered as reasonable accommodation to exercise the right to vote, and we will look at them in greater detail in the next chapter.

Most Member States grant the possibility of voting in advance of election day or to cast the vote through alternative means such as mobile ballot boxes. However, four EU Member States (Belgium, France, Cyprus and Greece) offer no alternative or advance voting option for persons with disabilities to vote for themselves if they cannot physically go to the polling station on election day.

## Early in-person voting in EU-Member States



● Countries offering on-site in-person early voting (11)

- ① Portugal
- ② Denmark
- ③ Germany
- ④ Austria

- ⑤ Slovenia
- ⑥ Malta
- ⑦ Sweden
- ⑧ Finland

- ⑨ Estonia
- ⑩ Latvia
- ⑪ Lithuania

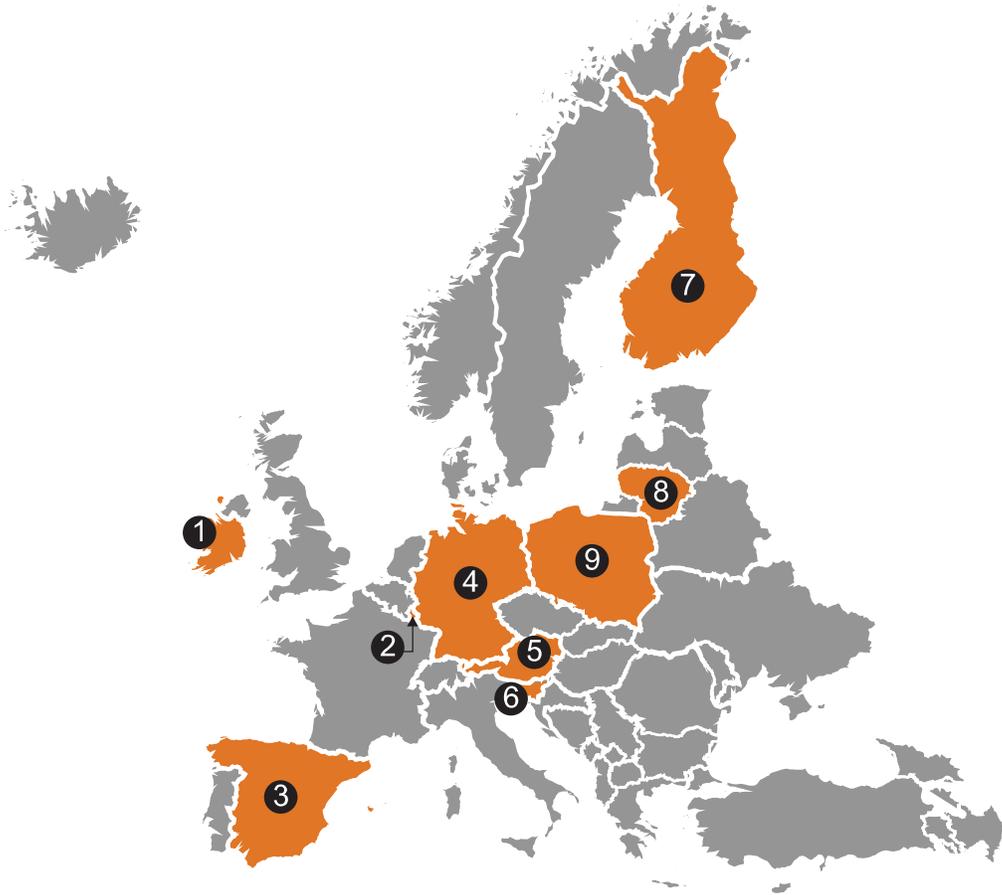
## **Early voting**

In eleven Member States (Austria, Denmark, Estonia, Finland, Germany, Latvia, Lithuania, Malta, Portugal, Slovenia and Sweden), there is the option of early on-site voting at special polling stations. In Malta, advance voting is only available for those voters who declare that they will be abroad or hospitalised on election day.

In Portugal, early voting is available for European elections. Persons with disabilities must register for this alternative and advanced means of voting via a digital platform or in the civil parish. This option may be beneficial for persons with disabilities if the polling station ready in advance of the election day is accessible to them, as it is the case in Portugal.

In the Netherlands, early on-site voting was introduced for the 2021 national elections due to the pandemic, and there is currently a law proposed to make this permanent.

## EU Member States allowing in-country postal voting



● Countries allowing in-country postal voting (9)

① Ireland

② Luxembourg

③ Spain

④ Germany

⑤ Austria

⑥ Slovenia

⑦ Finland

⑧ Lithuania

⑨ Poland

## **Postal voting**

In-country postal voting is provided for in nine Member States (Austria, Germany, Spain, Finland, Ireland, Lithuania, Luxembourg, Poland and Slovenia), but is not available in the remaining eighteen countries.

As for postal voting, there is a great variation in the scope of use. It ranges from being available to all voters in-country and abroad, to only being offered to persons with disabilities and persons over the age of 60 years and - in the case of Poland - those in isolation or quarantine<sup>46</sup>.

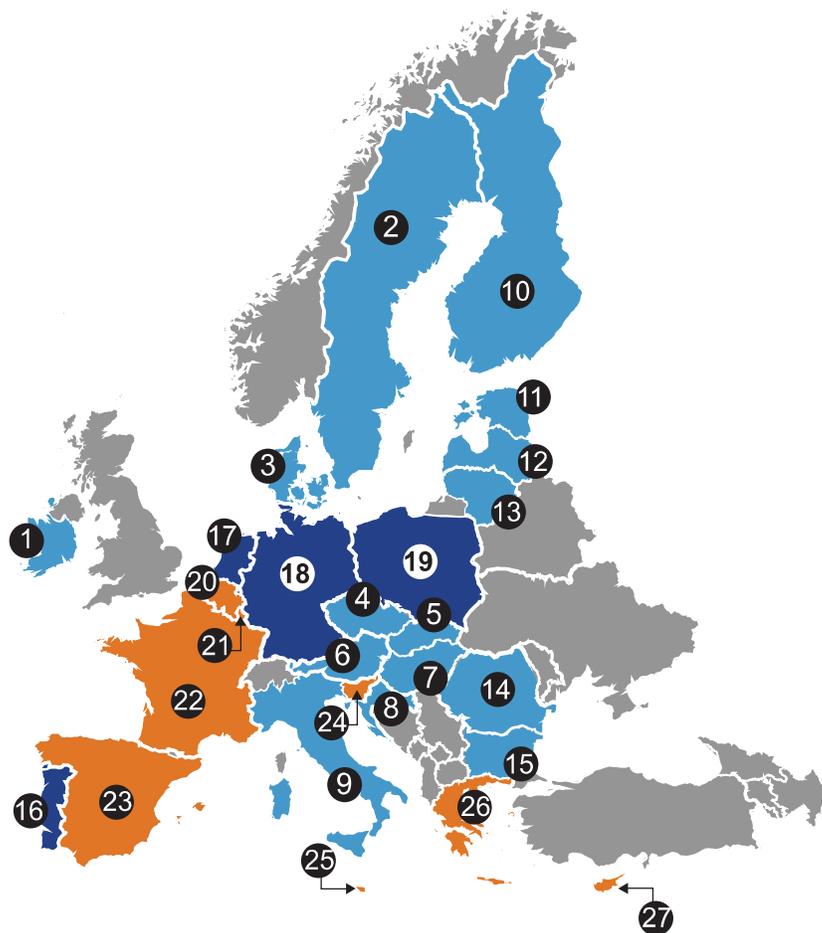
## **Internet voting**

Internet voting is only available in Estonia, where voters can decide to go to a polling station on election day or choose to cast their vote on a website during the election period. In the last elections, over 43% of voters in Estonia voted via the internet.

## **Mobile ballot boxes**

Mobile ballot boxes, which implies a visit of a mobile polling commission at the location of the voter, is offered in 19 of the 27 Member States (Austria, Bulgaria, Germany, Croatia, Czechia, Denmark, Estonia, Finland, Hungary, Ireland, Italy, Latvia, Lithuania, the Netherlands, Poland, Romania, Slovakia and Sweden). In the case of Germany, the Netherlands Poland and Portugal, this applies only in connection with special locations such as hospitals or long-term care residential institutions<sup>47</sup>.

## EU Members States making mobile ballot boxes available for persons with disabilities



● Countries in which mobile ballot boxes are available (15)

① Ireland

② Sweden

③ Denmark

④ Czechia

⑤ Slovakia

⑥ Austria

⑦ Hungary

⑧ Croatia

⑨ Italy

⑩ Finland

⑪ Estonia

⑫ Latvia

⑬ Lithuania

⑭ Romania

⑮ Bulgaria

● Countries in which mobile ballot boxes are only available in certain locations (4)

⑯ Portugal

⑰ the Netherlands

⑱ Germany

⑲ Poland

● Countries in which mobile ballot boxes are not available (8)

⑳ Belgium

㉑ Luxembourg

㉒ France

㉓ Spain

㉔ Slovenia

㉕ Malta

㉖ Greece

㉗ Cyprus

## **Changing polling station**

All countries except Cyprus, France, Greece, Malta, Spain and Sweden allow persons with disabilities to change or choose polling stations that are more accessible for them<sup>48</sup>. In several of these countries, this opportunity is available to all voters, whilst in others it is only provided for persons with disabilities.

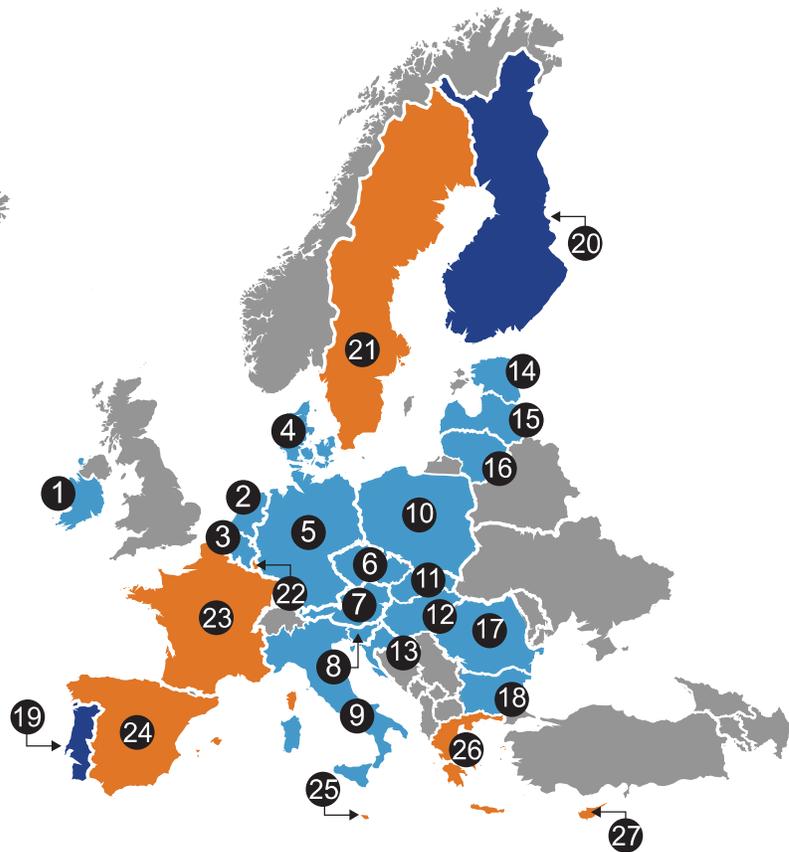
As for mobile voting, the possibility of changing polling station is a form of reasonable accommodation (which we will look at in more detail in the next chapter). However, these should not stop efforts by Member States to ensure that all the polling stations are accessible to persons with disabilities.

