

# POLITICAL PARTICIPATION OF PERSONS WITH INTELLECTUAL OR PSYCHOSOCIAL DISABILITIES



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The guide contains ideas and suggestions generated by 133 persons with intellectual or psychosocial disabilities who kindly shared their experiences and thoughts. Connie Laurin-Bowie, Kimber Bialik and Manel Mhiri of Inclusion International and Victoria Lee of the Office of the United Nations High Commissioner for Human Rights (OHCHR) provided insights and feedback on various drafts, as did Dan Malinovich, Valdemar Christensen and Razan Masad from UNDP. Ola Abualghaib and Natalia Mattioli of UNPRPD MPTF reviewed and commented on an early draft.

A review board was established to help guide the drafting process, and its members contributed ideas and feedback on a draft of the document. The members were Virginia Atkinson, Bhargavi Davar, Ammar Dwaik, Olga Kalina, Miyeon Kim, Hannah Roberts, Katharina Rose, Paula Tespiero, Alberto Vasquez and Fatma Wangare.

The main author of the guide was Oliver Lewis, barrister at Doughty Street Chambers, London.

## Preface

The participation of all citizens is a fundamental democratic principle. The rights of every person to equal participation in public affairs, to vote and to be elected, and to have access to public service are affirmed in the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights. Meaningful participation is also central to the vision of Agenda 2030 and its pledge to leave no one behind and to reach the furthest behind first.

Yet, persons with intellectual or psychosocial disabilities are still often excluded from political processes. They experience multiple legal, institutional, and social barriers, which prevent them from voting, standing for election for public office, civic participation, or simply having a say in their own lives.

The United Nations Development Programme (UNDP) is committed to supporting the inclusive participation of persons with disabilities across all its programming and its operations. As the largest provider of UN electoral assistance, it aims to ensure that elections are credible, transparent and inclusive of all people, including persons with psychosocial or intellectual disabilities. To support this aim, UNDP in partnership with Inclusion International and with funding from the UN Partnership on the Rights of Persons with Disabilities Multi Partner Trust Fund (UNPRPD MPTF),

has developed this practical guide on how to strengthen the political participation of persons with intellectual or psychosocial disabilities. Based on the principle of *Nothing About Us Without Us* it has benefited from input from focus groups with persons with intellectual or psychosocial disabilities from all around the world.

The guide is designed to be a practical tool for governments, election management bodies, organizations of persons with disabilities, civil society organizations, and electoral assistance providers. It also highlights the important role of international organizations such as UNDP in creating truly inclusive systems. At UNDP, we will use this practical guide in our projects to contribute to changing both practices and perceptions in the field of political participation of persons with disabilities.

I thank all those who generously gave their time to provide insights for this guide. We hope it serves as a useful contribution as we advance the political participation of persons with psychosocial or intellectual disabilities, combatting exclusion and inequality, and addressing the roadblocks we are facing in achieving the ambitious targets envisioned in the 2030 Agenda.



**Haoliang Xu**

Assistant Secretary General, Assistant Administrator  
and Director of Bureau for Policy and Programme Support,  
United Nations Development Programme



### Politics.

It is the very stuff of our collective life. Through it we help set, and continually re-set, the terms of our social co-existence. It is a badge of belonging.

To be included – to have a voice and to be heard – is the essence of citizenship. It holds its own symbolic importance. It marks you out as a worthy citizen – someone with a stake in our collective life. To be practically engaged means that our voice can have an equal impact compared with others. It enables us to feel part of periodic generational shifts and to acquire a stake in our country's political destiny and place in the world. And interest groups – like representative organizations of persons with disabilities – can engage directly and also form alliances with other like-interest groups to help define the public interest into the future.

To be excluded – even indirectly – has devastating consequences. To be denied the right to vote and even stand in elections marks people apart as unworthy of citizenship. Continued restrictions on voting based on disability are incomprehensible in an age when both neuroscience and behavioural science are showing that there is no (or no direct) link between rationality and decision-making like voting. Such continued restrictions lack any evidence base. Inaccessible voter information skews the political marketplace unfairly against those whose disabilities require accommodation. And inaccessible voting venues send powerful – and negative – messages that you don't belong and your view about our collective future is not valued. Equally important, the *demos* requires all voices to be heard – otherwise the public interest becomes captive to more powerful (or louder voices). Let it not be forgot that persons with

disabilities – like all citizens – have interests that sweep beyond their own personal circumstances to include, e.g., the environment, climate justice and how we treat the 'other', including refugees.

We rightly celebrate the many substantive innovations of the UN Convention on the Rights of Persons with Disabilities (CRPD) – dignity, autonomy, inclusion, equality. Equally important are the process-based innovations. It's not enough to repeal bad laws – we have to fix the process that led to these bad laws. If we don't do that then history is likely to repeat itself. The CRPD imagines and then creates space for a *new politics of disability*. That is why personal voice and collective voice is given pride of place (Articles 12 and 4.3). That is why Article 29 (participation in political and public life) is critically important. That is why Article 33 – a re-alignment of Power (Government) with Voice in the co-production of policy - is so critically important. And that is why, incidentally, the right to participate in culture is so important since it too helps shape and re-shape our collective political imagination (Article 30).

This publication marks a useful and highly constructive contribution to the debates about how to identify and remove barriers and how to create a genuinely inclusive political process. It deserves to be read by policy-makers and civil society alike. Making the new politics of disability real will help in its own way to keeping civic space open. In this way, advancing inclusion for person with disabilities in the democratic process has a broader democratic dividend. This is exactly what the world needs at this moment in history.