## **Proxy voting**

Proxy voting is permitted in five countries (Belgium, France, Netherlands, Poland, and Sweden). This is an alternative means of voting, one which is not in line with international standards for ensuring the equality and the secrecy of the vote<sup>49</sup>.

Given that this alternative method does not guarantee the right to vote to persons with disabilities independently and in secret, EDF is neither in favour nor against proxy voting. However, we do not consider it as reasonable accommodation, and its availability should not stop Member States from ensuring the accessibility of the elections and the provision of reasonable accommodation to ensure equal access, independence, and the secrecy of the vote for persons with disabilities.

## EU Members States allowing persons with disabilities to change or choose polling stations on the election day



● EU Member States allowing persons with disabilities to choose or change polling stations (18)

- |                   |            |             |
|-------------------|------------|-------------|
| ① Ireland         | ⑦ Austria  | ⑬ Croatia   |
| ② the Netherlands | ⑧ Slovenia | ⑭ Estonia   |
| ③ Belgium         | ⑨ Italy    | ⑮ Latvia    |
| ④ Denmark         | ⑩ Poland   | ⑯ Lithuania |
| ⑤ Germany         | ⑪ Slovakia | ⑰ Romania   |
| ⑥ Czechia         | ⑫ Hungary  | ⑱ Bulgaria  |

● EU Member States only allowing persons with disabilities to choose or change polling stations for early in-person voting (2)

- |            |           |
|------------|-----------|
| ⑲ Portugal | ⑳ Finland |
|------------|-----------|

● EU Member States not allowing persons with disabilities to choose or change polling stations (7)

- |               |         |          |
|---------------|---------|----------|
| ⑳ Sweden      | ⑳ Spain | ⑳ Greece |
| ㉒ Luxembourg* | ㉕ Malta | ㉗ Cyprus |
| ㉓ France      |         |          |

\*changing polling station is only available in Luxembourg city



# Chapter 4: Equal access to elections, secrecy of the vote and free choice of assistance

## Accessibility

According to the CRPD article 29, State Parties must ensure that “voting procedures, facilities and materials are appropriate, accessible and easy to understand and use”. Therefore, to ensure equal access to elections, Member States must apply accessibility in all these elements, as well as providing reasonable accommodation for those persons with disabilities for whom the accessibility provided will not be sufficient to vote independently and in secret. Here, the alternative and advance ways of voting for persons with disabilities outlined in the previous chapter can be considered as reasonable accommodation, which do not exempt countries from their obligation to make the elections as accessible as possible.

## Ballot papers and casting the vote

In previous sections, we explained the very different designs of ballot papers, as well as the various actions voters need to undertake to cast their vote, depending on the country’s voting method. For many persons with disabilities, there are accessibility challenges concerning the size of the ballot, its structure, the size and type of the font, the tasks required to tick a box, making a cross or a circle, or even handwrite numbers or the names of candidates. Therefore, accessibility requirements can be set out to improve the design of the ballot papers in ways that maximise their legibility and understandability, thus making the task of every voter easier.

A good example can be found in Norway, which is not an EU country, where legislation defines the font size and type of its ballot papers. The regulation specifies that the ballot needs to be easy to read, and that the candidate’s name needs to be printed in Arial, with a size of 12 points.

As mentioned above, the size of the font in the ballot paper is a major concern in many countries. In Austria, DPOs criticised the small letter size on candidate lists, but welcomed the newly introduced possibility to fill a candidate’s sequence number on the ballot, rather than handwriting the name.

As with many other Member States, DPOs in Sweden have made proposals on how to improve accessibility of ballot papers by introducing a national standard. There are also proposals on technical solutions to improve secret votes for persons with visual disabilities, which may be tested in the forthcoming 2024 European elections<sup>50</sup>.

Another good practice concerning ballot papers can be found in Ireland, where they are printed in colour, the ballot paper sets out an alphabetical list of candidates, as well as their photographs and a political party symbol. Similarly, in Malta - following suggestions from DPOs - the EMB aims to include the picture of each candidate in colour on the ballot paper, which will further help persons to mark their ballots.

In Spain, Czechia, France and Sweden, we find another positive practice: voters receive ballots by post before the elections. This allows persons with disabilities to make their selection at home and using, if so needed, their own assistive tools.

In contrast, in Romania, booklet-shaped ballot papers are used and have been criticised due to their dimension, poor paper quality and the obligatory use of stamps to mark a vote.

In Estonia, internet voting is fully accessible for persons with disabilities, since the website used for voting complies with the web accessibility standard required by the 2016 Web Accessibility Directive<sup>51</sup>. This allows persons with disabilities, including those using assistive technologies like screen reader software, to cast their vote independently<sup>52</sup>.

However, in the case of electronic voting via machines<sup>53</sup> in polling stations, as used in some parts of Belgium, these devices do not always have all the required accessibility features, such as the height of the screen, a screen reader function for blind people (including the possibility to plug headphones to ensure the secrecy of the vote), or the possibility to enlarge<sup>54</sup>. Also, in Bulgaria, the voting machines recently introduced in some areas do not offer aural assistance that can support independent voting by people with visual disabilities, nor features for people with intellectual disabilities.



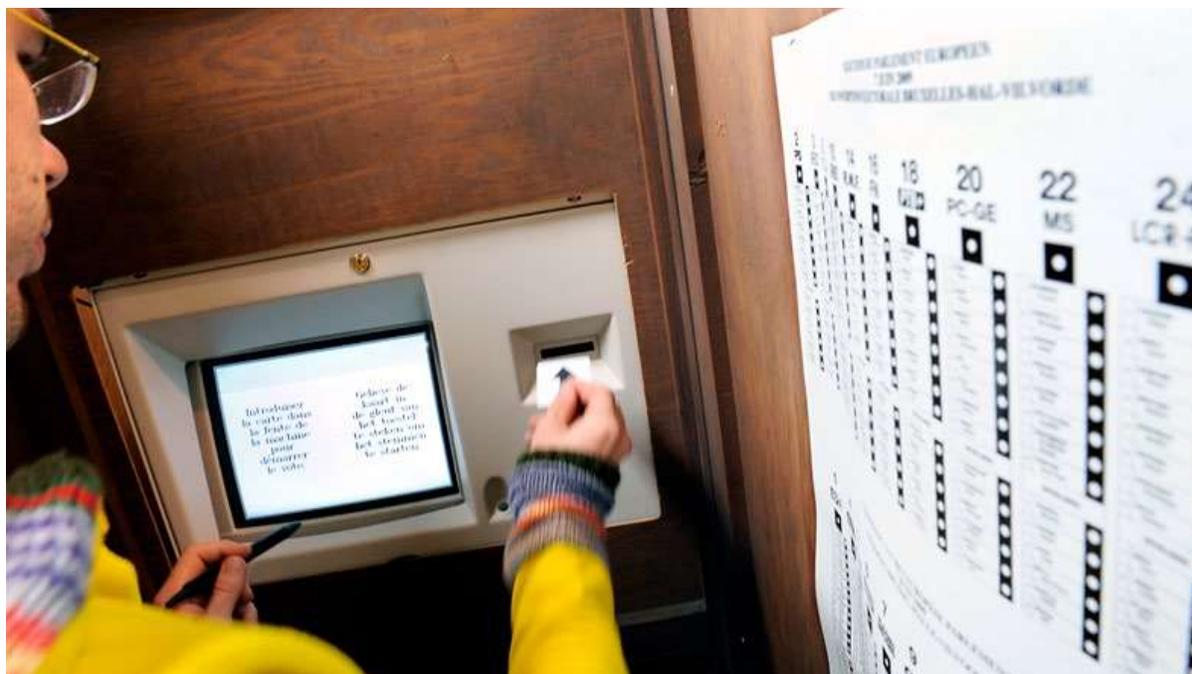
[E-voting in Estonia](#) ©European Union 2011 PE-EP/Pietro Naj-Oleari, [CC BY-NC-ND 2.0](#)

“

I'm both Romanian and Belgium and voted more than ten times in my life. I was never able to vote alone; I had to have either a friend or someone from the electoral commission. It was already bad not to have privacy to vote, but in Belgium is worse: the electronic vote is completely inaccessible, and they required someone from the electoral commission, that I don't know and don't trust, to vote for me. How can I assure they vote for the right candidate? If I could have one thing, it's accessible voting machines – they exist, but still not in Belgium. I could finally go and vote alone.

**Loredana Dicsi, Internal Communication and Membership Officer at EDF.**

## Voting booths and polling stations



[Electronic voting in Belgium at a polling station in Brussels on the 7th of June](#) ©European Parliament/Pietro Naj-Oleari, [CC BY-NC-ND 2.0](#)

Bulgaria, Denmark, Estonia, France, Germany, Ireland, Italy, Lithuania, Luxembourg, Malta, Poland, Portugal, Romania, Slovakia, Slovenia, Spain and Sweden), there are either direct legal obligations concerning the accessibility of polling stations, or indirect legal obligations related to the accessibility to all public buildings, in which polling stations are usually located.

Several Member States improved their legislation to explicitly require polling station accessibility, and the majority have introduced physical accessibility measures, including ramps, ground floor location, accessible voting booth design and on-site support. However, the level of implementation of accessibility measures varies widely, with access to polling stations remaining an issue of concern in most countries (for example in Austria, Bulgaria, Cyprus, Czechia, Germany, Greece, Hungary, Latvia and Romania)<sup>55</sup>.

There is legislation for accessibility of all public buildings and polling stations in eight countries (France, Ireland, Malta, the Netherlands, Romania, Slovakia, Slovenia, Spain and Portugal), or for only newly constructed buildings in Luxembourg<sup>56</sup> and Latvia. However, in some Member States accessibility provisions for polling stations are still done on a voluntary basis.

## EU Members with direct and indirect legal obligations to ensure the physical accessibility of polling stations



● Countries with direct and indirect legal obligations to ensure the physical accessibility of polling stations (18)

- ① Ireland
- ② Belgium
- ③ Luxembourg
- ④ France
- ⑤ Spain
- ⑥ Portugal

- ⑦ Denmark
- ⑧ Germany
- ⑨ Italy
- ⑩ Malta
- ⑪ Sweden
- ⑫ Poland

- ⑬ Slovakia
- ⑭ Slovenia
- ⑮ Estonia
- ⑯ Lithuania
- ⑰ Romania
- ⑱ Bulgaria

France has accessibility requirements throughout the electoral process for public and private buildings. The premises where the polling stations are located must be accessible to persons with disabilities, if necessary, by means of temporary or permanent arrangements. The chairperson of the polling station must take all necessary measures to facilitate independent voting for persons with disabilities.

In Ireland the law contains provisions relating to access to polling places. Public notice must be given in case a polling station is not accessible. In this country, of the more than 7000 polling stations, fewer than 50 are considered inaccessible.

In Denmark, the election administration must select accessible buildings and rooms, and in each polling station there must be at least one voting room with space for a person using a wheelchair and two assistants.

In Slovenia, however, the court ruling introducing the legal requirement of accessibility of polling stations had an adverse short-term effect and resulted in the reduction in the numbers of polling stations and the use of container-based polling stations, which were inadequate for voters using wheelchairs.

Additionally, it is worth mentioning that Bulgaria, Croatia, Estonia, Ireland, Malta, Netherlands and Poland set up polling stations in key locations, such as hospitals or residential institutions, for older people and persons with disabilities. This measure facilitates the right to vote to those who may face difficulties in going to a polling station on election day. With the same objective, countries such as Denmark, Finland, Lithuania and Portugal organise early voting in these locations. As we will see in the next chapter, mobile ballot boxes can also be used to guarantee the right to vote of people in hospitals, living in residential institutions or those who cannot physically go to the polling station on election day.

As for the voting booths, only Belgium and Lithuania have accessibility requirements concerning the polling booths (e.g., their height and width). However, several countries also ensure there are accessible voting booths. In Malta, polling booths are enlarged to cater for persons using wheelchairs. In Finland and Sweden, polling stations are encouraged to arrange an accessible polling booth for people using wheelchairs.



I vote every time and for every election: 10 – 12 elections until now, local, national and European. One of the main problems I have is with the secrecy of my vote. In one of my first times voting, the booth screen was too high – I could ride my chair to the booth, but everyone could see who I voted for. I made a suggestion for a more accessible booth, and the next time they provided a better booth. But problems persist until today!

However, in the last European elections I voted in my post office, where there were no accessible booths. The process was a shambles; I had to face the corner and make my vote there. That was not acceptable. It is not difficult to make arrangements for me to have an election experience equal to others...

**Pirkko Mahlamäki, Finnish Disability Forum**

## **Election information**

Election Management Bodies (EMBs) do usually provide information for all voters, including through their websites. However, as yet not all EMBs websites comply with the web accessibility requirements derived from the Web Accessibility Directive applicable to all public sector bodies. Digital tools and key online resources, including online voter registration and verification services, are often not designed in an accessible manner.

Positively, ahead of the 2019 European elections, EMBs in 12 Member States (Austria, Belgium, Bulgaria, Finland, Germany, Hungary, Italy, Lithuania, Luxembourg, the Netherlands, Portugal and Spain) have produced various voter education and information materials adjusted for persons with disabilities, including in large print, plain text, easy-to-read formats and in sign language. Among them, election authorities in several countries (Austria, Belgium, Czechia, Finland, Hungary, Ireland, Lithuania and Spain) actively collaborated with DPOs in designing and disseminating this information.

Linked to the previous section, EMBs rarely provide information about the accessibility of polling stations. However, good practice can be found in five countries (Estonia, Germany, Lithuania, Latvia and Poland), where this information is shared through electronic map applications, on the EMBs websites, or by including such information on the election notification to voters.

In several Member States, for example Austria and Slovenia, the EMB website and online documents are provided in easy-to-read format. In other Member States (Bulgaria, Germany, Czechia, Latvia, the Netherlands, Poland, Romania, Slovenia, and Spain), the EMB provides some voter education materials related to the accessibility measures available for voters with disabilities and, at times, videos with subtitles and sign language. For example, in Czechia, a newly introduced QR code on voting instructions, which leads to a video in sign language, is attached to the ballots sent out.

In Spain, the website of the Ministry of the Interior's dedicated webpage 'Accessible Voting', includes information on electoral processes and links to telephone text services for persons with hearing disabilities, as well as voter education information in text and video formats with audio descriptions.

However, in many EU Member States, DPOs highlight numerous insufficiencies in electoral, civic and voter education materials, including in accessible formats for persons with disabilities such as easy-to-read or Braille. In most instances, audiovisual media also lack subtitles, audio descriptions or sign language interpretation.

## **Political parties**

There are no comprehensive rules across the EU requiring political parties to produce their information and organise their events in an accessible manner for persons with disabilities.

In some Member States, political parties and candidates do provide information in formats that are accessible to persons with various types of disabilities (Germany, Denmark, Finland, France, Latvia, Lithuania, the Netherlands, Slovakia and Spain). However, these opportunities are still rare and inconsistent, and accessibility measures are only applied by some parties.

For example, DPOs in Austria found that none of the party websites fulfilled a comprehensive set of accessibility requirements. Similarly in Belgium, no political party website was compliant with digital accessibility standards, nor political manifesto was provided in easy-to-read, or available in Belgian French Sign Language.

In Germany, the four main parties differ in the extent to which they provide information in accessible formats. One party offers a wide variety of formats, including via accessible webpage, ePub, PDF and audio; it also ensures that its social media communications are also accessible. All four main parties do, however, provide their party manifestos in accessible formats.

In Portugal, some political parties include sign language interpretation for their main political events, as well as subtitles to videos posted online. The Portuguese Electoral Commission has called upon political parties to share their manifestos in accessible formats, but the level of response rate to this call was unsatisfactory.

In Lithuania, political parties and candidates are asked to make easy-to-read information about themselves available for the booklet provided by the Central Election Commission. In Malta, political parties have adopted the use of sign language interpreters.

The Netherlands Institute for Human Rights called upon parties to publish their election programmes in accessible formats, with the result that six of the political parties followed this recommendation. In addition, two parties produced their manifestos in an audio format and one made their manifesto accessible in Braille and sign language.



The main challenge I face during the election process is to access information on the programmes of political parties as well as following political debates in the national sign language. Most of the time, deaf people are left behind in the election process, due to the lack of provision of sign language interpretation through professional and accredited national sign language interpreters. Furthermore, when standing for elections and fulfilling a political mandate, deaf people have to constantly struggle to ensure that the funding for sign language interpreters is taken care of by the political institution for which they are exercising their political mandate. It is only through their national sign language that deaf people can meaningfully exercise their political rights. Sign language provision equals democratic election processes.

**Alexandre Bloxs - Belgium**

## **Public media**

There are legal requirements in different countries of the EU with regard to the accessibility of media. In particular, when it comes to audiovisual media, the Audiovisual Media Services Directive<sup>57</sup> obliges both public and commercial TV channels to make their services continuously accessible to persons with disabilities. Prior to the revision of this Directive in 2018, the level of implementation of accessibility varied greatly (and continues to do so) between countries.

In France, during the electoral period all main national TV channels must ensure that they promote access by subtitling and using sign language interpretation in the main programmes devoted to electoral news and broadcast during peak hours.

In Finland, order to help persons with disabilities follow election campaigns, the Finnish Broadcasting Company provides subtitles: audio subtitles<sup>58</sup> and

simultaneous sign language interpretation. Interviews with candidates are transcribed in easy-to-read format as well as broadcasted in sign language. The public TV channel also organised and broadcasted campaign events that targeted persons with disabilities.

In Spain, announcements describing the voting procedures are broadcasted in TV with subtitles and sign language interpretation. In addition, the media service of the Spanish lower house of Parliament has developed and uploaded videos on their website and YouTube channel explaining voting procedures for persons with visual disabilities.

In Poland, all press conferences of the National Election Commission are available with sign language interpretation.



When I was growing up in Poland, the only way to pick your political side was really by talking to friends and family. Newspapers were state controlled. TV debates were, and still are not, accessible to deaf and hard of hearing people due to a lack of live subtitling of debates. You can, of course, read newspapers but from my own experience and perspective, it is live debates that bring more understanding of the candidate views, persona and how they present themselves.

**Lidia Best, European Federation of Hard of Hearing, United Kingdom/  
Poland**

For almost all media outlets in Hungary, the law prescribes that most programmes should be available with Hungarian subtitles or sign language interpretation. This obligation covers political programmes, but not campaign spots.

In Lithuania, Latvia and Slovakia, interpretation of electoral debates into sign language is organised for national TV. In the case of Lithuania, this is financed by the Central Electoral Commission.

## Reasonable accommodation

Given the different voting systems across the EU, even where accessibility measures have been incorporated, it is expected and necessary that most Member States also introduce appropriate measures to guarantee that persons with disabilities can vote on equal basis with others. As already presented in the previous chapter, allowing for alternative and advance methods of voting can therefore be considered as reasonable accommodation. In this section, we will delve further into these, as well as other measures developed to provide reasonable accommodation



[European Parliament election, 2014 \(Slovakia\) portable ballot box](#) ©Sečovce, [C BY-SA 3.0](#)

### Alternative means to vote

In Belgium, France, Cyprus and Greece, there are no provisions of alternative in-person voting methods such as postal, internet or mobile voting. Voters must physically cast their vote in polling stations, preventing those who cannot leave their homes or residential institutions, or are staying for long periods in hospitals, from exercising their right to vote independently. As we previously explained, the provision of alternative and advance means of voting does benefit persons with disabilities. This is why the majority of EU countries have introduced alternative methods for persons with disabilities to cast their vote.

For example, to avoid accessibility barriers in polling stations, most Member States allow persons with disabilities to change polling station or choose the one most accessible for them. This is possible in, for example, Austria, Belgium, Bulgaria, Czechia, Estonia, Hungary, Ireland, Latvia and the Netherlands<sup>59</sup>. In Latvia, this provision is not specifically for persons with disabilities, as all voters can cast their ballot in any polling station in the respective constituency. Thus persons with reduced mobility can choose the closest accessible polling station from the list published on the EMB website. In some cases, persons with disabilities will need to request such a change (e.g., in the Belgian region of Wallonia), or they can do so without any prenotification (e.g., Bulgaria or Finland).

As we previously described, the provision of mobile ballot boxes, which implies the visit of a mobile polling commission to the location of the voter, is offered in 19 of the 27 Member States.

In Austria, mobile polling commissions visit hospitals, long-term care residential institutions, as well as voters at home. Similarly, in several countries such as Ireland, Bulgaria, Estonia, Latvia and Italy, as well as the possibility of the citizen casting their vote at home, mobile ballot boxes are also set up in key locations such as residential institutions or hospitals. In Italy, the procedure for asking for the mobile ballot box at home is difficult. It requires filling out an application that must be accompanied by a health certificate issued by a medical officer appointed by the local health authority. The application must also be sent between 20-40 days before the elections.

In Croatia, even although mobile voting is available on demand and in residential institutions, voting from hospitals is not possible in any election. In Romania, meanwhile, the regulations covering the use of mobile ballot boxes are subject to interpretation by the election commissions.

In Finland, early voting is also conducted in hospitals, correctional centres and residential institutions. Voters who cannot attend a polling station may also vote in advance from their home.

In countries such as Sweden, Denmark, Spain and Croatia, it is also possible - as a form of mobile voting - to cast the vote outside the polling station. This option should not be considered as the only form of mobile voting because, although it facilitates the exercise of their right to vote when the polling station is not accessible, this measure does not ensure that persons with disabilities vote in the same conditions as other voters. In many cases it also requires that they bring their ballot and envelope with them from home.

An additional good practice can be found in Lithuania and Finland, where transportation for eligible voters with disabilities to and from the polling and early polling stations is provided. This can be very valuable, as in many EU countries elections take place on Sundays, potentially reducing public transport and support services for persons with disabilities.

## **Assistive tools**

In the most recent European elections, efforts were undertaken by Member States such as Denmark, Spain, Finland, France, Hungary, Ireland, Lithuania, Luxembourg, Malta, the Netherlands, Poland and Portugal to support the right to vote of persons with disabilities through the use of assistive tools. Measures included Braille and large-print voting materials, tactile ballot sleeves and stencils, as well as by making available other supportive tools such as magnifying glasses, special writing utensils and lamps, in addition to information in easy-to-read and sign language.

The availability of such assistive tools is, however, far from being the standard, but remains in the domain of good practice. In most Member States, election administrations make use of these, but no assistive tools are available in Bulgaria, Cyprus, Greece, Italy, Romania, Slovakia or Slovenia.



[Braille ballot](#) ©Seika, [CC BY 2.0](#)

Before we examine some examples, it is important to emphasise that there are no such things as Braille ballot papers, as these would identify the voter. The assistive tools for blind and partially sighted voters include tactile templates, stencils or sleeves (with or without Braille on them) to guide the voter on where to mark the ballot paper. In those countries where the voter does not need to mark the ballot paper (for example in Spain), there is the possibility of producing envelopes with Braille on them, which contain the regular ballot paper inside.

In Luxembourg, tactile ballot sleeves are made available to allow blind people to identify where they need to mark their vote. In Austria, similar stencils are also in place, but no other tools like magnifying glass are offered or included in the legal provisions.

In Portugal, Braille templates were also introduced. In Hungary, partially sighted and blind voters may request voter information in an accessible format or a tactile ballot guide. In Malta, Braille templates and an audio format device, listing all the candidates standing for that election, are available on request to any voter.

In Croatia, Braille voting templates were only available for the recent Presidential election and for municipal elections. However, due to the size of the ballots for the European and the national parliament elections, these templates were not prepared for these<sup>60</sup>.

In Germany, stencils for people with visual disabilities are provided by a DPO through federal branches. Every stencil is accompanied by information of how to use it, in Braille, audio format or in large print. The German government reimburses the costs of producing and distributing the blind stencils to the DPO<sup>61</sup>.

In Spain, for European and national elections, voters can order Braille kits in advance, within 27 days from the election being called. The kits include one envelope per candidature. The envelope informs in Braille about the candidature and contains inside the ballot paper.

In Finland, stencils and Braille ballot guides are available. In addition, each polling booth is equipped with a magnifying glass, a pen and a master list of candidates.

In Poland, polling places accessible for voters with disability must have additional spotlighting in the polling booths and all official information must be hung at an appropriate height, so a person moving on a wheelchair can easily read it. In all precincts, voters can request a Braille ballot template.

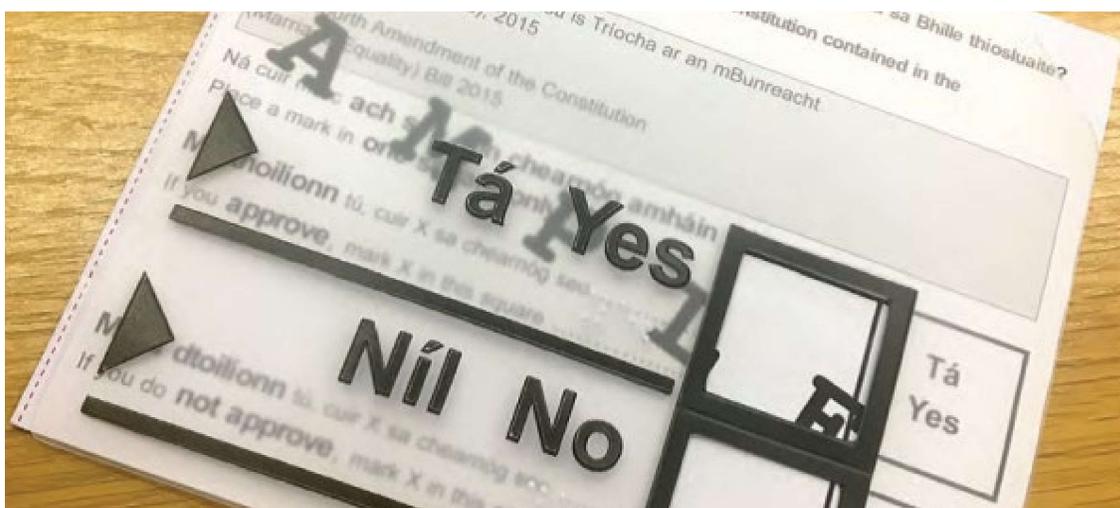
In some countries, such as Belgium, different measures have been introduced in different regions of the country. While Flanders has regulations for magnifying glass, specifications for voting desks, easy-to-read, and large print, Wallonia regulates that voting forms be reproduced at 150 per cent of their standard size and must be available to voters upon request.

In Czechia, the design of the ballot - in combination of the method of voting - does not allow for use of any Braille guide. However, no other assistive tools, such as magnifying glasses, are available in the polling station, while the use of small fonts on the ballot papers remains an issue.

In Ireland, a large print copy of the ballot paper is also displayed in polling stations to assist those with visual disabilities. The use of the Braille template is supported by a telephone line, which the voter must ring to be informed of the layout of the ballot paper and the list of candidates on it. Sign language interpretation has not yet been made available at polling stations, but - as the Sign Language Act has recently become law (December 2020) - it is anticipated that sign language provision at elections will be sought.

In Lithuania, there have been some recent improvements for deaf persons; in the 2020 election, for the first time anyone who needed could use the remote, free of charge, Lithuanian sign language interpretation services via Skype. Also in Lithuania, Braille ballot stencils were made available to blind people for the first time in 2019.

As good practice example in Denmark, the election administrations use a broad number of assistive tools to support voters with disabilities. There are magnifying glasses, digital magnifying glasses (with a TV screen), LED lights and height-adjustable tables in the polling stations.



[Tactile Ballot Paper Template](#) © NCBI

## Secrecy of the vote

Voters have the right to vote in secret. For voters with disabilities, however, this right depends on a number of factors, such as whether the voting system and facilities are accessible to them, whether there are alternative ways of casting their vote and whether reasonable accommodation has been provided to them. The lack of some of these elements will inevitably force certain persons with disabilities to seek for assistance in casting their vote (see next section). Therefore, the secrecy of the vote will depend on the context and the type of disabilities.



For me, the accessible vote was an empowerment. Before, it was quite uncomfortable to ask for help to vote because you are revealing the exercise of a right that is secret. In my case, at home we had similar ideologies, so it was not a drama, but I know this was different for other blind colleagues. The fact of being able to choose myself is very comfortable and fair. The most convenient would be some sort of electronic voting system, but this would imply some problems of privacy and security.

The Braille kit system in Spain has some elements that could be improved, though. It would also be good that we also have this possibility for municipal elections, which doesn't currently exist and it's the closest authority we vote for. Secondly, it would be most convenient if we would receive the Braille kit at home, instead of at the polling station, so you can organise your vote at home. It would also be good for security reasons, because if you get into the voting booth you might also be controlled, and the secrecy of your vote could be compromised.

**Sergio Gay Laudes, Spain.**

If we look at the example of people who are blind or partially sighted, there are 18 Member States that have not put in place the necessary measures to ensure they can vote in secret. These measures are the reasonable accommodation examples we highlighted in the previous section, such as Braille templates, tactile stencils, and other assistive tools.

Bearing in mind the differences between countries and persons with disabilities, there are, nevertheless, certain elements which further compromise the secrecy of the vote of persons with disabilities. Particularly worrying are the cases of Bulgaria, Greece, Malta and Cyprus.

In Bulgaria, problems may occur in polling stations in residential institutions and hospitals. There, by rule, the staff is appointed by governmental and local authorities, which can influence the process. Moreover, some DPOs have raised concerns that the mobile voting often proceeds in the absence of the entire election commission. Furthermore, the exclusive reliance on voting machines that are not accessible, also undermines the secrecy of the vote.

Similarly in Romania, observers voiced concerns that in hospitals or social centres, pressure may be applied to voters, as the process is facilitated by the management of the institutions. This is despite the actual voting process being organised by representatives of the election commission.

In Cyprus, the right to vote independently is also compromised, as there are no assistive tools available within polling stations. In addition, rather than creating accessible polling stations, outdoor voting booths were set up for persons using wheelchairs, also compromising the secrecy of their vote.

In Austria, DPO representatives consider that the stencils in use might be inappropriate with regards to the secrecy of vote, as the marks on the stencil could be used to trace where the ballot was marked. They therefore recommend that voters with visual disabilities bring their own stencil, rather than using the one provided by the polling station.

In Czechia, the secrecy of the vote, particularly for those voters who are blind or partially sighted, illiterate, or are incapable of properly understanding the system of ballots and the manner of voting, is also threatened by the voting methods. The lack of alternative and accessible voting forces persons with disabilities to require the assistance of another person to vote. More positively, the Czech EMB provides voters with ballots before the election, which permits them to choose in advance.

In Sweden and Spain, international election observers have noted that the system of picking the ballot one wishes to vote for openly can compromise the secrecy of vote in general, for both persons with or without disabilities<sup>62</sup>.

As an example of good practice, voters in Ireland may vote independently using the ballot paper template. This is supported through the provision of a telephone line, which guides the voter through the list of candidates in order to assist them in marking the ballot paper. Otherwise, the voter would have to rely on assistance.

## **Free choice of assistance**

Irrespective of the above-mentioned measures, certain persons with disabilities will require, or prefer, to vote with the assistance provided by another person. The CRPD is clear on the obligation to ensure the free choice of this person. However, some countries restrict this free choice, and as a result can deeply compromise the secrecy of the vote.

In general, voters with disabilities can freely choose another person to assist them in the act of voting in all EU Member States with the exceptions of Greece and Malta.

In Greece, a voter can only request the assistance of the court representative, who is responsible for the electoral process of the polling station. In Malta, the law requires election officials who are nominees of political parties to assist those voters with disabilities requiring assistance to mark their ballots. This restriction can discourage voters with disabilities from participating in elections, particularly in small communities where everyone knows each other.

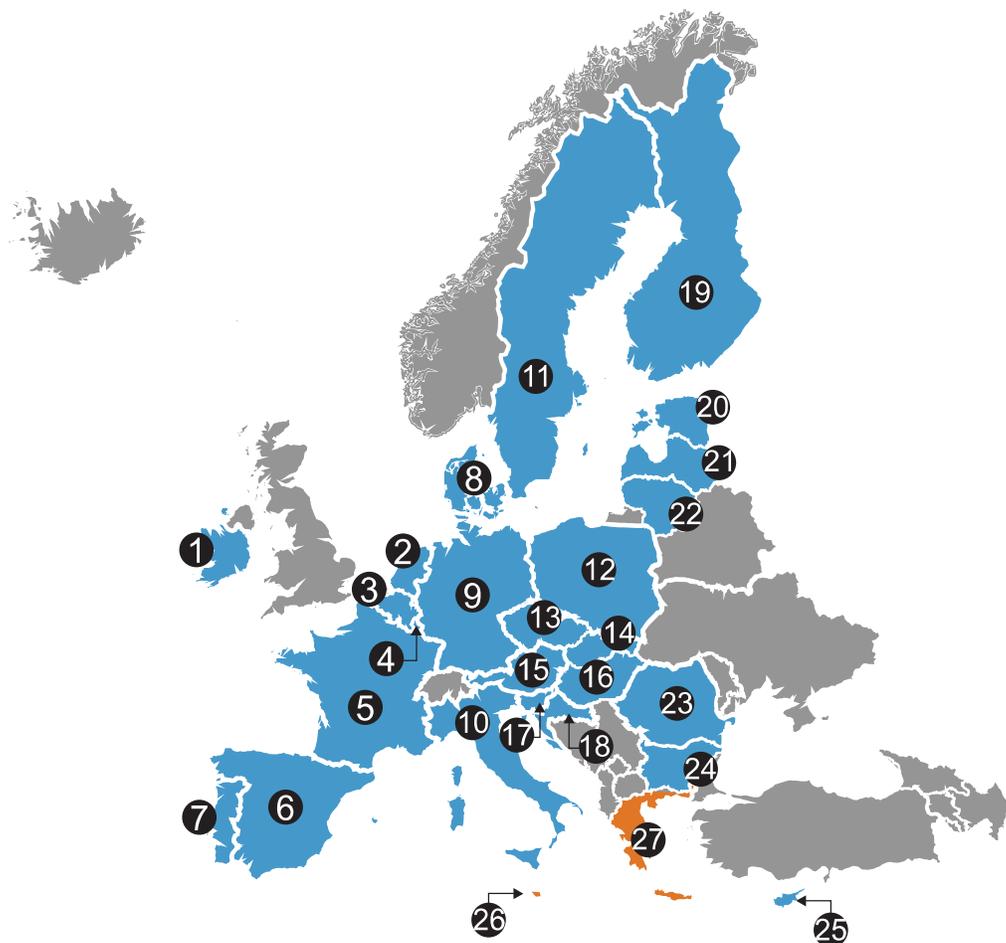


After having participated in all the electoral processes of recent years, both my colleagues with visual disabilities and I have faced the inappropriate and contradictory operation of the electoral process regarding our participation in it. By ‘inappropriate and contradictory operation of the electoral process’, I refer to the attitude of returning officer who is responsible - as they claim - for applying the existing legal framework by not allowing the blind voter to choose the person that they trust to accompany them to the voting booth. This situation underlines the contradictory attitude of the state since, on the one hand, it does not allow persons with disabilities to choose how they wish and prefer to vote, while on the other hand, it has enacted the law 4074/2012 through which it ratifies the UN Convention on the Rights of Persons with Disabilities. Therefore, it is inconceivable that the person trusted by the blind voter should be considered as violating the secrecy of the ballot, while the unknown official who will accompany the blind voter to the voting booth is not. We hope that the Greek state will soon find a solution, since the way the electoral process currently operates violates both the secrecy of the ballot, as foreseen by the Greek Constitution, and the right of persons with disabilities to vote without barriers.

**Dimitris Logaras, National Confederation of Disabled People, Greece**

In seven Member States (Bulgaria, Croatia, Czechia, Latvia, Poland, Romania and Slovakia), election officials are banned from assisting with voting. Lacking the possibility of asking for assistance from election officials to vote may also discourage voters with disabilities who do not want to reveal their vote to their family members or friends.

## EU Member States in which persons with disabilities can ask for the person of their choice to assist them at the polling station



● Countries allowing free choice of assistance (25)

① Ireland

② the Netherlands

③ Belgium

④ Luxembourg

⑤ France

⑥ Spain

⑦ Portugal

⑧ Denmark

⑨ Germany

⑩ Italy

⑪ Sweden

⑫ Poland

⑬ Czechia

⑭ Slovakia

⑮ Austria

⑯ Hungary

⑰ Slovenia

⑱ Croatia

⑲ Finland

⑳ Estonia

㉑ Latvia

㉒ Lithuania

㉓ Romania

㉔ Bulgaria

㉕ Cyprus

● Countries limiting assistance to election officials (2)

⑲ Greece

㉗ Malta

There are other limitations in several Member States. In Ireland, for example, the companion must be at least 16 years of age and may only assist a maximum of two voters. In the Netherlands, the right to request assistance does not extend to people with intellectual disabilities.

In Austria, DPOs criticise the role given to the presiding officer, who is entitled to decide whether the assisting person presented by the voter is appropriate or not<sup>63</sup>. In Cyprus, a DPO<sup>64</sup> expressed its dissatisfaction at the fact that - in the 2021 parliamentary elections - on a number of occasions the polling staff did not allow blind voters to be assisted by the person accompanying the voter.

Voters in Italy who cannot exercise their right to vote autonomously can be accompanied by a trusted person or family member, although in some cases they will require a medical certificate issued by the local health authority<sup>65</sup>. Persons with intellectual disabilities have the right to vote, but cannot be assisted in the ballot booth. Only persons with severely reduced mobility can be accompanied inside the booth. The cases provided for by law are blindness, amputation of the hands, paralysis or other impediments of similar gravity.

In France, the assistant accompanying the voter can also enter the booth and put the envelope in the ballot box on their behalf when they cannot do it autonomously. The assistant can also sign in their place with the handwritten mention: “The voter cannot sign himself/herself”. An important limitation in French law is that persons with disabilities under guardianship can select the person of their choice with the exception of their legal professional representatives and the staff of the residential institution they live in.

As a good example, in Spain the laws and regulations provide no criteria to qualify or exclude any person from assisting a voter. Therefore, voters are entirely free to choose the person they wish to assist them.



## Chapter 5: Municipal elections – EU mobile citizens’ perspective

EU citizenship provides for the right to vote and stand as candidate in municipal and European Parliament elections regardless of whether a citizen is a national of the EU country in which they reside, and to do so under the same conditions as nationals<sup>66</sup>. These mobile citizens may choose whether to vote for the European Parliament elections in their EU country of residence or in their home country, but may not vote more than once in the same election.

However, two restrictions exist. First, a Member State may decide that only its own nationals are eligible to run as head of the executive body of a basic local government unit. Second, if more than 20% of the eligible voting population are non-nationals, a Member State may require an additional period of residence to take part in municipal elections.

A total of 13 Member States (Denmark, Estonia, Finland, Ireland, Latvia, Luxembourg, Malta, the Netherlands, Portugal, Romania, Slovakia, Spain and Sweden) do not restrict any office in their local administration to their own nationals and mobile EU citizens. Two Member States (Bulgaria and Greece) adopted all permitted restrictions<sup>67</sup>.

An estimated 13.3 million EU citizens live in an EU Member State that is not their country of origin; of these, over 11 million are of voting age<sup>68</sup>. In order to be included on the electoral roll for the European and municipal elections, EU citizens resident in another Member State must produce the same documents and information as those voters who are nationals. These requirements vary considerably across the EU, particularly concerning residence requirements. Some countries require voters to have their domicile or usual residence within the electoral territory (Estonia, Finland, France, Germany, Poland, Romania and Slovenia), to be ordinarily resident there (Cyprus, Denmark, Greece, Ireland, Luxembourg, Slovakia and Sweden), or to be listed in the population register (Belgium). Some Member States stipulate a required minimum period of residence (Cyprus, Czechia and Luxembourg)<sup>69</sup>.

In addition to meeting general eligibility and registration requirements, EU citizens wishing to register to vote in their Member State of residence need to submit - among other information - a formal declaration confirming that they have not been deprived of the right to vote in their home country and

that they will exercise their right to vote only once<sup>70</sup>. While the prevention of double voting is a valid objective, the additional requirement for EU citizens resident in another Member State to make a formal declaration before each election can, in practice, amount to a barrier to their participation. Given the differences in the right to vote to persons with disabilities under guardianship, two people with the same disability may have different voting rights in a municipal election if one of them is from another country. This breaches the most basic right of mobile EU citizens.

Many Member States carry out activities to inform mobile EU citizens of their electoral rights in municipal elections. In some Member States, EMBs send polling cards or individual letters informing mobile EU citizens about the electoral process and provide electoral information on their official website. Luxembourg organises campaigns to raise electoral awareness that specifically target foreign nationals, while Latvia has a dedicated 'helpline'.

As good practice in Malta, there are facilities to make it easier for persons with a disability to vote, including mobile EU citizens (Braille templates for the ballot paper, audio players at polling booth and voting instructions written and read in Maltese and English). The Maltese legislation enables national and mobile EU citizens residing in retirement homes and hospitals to vote in situ. Also, where justified, EU citizens can also cast their vote the week before election day.

In some Member States, language barriers often arise. In Denmark, non-Danish EU citizens who have the right to participate in municipal election are automatically registered as voters. The same information is available to all registered voters, both Danish and other EU citizens, however official websites are mainly in the Danish language. Similarly in Croatia, European voters have to register for voting before elections, but all available information on how to register is in the Croatian language. In Czechia, only the Law on Elections to the European Parliament explicitly requires relevant information to be available in the procedural EU working languages; English, French, and German.

There are, however, some good municipal practice examples. The city of Zagreb in Croatia offers audio recordings of the lists of candidates and voting instructions for the blind and partially sighted. In Stockholm, the Municipal Election Board offers language assistance and reimburses the assistant for the time accompanying the person in exercising their right to vote.

However, in some places, such as in Spain, the reasonable accommodation provided for other elections (e.g., Braille kits) is not available for local elections.

Finally, with regards to supporting elected municipal officials, it is worth highlighting the Swedish Municipal Act, which states that municipalities and regions shall work to ensure that elected representatives with disabilities can participate in the handling of matters on the same terms as other elected representatives.



I now live in France, but I haven't yet taken part in the elections due to the timing of my moving to Paris. I can better compare Belgium and Germany. I had mixed experiences, most of which were negative.

In terms of registration, the easiest was in Germany. Once you are registered as a German citizen, you receive the election card directly to your home address. It is a good reminder that the election is coming. It also allows you to choose a postal vote. There is nothing you need to do in terms of going and registering yourself to get on an electoral database.

In Germany, I could enjoy postal voting as it is common practice for a large part of the population. The advantage of a postal vote is that you get the list and the materials to your place, and you can go through the materials with a person of your choice. A few years later, Germany introduced further formats provided by national DPOs that allowed voters with disabilities to read the materials, identify the political parties on the list, and to know where to add a cross to make their vote valid.

In Belgium, my experience was different because I was a European and not a national citizen. I was only taking part in the local and European elections. To register on the relevant electoral list, I had to go the extra mile as a EU citizen and as someone who wanted to participate in the local and European elections. For voters in general, including persons with disabilities, it is an extra step to overcome.

The elections in which I took part in Belgium were based on electronic voting. I had to go to the polling station on election day and vote by inserting a card into a computer. For me, it was very problematic. I went there naively, without receiving any official information ahead of time or when registering to the town hall, discovering the voting system on the spot, so I could not choose a person of trust to accompany me. So, when I got to the polling station, one of the officials came with me to the booth and cast the vote for me. He knew who I voted for. Equally important, I had no means of verifying whether the person had executed my will and no means to control it. I felt powerless, when elections should be about feeling empowered.

Secrecy of the vote is an issue for blind persons like me, whether we talk about places or formats. But it can be overcome. I think the way forward in terms of voting, secrecy and accessibility is electronic voting. Not in the way I described it, but the Estonian way, where you can cast your vote from home. You have the time to do it, and it is accessible, so you can do it by yourself. Of course, the accessibility must be 100% correct. Otherwise, it can completely exclude you from the vote.

**Lars Bosselmann, European Blind Union (EBU)**



## Chapter 6: Cases bringing change

Judicial activism by DPOs and committed policymakers resulted in the recognition of the voting rights of some 600,000 EU citizens in Germany, France, Spain, Denmark and Lithuania, based on several legal changes just prior to the 2019 European elections.

In France, following years of advocacy by DPOs, the initiative of the Justice Minister and the State Secretary for persons with disabilities led to the repeal of an old decree. This measure saw an estimated total of 305,000 citizens aged 18 or more who are under guardianship recover their right to be registered and vote in person in March 2019.

Also in 2019, the Constitutional Court in Germany ruled that general exclusions of persons under guardianship from voting rights violates the principle of universal suffrage under German basic law (Grundgesetz), according to which no one with disabilities should be disadvantaged. The ruling followed formal complaints by eight affected individuals, supported by two DPOs<sup>71</sup>, and resulted in the first-time inclusion for as many as 85,000 persons with dementia, intellectual or psychosocial disabilities in the September 2021 federal elections.

In Spain, the pressure from DPOs and the reports of OSCE/ODIHR and the CRPD Committee contributed to a modification of the Electoral Code, supported by the legislative initiative from the Madrid regional parliament. The modification ensures that no person with disabilities can be deprived of the right to vote, and those who were previously deprived would recover the right automatically. It is estimated that this modification allowed nearly 100,000 persons to vote in the European elections in May 2019.

In Denmark, years of advocacy work by DPOs led to a change in the rules for the right to vote for people under legal guardianship. In 2015, two individuals sued the government because they had been deprived of their right to vote as they were under full guardianship. In 2016, a law was introduced that made it possible for people under guardianship to vote in elections to the European Parliament and for municipalities and regional councils<sup>72</sup>. While the case was still pending, the laws were changed and the Danish Supreme Court and the European Court of Human Rights in 2021 accepted the new provision. However, the law did not grant the right to vote in elections for the Danish Parliament or in referendums, as this would violate the Danish Constitution. In December 2018, the country introduced partial guardianship, which facilitated the vote for the Danish Parliament and in referendums for 1900 citizens.

In Lithuania, following the CRPD Committee recommendations and due to the 2016 legal capacity reform, it has become more difficult to place someone under total guardianship. Subsequently, the right to vote was returned to 4192 persons, while 4279 persons remain fully incapacitated in the eyes of the law, which restricts their voting rights.

In 2017, the Slovakian Constitutional Court repealed the restrictions on the right to vote based on a deprivation of legal capacity and for those serving prison sentences for particularly serious crimes. The Court ruled that relevant provisions in the 2014 Elections Act did not conform with the Constitution, the International Covenant on Civil and Political Rights and the CRPD.

As well as broadening suffrage rights, the following good practice examples highlight the importance of strategic litigation and the key role of DPOs and their cooperation with public authorities in improving the accessibility of elections and the political participation of persons with disabilities.

In Slovenia, the accessibility of polling stations has been challenged in court proceedings. This resulted in an amendment to the legislation that now explicitly provides for polling stations to be accessible to persons with disabilities. The European Court of Human Rights (ECtHR) ruled, on 26 October 2021, that Slovenia had discriminated against two wheelchair users with muscular dystrophy in a 2015 referendum, because the country's courts had not allowed them to request accessible polling places ahead of the vote. However, the ECtHR stopped short of saying that polling places in Europe should be fully accessible in the future. Lawyers and DPO representatives are not satisfied with the ruling, as it undermines equality and are considering an appeal<sup>73</sup>.

In Ireland, a citizen with a visual disability successfully alleged, at the Irish High Court, that the absence of means to vote independently violated his right to vote in secret<sup>74</sup>. Later, the Electoral Reform Bill that passed in 2020 would further consolidate existing legislation and establish a national EMB. Also, as good practice, consultations took place on the contents of the law, including compliance with Article 29 of the CRPD.

In Lithuania, there was also an important court case over accessibility barriers in polling stations. The case was finalised in 2020, and two persons with disabilities using wheelchairs received moral damage compensation from the municipalities that held the elections. The court ruled that lack of funds cannot be grounds for non-compliance with mandatory legal provisions concerning the elections. Furthermore, the court also disagreed

with the defendants' assertions that the concerned persons with disabilities could use alternative voting methods (e.g., early or mobile voting at home). It noted that choosing alternative voting methods for applicants is a right but not an obligation, and that the relevant public authorities must ensure proper accessibility voting conditions. This ruling led to legal amendments that included obligatory accessibility requirements at polling stations.

In Sweden for the 2014 general elections, the Agency for Participation developed a checklist<sup>75</sup> for accessibility and consulted with a panel of persons with disabilities to come up with ideas to further improve participation in elections. The Agency undertook sample accessibility tests of polling stations and produced a report on political participation following the 2014 elections<sup>76</sup>. The report involved various stakeholders, including other authorities, DPOs and individuals, and has contributed to legislative and practical changes. Together with the Swedish Statistics Institute, and its disaggregated data from the latest elections, there is an ambition to evaluate whether the legislative measures will result in a higher level of participation of persons with disabilities. While DPOs generally welcome these initiatives, they also stress that there are still gaps in data and that the use of checklists is voluntary at local level. Systematic monitoring needs to be strengthened if it is to truly evaluate these measures.

In Denmark, a regular dialogue exists between Ministry of the Interior and Housing and DPOs. Following the European Parliament Election of 2019, the Ministry organised a 'lessons learned' session with them. Based on that consultation, the Ministry sent a note to the municipalities and DPO's with recommendations on how to implement accessibility rules.

There are also examples of good practices in Spain that were triggered by the legislative changes. One of the DPOs that participated in the consultative process for changing the electoral law also promoted a number of initiatives to facilitate the vote of persons with intellectual disabilities for the 2019 elections, with a guide for political parties on how to implement easy reading<sup>77</sup>. Similarly in France, a DPO has created different materials and supporting documents after achieving legislative reform that granted the right to vote to persons with disabilities under guardianship<sup>78</sup>.

In Malta, the Ministry for Inclusion, Social Wellbeing and Voluntary Organisations – following discussions with DPOs - has drafted and signed a national action plan entitled "Freedom to Live: Malta's 2021-2030 National Strategy on the Rights of Disabled Persons". This includes actions to make

elections more inclusive and to support candidates with disabilities.

In the Netherlands, a large coalition that includes the government, political parties and civil society, has been involved in the national action plan on “accessible voting”<sup>79</sup>. The fact that parliament has voted in favour of allowing temporary experiments with different ballot paper designs is a direct result of the advocacy of the Dutch disability movement. Also, in the 2022 municipal elections a number of polling stations will include - for the first time - assistance for persons with intellectual disabilities.

In Portugal, the introduction of the Braille template in 2018 was considered an outstanding success. It was the result of a legal proposal submitted by the government before the parliament, which was subsequently approved with the broad support of represented political parties. Also in Portugal, DPOs of persons with cerebral palsy - in collaboration with a technology company - developed a pilot project and created an accessible electronic voting solution with an interface capable of interacting with different types of disabilities. This accessible voting solution was used in a participatory budget election in the city of Viseu, with more than a hundred voters with disabilities using it successfully in 2019 and 2021. Unlike other traditional electronic systems, this solution works offline and requires voting in person where the device is located, avoiding any cybersecurity risk<sup>80</sup>.

Last, in the 2019 European Parliament elections, one of the lead candidates’ debates included live subtitling and international sign language interpretation for the first time<sup>81</sup>. This was an old demand from the European disability movement, which was finally achieved in the debate organised by Eurovision and the European Parliament.

All of these cases once again prove that the meaningful participation of persons with disabilities and their representative organisations in realising the right to vote and stand for elections of persons with disabilities. This paradigm shift to disability being enshrined in the CRPD, the cooperation of committed politicians and lawyers, the collection of disaggregated data and awareness campaigns are also recurrent elements in bringing about real change.





## Chapter 7: Recommendations and Conclusions

In line with EU competences, this final chapter provides recommendations for both EU policy makers and national governments as well as for EU level and national political parties.

In ensuring accessible elections, the following recommendations do not, by any means, set out to prescribe a one-fits-all solution for the different voting methods, such as the use of ballot papers, internet voting, electronic voting machines, postal voting, etc. We understand there are other factors that need to be taken into consideration, such as security, the fight against election fraud or differences in administrative competences concerning the elections. We therefore outline the recommendations in such a way to allow the EU and national governments to discuss with DPOs are the best solutions taking into account the national voting culture and context.

### Recommendations for EU policy makers

- **Reform the EU Electoral Act of 1976 to align it with the UN CRPD**

The EU Electoral Law of 1976 has been amended and supplemented on several occasions, but never with the intention of aligning it with the CRPD. Given that the EU and all its Member States have now ratified the Convention, and considering that our societies have evolved and that citizens demand a more participatory EU democracy, we believe it is necessary to update the current legal framework to realise the political rights of persons with disabilities.

- **Ensure the right to vote and stand for election regardless of legal capacity status**

EDF, in line with the obligations enshrined in the CRPD article 12, is against any substitutive decision-taking regime at national level that deprives persons with disabilities of their legal capacity. That said, within the context of the participation of persons with disabilities in political life, it is of paramount importance that the EU provisions detail common ground that ensures the right to vote and the right to stand as candidate regardless of legal capacity status. These provisions must guarantee equal political rights across EU countries, including for those whose legal capacity has been totally or partially removed at national level. This equality of political rights must be realised within the common rules and rights derived from the EU laws, namely the elections to the European Parliament and the rights of EU citizens who reside in another EU country in European and municipal elections.

- **Guarantee alternative and advance means of voting**

The EU legal framework for European Parliament elections should guarantee that all voters enjoy equal opportunities to cast their vote. Having alternative and advance means available, such as postal voting, will benefit all voters and can be also offer a convenient solution for persons with disabilities.

- **Obligation to maximise accessibility and provide reasonable accommodation**

Given the great diversity of voting systems between countries, EU Electoral Law cannot set out specific accessibility requirements. However, EU law can and must lay down the obligation for Member States to maximise the accessibility of their voting procedures, facilities and materials in such a way that this obligation can be directly incorporated into their specific national voting systems. Additionally, and also based on their national voting system, EU countries must as well be required to provide appropriate means as reasonable

accommodation for persons with disabilities, when needed, to participate in the elections on an equal basis with others (see below).

By creating these obligations for Member States, and allowing them to implement them based on their voting culture, the EU legal framework will ensure that many persons with disabilities can vote independently, in secret and on an equal basis with others.

- **Free choice of assistance**

As the EU and all Member States have ratified the CRPD, a common requirement that can be embedded in EU Electoral Law is the guarantee of free choice of assistance to vote for persons with disabilities. This will ensure that no EU countries will restrict this right, and would mean that persons with disabilities would be able to choose who assists them in casting their vote.

- **Guarantee the same level of rights for mobile citizens**

The EU legal framework must ensure the same level of rights for both the European Parliament elections and for municipal elections for EU citizens with disabilities living in another EU country.

- **EU's awareness campaigns about the elections**

The EU institutions must ensure that their campaigns to raise awareness on the EU elections, as well as any EU-level event such as candidates' debates, are accessible to persons with disabilities.

- **Common accessibility rules for EU level political parties**

The EU could set out a minimum set of accessibility obligations to the European political parties in order to guarantee that their materials, communication, events and premises are accessible to persons with disabilities. This

could be done by referring to existing EU legislation applicable at Member State level, such as the Web Accessibility Directive or the European Accessibility Act.

- **Meaningful consultation of persons with disabilities concerning EU elections**

As stated in the EU Disability Rights Strategy 2021-2030, the European Commission will work with the European Cooperation Network on Elections to develop a guide to good electoral practices. For this action to succeed, it requires the meaningful involvement of the European disability movement.

## **Recommendations to EU countries**

- **Guarantee the right to vote and the right to stand as a candidate in elections**

Adopt and amend the necessary legal acts to ensure that all persons with disabilities, without any exemption based on disability or legal capacity status, have the right to vote in elections. EDF particularly urges Bulgaria, Cyprus, Estonia, Greece, Luxembourg, Poland and Romania - which automatically remove political rights when placing a person under total or partial guardianship - to swiftly change this automatic deprivation of political rights.

In addition, EDF also calls on Belgium, Bulgaria, Cyprus, Czechia, Estonia, Finland, France, Greece, Hungary, Ireland, Latvia, Lithuania, Luxembourg, Malta, Poland, Portugal, Romania, Slovakia and Slovenia to withdraw or amend any provision that restricts the opportunity for persons with disabilities to become candidates, including those under guardianship.

- **Support persons with disabilities who are candidates and elected representatives**

To ensure a broad representation of our societies, EU countries must put in place the resources required to allow candidates with disabilities to campaign on an equal standing with other candidates. Having access to this support will encourage more persons with disabilities, including persons with intellectual or psychosocial disabilities, to be active in politics. If elected, and regardless of the level of government, public institutions must guarantee their right to effectively hold office and perform all public functions.

Particular attention must be given to the situation of female candidates with disabilities, as they are more likely to suffer hate speech and harassment.

- **Collect disaggregated data with the aim of ensuring political rights of persons with disabilities**

EU countries will benefit from collecting disaggregated data, including by gender, age and type of disability, on the participation of persons with disabilities in elections. This will facilitate the evaluation of the measures put in place for persons with disabilities and could result in more effective and efficient solutions.

- **Enable alternative and/or advance means of voting**

All EU countries should facilitate the act of voting to all their citizens. To do so, they can enable alternative and/or advance voting methods, such as postal voting, early voting or internet voting. EDF calls Belgium<sup>82</sup>, France, Cyprus and Greece in particular to adopt these or other measures to enable more opportunities of voting personally. These are particularly important for those individuals who cannot physically attend the polling station on the election day. Such advance and alternative means of voting must guarantee both the secrecy of the vote and the authenticity of the voter.

- **Maximise accessibility of elections**

EU countries must revise their voting systems in collaboration with persons with disabilities and their representative organisations. They should assess what changes could be introduced in the voting procedures, facilities and materials to make them more appropriate, accessible and easier to understand and use. This does not mean that the country needs to change its voting system (whether it is preferential voting system or not), but to introduce accessibility requirements to make it more accessible. By doing so, the voting system will also become easier for all non-disabled voters.

These revisions could include:

- Voter registration (in the case of Cyprus).
- Design of the ballot papers to facilitate legibility, the task that the voter must perform to mark their vote, and to ensure that assistive tools can be used (see below).
- Polling stations, considering more than simply physical accessibility.
- Voting booths that are useable by a broad range of people.
- Voting machines with software that can easily incorporate accessibility features, similar to those now found on many similar ICT devices such as ATMs.
- Internet-based voting websites (or mobile applications) that comply with the web accessibility standard.
- Election information including by the Election Management Bodies.

The EU has in place several accessibility legislation and standards that can be of used to incorporate accessibility. For example, the Web Accessibility Directive and the European Accessibility Act lay down mandatory accessibility requirements for ICT, including websites. These legislations are supported by the technical standard EN 301 549<sup>83</sup>, which contains accessibility requirements that can be used in public procurement of websites, digital documents, software of

even voting machines. Furthermore, the Accessibility Act includes accessibility requirements for the built environment and for adopting a universal design approach. To underpin the implementation of these requirements, there are the European Standards EN 17210<sup>84</sup> on the accessibility and usability of the built environment, which can be used for polling stations, and the EN 17161<sup>85</sup> on Accessibility following a design for all approach, which can guide the revision of all the elements of the elections.

By introducing accessibility requirements in the elections, EU countries will also be guaranteeing the secrecy of the vote of many persons with disabilities, as they will be able to cast their vote independently.

- **Provision of reasonable accommodation**

EU Member States must also provide reasonable accommodation to guarantee the right to vote of persons with disabilities. The type of measures put in place will depend on the accessibility of the elections (see above) and the alternative or advance means of voting provided to all voters. In all cases, these appropriate measures will need to be discussed with organisations of persons with disabilities.

Appropriate measures can include alternative and advance means of voting for persons with disabilities. By these, we mean postal voting, early voting in accessible locations, mobile ballot boxes and the possibility to change polling stations so that the voter with disabilities can choose a more accessible or convenient location.

It is crucial that countries set up some of these methods to ensure that people living in residential or long-term care institutions, in hospitals, or persons who cannot leave their homes will not lose their right to vote. Particular attention must be paid to people living in closed residential institutions like, for example, psychiatric hospitals. Here, Member States can also explore the possibility of setting up polling stations in these residential settings.

Other measures of reasonable accommodation can include the provision of a wide range of assistive tools, such as Braille, audio and easy-to-read guides, Braille envelopes, tactile stencils, magnifying glasses, extra lighting, writing utensils and stamps. The provision of human support, through telephone or sign language interpretation, as well as accessible transportation to the polling station, can also be important.

EDF also recommends that national public administrations alleviate, as much as possible, the administrative steps required to request these measures.

By providing reasonable accommodation, many persons with disabilities will be able to vote independently and in secret

- **Ensure free choice of assistance**

EDF recalls the obligation set out in article 29 of the CRPD, and recommends all EU countries to ensure that persons with disabilities will be able to choose a person to assist them in casting their vote. Here, EDF urges Greece and Malta to remove the limitation that states that only an election official can assist persons with disabilities. Furthermore, it is important that public authorities raise awareness of this right with all election officials.

- **Provide information to persons with disabilities**

National public authorities, including the EMBs, should provide information to persons with disabilities about the elections, the accessibility of the different elements of the elections (e.g., ballot papers, polling stations and voting machines), and the appropriate measures put in place for persons with disabilities. Such information should also be provided in an accessible manner by, for example, ensuring that the website or digital documents are accessible as well as in specific accessible formats and means of communication for persons with disabilities, such as easy-to-read, Braille, large print and national sign language.

- **Provide same political rights and equal access at all levels of elections**

Whether European, national, regional, local elections, referendum or any public consultation, Member States must guarantee the same political rights to persons with disabilities on every occasion citizens are required to vote or can stand as candidates.

- **Raise awareness among all election' administrations**

EDF recommends that Member States raise awareness about the rights of persons with disabilities and the measures that have been put in place to guarantee their right to vote to all election commissions deployed for any given election. This will be important for the election officials to inform persons with disabilities on the polling stations about any appropriate measure available for them.

- **Adopt legal accessibility requirements for political parties**

EU Member States should introduce a minimum set of accessibility requirements for political parties. This should particularly apply to those political parties with a strong presence at national, regional or local level, and those receiving public funds. It is important that there is a mandatory minimum set of accessibility obligations for them, in order to guarantee that they will not discriminate against persons with disabilities nor restrict equal access to the information they provide to all voters.

- **Adopt accessibility legislation concerning public media**

EU countries must ensure that public media applies accessibility measures for persons with disabilities, including key digital media such as news websites on public and political affairs in the country. In terms of audiovisual media, while the Accessibility Act requires their website and mobile

applications (among others) to be accessible, the 2018 Audiovisual Media Services Directive article 7 obliges public and commercial TV channels as well as video-on-demand platforms to make their content progressively accessible to persons with disabilities. It is important that countries implement this European Directive by setting both quantitative targets and quality standards<sup>86</sup> for the four main accessibility services for audiovisual services (namely subtitles for the deaf and hard of hearing, audio description, spoken subtitles and sign language interpretation). Likewise, and particularly during election campaigns, it will be relevant to prioritise political affairs content and news, as well as making key audiovisual content - such as TV political ads, interviews with candidates and candidate debates - accessible for persons with disabilities.

- **Work closely with persons with disabilities and their representative organisations**

Before applying any of the above recommendations, the most important action is to work meaningfully with persons with disabilities and their representative organisations on any reform or measure concerning the right to vote, the right to stand as a candidate and the accessibility of the elections for persons with disabilities. As we have demonstrated in this report, the practices developed jointly by DPOs and public authorities have the optimum outcomes. By working and assessing both the election systems at national level and their specific legal and accessibility barriers, the most effective and efficient solutions will emerge and the measures put in place will fit their purpose.

## Recommendations for European and national political parties

- **Make information, meetings, events, and premises accessible**

Accessibility is a precondition for persons with disabilities, who make up 15% of the total population. Political parties must incorporate accessibility requirements in all their materials, communication channels, events, meetings and premises. As starting point they should incorporate accessibility in their websites, and social media communications, and provide additional accessible formats and means of communication for persons with disabilities.

For example, the electoral programme ahead of the election should be provided in more than one format, it should also be provided in easy-to-read. Important public events or meetings should be organised in accessible venues and include live subtitling and sign language interpretation. Similar accessibility services should also be applied to videos for broadcast on TV or via social media.

Political parties should also provide reasonable accommodation when necessary. Therefore it is important that, for example, they ask their affiliates and guests whether they have any accessibility requirements before registering for a meeting or a means of communicating with them.

- **Approach persons with disabilities and their representative organisations**

Political parties must proactively approach persons with disabilities and their representative organisations to discover their political priorities, how to better communicate with them and how to increase the participation of persons with disabilities within the party.

- **Include and support candidates with disabilities**

Political parties should reflect the societies they want to represent. For too long, persons with disabilities have been invisible as citizens, and still today there are very few policy makers with disabilities. It is therefore crucial that political parties also represent the political diversity among persons with disabilities. To do so, they must support the candidature of persons with disabilities and ensure they can campaign on an equal footing with other candidates.

It is worth underlining that it is important that political parties facilitate and support the candidatures of women with disabilities, who represent 60% of persons with disabilities, yet are also often underrepresented among policy makers.

## Conclusions

We witness a positive trend in the EU for the realisation of political rights of persons with disabilities. Our societies are evolving, and our democracies must also evolve to become more inclusive and to ensure equal political rights. However, we still have a long way to go to guarantee the same level of opportunities for the participation of persons with disabilities in the political life of our Union and across Member States.

Positively, as we showed in this report, such change is possible and the solutions are available. It is a matter of political will to treat all EU citizens equally and ensure that they can fully take part in elections and in politics as active players.

The EU elections must also serve as a role model on good practices for other elections. As EU countries use the same electoral organisation for the EP and other elections, having strong rules for the EU elections will inevitably have a positive spillover effect on national, regional and local elections.

Therefore, we believe that the EU should update its electoral law and set out clear and common obligations that boost the good practices highlighted in previous chapters. In parallel, national governments can learn from each other and can liaise with DPOs to find the most appropriate solutions to ensure equal access to elections.

By 2024, when the next EU elections will take place, we hope that more persons with disabilities will be active as politicians. By 2024, we hope there will no differences between the political rights of persons with disabilities depending on the EU country they live in and that we all can vote independently and in secret. By 2024, we hope that the greatest democratic project in the world will include us as well.

## List of Resources

List of resources on political participation of persons with disabilities

- United Nation Development Programme (UNDP), [Political Participation of Persons with Intellectual or Psychosocial Disabilities](#) (2021).
- [EDF position paper on the reform of the European Union Electoral Law](#) (2021)
- Inclusion Europe “[The right to making your voice heard](#)” with resources on the right to vote and stand for election for persons with intellectual disabilities and accessible elections (2021).
- European Economic and [Social Committee opinion: the need to guarantee real rights for persons with disabilities to vote in European Parliament elections](#) (2020).
- European Parliamentary Research Service (EPRS) [Review of the European Elections of May 2019: Electoral systems and outcomes](#) (2020).
- European Economic and Social Committee (EESC), [The real right of persons with disabilities to vote in European Parliament elections \(Information report\)](#) (2019).
- Fundamental Rights Agency: [Who will \(not\) get to vote in the 2019 European Parliament elections?](#) (2019).
- Elections-Watch.EU: [Elections to the European Parliament](#) (2019).
- European Blind Union [Accessible Voting Awareness](#) (2019).
- Organization for Security and Co-operation in Europe (OSCE), [Guidelines on Promoting the Political Participation of Persons with Disabilities](#) (2019).
- Organization for Security and Co-operation in Europe (OSCE), [Handbook on Observing and Promoting the Electoral Participation of Persons with Disabilities](#) (2017).
- Parliamentary Assembly of the Council of Europe, [The political rights of persons with disabilities: a democratic issue](#) (2017).
- Fundamental Rights Agency (FRA), [The right to political participation for persons with disabilities: human rights indicators](#) (2014).

## Endnotes

### Endnotes

- 1 [More information on ‘easy-to-read’ is available at the Inclusion Europe dedicated webpage.](#)
- 2 [See European Parliament proposal for a new EU Electoral Law](#)
- 3 [See Handbook on Observing and Promoting the Electoral Participation of Persons with Disabilities..](#)
- 4 See [the United Nations’ overview of countries that have ratified the CRPD.](#)
- 5 See the [“Committee of the rights of persons with disabilities” webpage](#) on the United Nations Human Rights Office of the High Commissioner website.
- 6 Read the [Universal Declaration of Human Rights on the United Nations’ website.](#)
- 7 See the [International Covenant on Civil and Political Rights](#) on the United Nations Human Rights Office of the High Commissioner website.
- 8 See [CRPD General Comment page](#), gathering all comments.
- 9 General Comment No. 1, paras. 48-49.
- 10 See [CRPD General Comment No.6 Para. 70.](#)
- 11 CRPD Committee, General Comment 2, para. 43.
- 12 EDF article on [“Article 29 of the CRPD on participation in political and public life: overview of the CRPD Committee recommendations to EU Member States”.](#)
- 13 [Article 3 of Protocol to the Convention for the Protection of Human Rights and Fundamental Freedoms.”.](#)
- 14 The European Court of Human Rights is the legal body that interprets the European Convention of Human Rights and its Protocols and adopts judgments on cases alleging violations of these treaties by Member States of the Council of Europe.
- 15 EDF article [“The European Court of Human Rights fails to protect the right to vote of persons with disabilities”.](#)
- 16 EDF article on the [European Court of Human Rights supporting removal of the right to vote of people with intellectual disabilities in Spain.](#)

- 17 EURACTIV article: [EU court ruling fails to remove obstacles for voters with disabilities](#).
- 18 Dissenting Opinion of Judge Lemmens.
- 19 Opuz v Turkey, Application no 33401/02, judgment of 9 June 2009, para 164. Glor v Switzerland, Application no 13444/04, 30 April 2009, para 53.
- 20 TEU articles 10 and 14, and TFEU articles 20, 22 and 223.
- 21 The Election Act was amended by [Council Decision 2002/772/EC](#) of 25 June and 23 September 2002. To date, this version of the Act remains in force.
- 22 Council [Directive 93/109/EC](#) of 6 December 1993, as last amended by Council [Directive 2013/1/EU](#) of 20 December 2012, which amends the provisions dealing with ineligibility to stand as a candidate.
- 23 The European Parliament also summarised some differences in the national legal frameworks pertaining to elections on its [website](#); compare [EPRS Infographic 2019 European elections: National rules](#).
- 24 In Luxembourg voting is not obligatory for those aged over 75. In Belgium and Luxembourg, not participating in the elections can result in sanctions. In Belgium and Luxembourg, voters can justify in written correspondence why they cannot participate in the elections, while in Greece they need to meet with a public sector official.
- 25 It has been an [OSCE/ODIHR observation](#) that enfranchisement based on marital status constitutes discrimination between citizens.
- 26 In Lithuania, the civil law has been recently amended, so that only persons that are legally incapacitated specifically for elections cannot vote or be elected. In Poland, on the basis of a Helsinki Foundation for Human Rights petition, the Polish Senate has initiated a legislative proposal to allow persons with intellectual disabilities who are legally incapacitated to vote in EP elections. The legislative procedure is at an early stage.
- 27 See Fundamental Rights Agency (FRA) Report: [Who will \(not\) get to vote in the 2019 European Parliament elections? Developments in the right to vote of people deprived of legal capacity in EU Member States](#) (February 2019).
- 28 European Economic and Social Committee opinion: [the need to guarantee real rights for persons with disabilities to vote in European Parliament elections](#).

- 29 See Handéo’s report [“Difficulties and obstacles for candidates with disabilities”](#) (in French).
- 30 Read [“Freedom to Live – Maltese national disability strategy 2021-2030”](#) (pdf file),
- 31 Read the Christian Science Monitor’s [article on Éléonore Laloux election as a as a city council member](#).
- 32 As of July 2019, the European Parliament has not released official data about how many voters have been registered for the 2019 elections or how many European citizens were eligible to vote. In the 2014 elections, 396 million voters were registered in the 28 Member States. For the 2019 European elections, media reported more than 426 million eligible voters. See: [European Parliamentary Research Service \(EU EPRS\) Review of European and National Election Results 2014-2019 Mid-term January 2017](#); p.38; and [Politico article “European election: The essential guide”](#).
- 33 According to interactively self-aggregated data from the statistics office’s website In Lithuania there were 230 000 persons officially declare as having disability in 2020
- 34 Read from Swedish Statistics Institute: [Participation of persons with disabilities in elections 2015](#).
- 35 [UN Women - Brief on leadership and political participation of women with disabilities](#).
- 36 OSCE Office for Democratic Institutions and Human Rights - [Promoting the Political Participation of Women with Disabilities](#).
- 37 iKNOWPOLITICS – [Summary of e-discussion Political Participation of Women with Disabilities](#).
- 38 OSCE Office for Democratic Institutions and Human Rights - [Promoting the Political Participation of Women with Disabilities](#).
- 39 [UN Women – The empowerment of women and girls with disabilities](#).
- 40 [OSCE Office for Democratic Institutions and Human Rights - Promoting the Political Participation of Women with Disabilities](#).
- 41 [OSCE Office for Democratic Institutions and Human Rights - Promoting the Political Participation of Women with Disabilities](#).
- 42 In Belgium, voting machines are used by 45% of the voters. They are used in Brussels-Capital region, in the German speaking community and in some parts of the region of Flanders. In Bulgaria, electronic voting was available in parallel to paper voting as an option in 3000 polling stations.

43 In the European Parliament elections 2019 ballot structures vary across the 28 Member States”: [Find out about the ballot structures and seat assignments of the 2019 European Elections](#) on Friedrich Pukelsheim (Augsburg University) and Kai Friederike Oelbermann (Anhalt University of Applied Sciences) webpage.

44 Voters are required to mark their preference numerically, with their number ‘1’ being interpreted as the vote for the party as well as their preferred candidate. This is the single transferable vote system.

45 In the case of Latvia, a voter may mark ‘+’ on the ballot paper alongside the names of the candidates, if they particularly support the respective candidate, place an unmarked ballot paper into the ballot envelope or strike out a given name if they do not support the candidate.

46 Only those with officially confirmed severe or moderate disability. To access it one need to put a motion and attached a copy of a valid decision of the competent authority on the degree (severe/moderate) of disability. Due to the COVID-19 pandemic a recent legal amendment (Article 53a par. 1a Election Code) extended this provision to people in isolation or quarantine on the voting day and those aged over 60.

47 To facilitate voting in hospitals, homes for elderly persons and in special-care homes, the chairperson together with three other staff from a polling station, can form a mobile team.

48 In Luxembourg, the possibility of changing polling station is only available in Luxembourg city. In Finland, voters can choose the polling station during the early voting period, but not on election day, when they are assigned to a specific polling station near their residence. In Portugal, the possibility of changing polling station is a form of reasonable accommodation and is only available for early in-person voting if the voter requested for it.

49 International standards for democratic elections require ensuring the secrecy and equality of the vote and respect for voters’ choices; see: Article 25 of the ICCPR; General Comment to Article 25, paras 20-22; the 1950 Convention for Protection of Human Rights and Fundamental Freedoms, Protocol 1 of 1952, Article 3.

50 See [report \(in Swedish\) proposing new techniques to ensure the secrecy of the vote in Sweden](#).

51 [Directive \(EU\) 2016/2102 of the European Parliament and of the Council of 26 October 2016](#) on the accessibility of the websites and mobile applications of public sector bodies.

52 The election webpage conforms with W3C WAI WCAG guidelines and is compatible with screen reader software. Visitors can also change the contrast and the font size under the Accessibility option on top of the page.

53 In France, the use of voting machines is very low.

54 The Belgian experience with the use of voting machines was universally unsuccessful: the machines chosen were not sufficiently accessible to allow all persons to vote independently and in a way that respects the secrecy of the vote. This was due to poorly defined requirements when the public contract was published. Furthermore, according to Belgian DPOs, the investment was relatively high for infrequent use (at most, three times in six years), which unfortunately does not lead the authorities to repeat the investment to acquire new machines that comply with accessibility standards.

55 Citizen-led election observers in Romania assessed that 66% of polling stations are considered accessible.

56 A new law on accessibility of public buildings was voted in the national parliament in 2021. DPOs expect 100% of polling stations to be accessible for the next elections in 2023.

57 [Directive \(EU\) 2018/1808 of the European Parliament and of the Council of 14 November 2018](#) amending Directive 2010/13/EU on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of audiovisual media services (Audiovisual Media Services Directive) in view of changing market realities.

58 Audio subtitles read the subtitles aloud, benefiting blind and partially sighted persons. They were developed in cooperation with the Finnish Federation of the Visually Impaired.

59 In Luxembourg, this is only offered in the capital city and not in all municipalities. In Romania, for EU elections one is not allowed to change the polling station due to disability reasons. One can vote in any other polling station outside the locality, but this is a general rule for any voter.

60 Namely, those ballots are in large format (approximately 60 x 40 cm - depending on number of lists), and in the Braille version it would translate to 12 pages.

61 Deutschen Blinden - und Sehbehindertenverbandes e.V. (DBSV).

62 In Sweden, ballots are placed outside polling stations and because voters might only take one ballot of choice and not all the ballots as per

procedures. In Spain ballots are also available inside the polling booths and voters can bring from home the ballot they received by postal mail. Picking the ballot openly is just one option, but not the only one in Spain.

63 The main argument is whether the voter can independently identify this person as their assisting person.

64 CCOD.

65 By law, during election day, the local health units must guarantee that there are an adequate number of doctors in the various municipalities.

66 This right is enshrined in Article 22(1) of the Treaty on the Functioning of the European Union. The detailed arrangements for the exercise of this right are laid down by [Council Directive 94/80/EC](#).

67 See Report from the Commission to the European Parliament, the Council, the EESC and the Committee of Regions, [COM\(2018\) 44 final](#), p.9.

68 [EPRS Briefing](#) (2021) Voting and candidacy rights of mobile EU citizens in municipal elections under Directive 94/80/EC.

69 Data from the [Electoral Procedures Factsheet](#), European Parliament, 2019.

70 Article 9 of Council Directive 93/109/EC also requires the declaration to state nationality, address in the Member State of residence and the locality of last entry on the electoral roll in his/her home Member State.

71 Lebenshilfe and Caritas Behindertenhilfe und Psychiatrie.

72 Due to the Danish Constitution article 29, it was not possible to give the right to vote for parliamentary elections for people under full guardianship. Denmark amended the law by introducing partial guardianship which reduced the number as people that were prevented to vote

73 See article [“ECHR ruling’s ‘Europe-wide implications’ on disability”](#), Law Society Gazette Ireland, October 2021.

74 The case of Sinnott v Minister for the Environment [2017] IEHC 214, the High Court.

75 See [checklist for accessible elections developed by the Swedish Agency for Participation](#) (in Swedish). [The work on elections of the Swedish Agency for Participation can be found on their website](#) (in Swedish).

76 See [report assessing the 2014 elections in Sweden](#) (in Swedish).

77 See [plena Inclusión guide on accessible elections](#) (in Spanish).

- 78 See [Handéo guide for carers on promoting voting accessibility for persons with disabilities](#) and [Awareness kit for citizens participation](#) (in English).
- 79 See the Government webpage [“Accessible Voting Action Plan: for more accessible municipal elections in 2022”](#) (in Dutch).
- 80 [More information on the pilot project can be found in the Cerebral Palsy – European Communities Association \(CP-ECA\) video](#) (in English, hosted on Google Drive).
- 81 [Watch an extract of the Eurovision debate of lead candidates to the European Commission](#) (2019 – hosted on Facebook, with captions and sign language interpretation).
- 82 According to the Belgian Disability Forum, the only alternative voting method that currently provides sufficient democratic guarantees is the use of mobile ballot boxes. In Belgium, where voting is mandatory, providing mobile voting ensures the sufficient guarantees to avoid ‘captured votes’ and fraud.
- 83 Harmonised European Standard 301 549 – [Accessibility requirements for ICT products and services](#) (pdf).
- 84 [European Standard 17210 Accessibility and usability of the built environment - Functional requirements.](#)
- 85 [European Standard 17161 Design for All - Accessibility following a Design for All approach in products, goods and services - Extending the range of users.](#)
- 86 For more information see [EDF toolkit on the transposition of the Audiovisual Media Services Directive.](#)



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