**Gerard Quinn**

United Nations Special Rapporteur  
on the rights of persons with disabilities



My name is Mark Mapemba. I am a self-advocate, and I am the Vice-President of Inclusion International. I also participate in politics in my community and represent people with disabilities on the City Council in Blantyre, Malawi.

When it comes to political participation, so much of our lives depend on the work of politicians. To be involved in politics is something that is important for people with intellectual disabilities because if we are involved in politics, we will not be left behind. We can be involved as a Member of Parliament, as a Councillor, or even just through voting.

For many people with intellectual disabilities, voting and being in politics is difficult because the support needed for political participation is not there, and voting does not always happen in accessible places. Information is also not easy to understand – there must be good information on voting so that we can go through the process without any hiccups.

These guidelines will help make this happen. When we give these guidelines to governments and they get new ideas about how to be more accessible, they will also have more access to the voices of people with intellectual disabilities.

The information for these guidelines came from people with intellectual and psychosocial disabilities themselves, across different continents, which gave us the big picture of how things are happening on the ground when people try to vote. Inclusion International also helped develop these guidelines, and when governments work with organizations of people with disabilities, they can get good guidance for their departments and leaders about making sure things are accessible to everyone.

For people with intellectual disabilities, our votes are our voices. This is one of the ways that people make choices in their lives. It is a must for governments to make sure there is access for people with intellectual disabilities so we have no problems when it comes to voting – we need to understand the information, showing up to vote should be accessible, and the results should be easy for everyone to understand.

These guidelines will help governments take action to make sure that political participation is accessible to everyone.



**Mark Mapemba**

Vice-President of Inclusion International



As I write this foreword, the COVID-19 pandemic continues to usher in unprecedented challenges to our societies and ourselves – and for the more than 10 percent who lives with a mental health condition at any given time,<sup>1</sup> COVID-19 has made our world a more unequal place. The devastating socio-economic consequences continue to reverberate around the world.

In these unnerving times, the importance of equal opportunities for all to get a seat at the decision-making table, including for people living with disabilities have become even more evident. This is where this publication and the Convention on the Rights of Persons with Disabilities (CRPD) come in.

The adoption of the CRPD in 2006 was a watershed moment for the rights of persons with disabilities because it represented a marked shift from a medical and charity model of disability to the social and human rights-based model.

Neither the 1948 Universal Declaration of Human Rights nor any other core human rights treaty has ever stated any requirements for human rights. You do not gain or merit human rights. You become a human rights holder the second you are born, simply by being a member of our society — and the rights of every person to equal participation in public affairs, to vote and to be elected are fundamental human rights and a cornerstone of any democracy.

1 OHCHR: “Human rights Council Intersessional consultation on Mental Health and Human Rights. Statement by Michelle Bachelet, UN High Commissioner for Human Rights”, 2021.

Yet, in practice and in law, persons with disabilities, especially persons with psychosocial or intellectual disabilities, have been denied their legal capacity to vote and to run for office or have had those rights restricted.

As Vice-Chair of the Committee on the Rights of Persons with Disabilities (CRPD), I am delighted to see how this publication attempts to fill a knowledge void in this area and serves as a highly needed tool for electoral stakeholders all across the globe in removing barriers and ensuring persons with psychosocial or intellectual disabilities will be giving an equitable seat at decision-making tables.

I am particularly happy to see that much of the material in this publication came directly from persons with psychosocial or intellectual disabilities themselves. Consultations with persons with disabilities themselves should continue to serve as the key enabler to create a more inclusive and accessible world that recognises the contributions of all people, including persons with disabilities.

Even as we recognize the results achieved by the CRPD so far, I am cognizant of the need for continued and accelerated efforts. Rest assured that at the Committee we will be using this publication to continue working with our government partners to shape a world in which all persons have the right to equal political and electoral participation so that no-one is left behind. I look forward to working together with project partners on this publication and enabling all members of a society, including those with psychosocial or intellectual disabilities, to fully participate in governing of their societies.



**Miyeon Kim**  
Vice-Chair, Committee on the Rights  
of Persons with Disabilities



## Acronyms

<b>CRPD</b>	-----	Convention on the Rights of Persons with Disabilities
<b>EMB</b>	-----	Election management body
<b>ICCPR</b>	-----	International Covenant on Civil and Political Rights
<b>IFES</b>	-----	International Foundation for Electoral Systems
<b>LGBTI+</b>	-----	Lesbian, gay, bisexual, transgender and intersex
<b>NGO</b>	-----	Non-governmental organization
<b>NHRIs</b>	-----	National human rights institutions
<b>OHCHR</b>	-----	Office of the United Nations High Commissioner for Human Rights
<b>OPD</b>	-----	Organization of persons with disabilities
<b>OSCE</b>	-----	Organization for Security and Co-operation in Europe
<b>SDG</b>	-----	Sustainable Development Goal
<b>UN</b>	-----	United Nations
<b>UNDP</b>	-----	United Nations Development Programme
<b>UNOPS</b>	-----	United Nations Office for Project Services

## Introduction

Full inclusion in political processes is essential for the equality and human rights of all people in any society. Historically, women and people from ethnic minorities are among those who have had to fight for their right to vote, which has been an important step toward their equitable engagement in society. In most parts of the world, persons with disabilities also have faced significant obstacles to participation. They often have been denied the right to vote and stand for election, with legal barriers having a particularly negative impact on persons with intellectual disabilities (including those with brain injury, learning disability, fetal alcohol syndrome and dementia) and persons with psychosocial disabilities. These legal barriers are based on or result from outdated constitutions, denial of legal capacity and placement under guardianship, or discriminatory concepts of unsoundness of mind.

This guide seeks to contribute to progress in overcoming such barriers and creating truly inclusive electoral processes that can benefit not only persons with psychosocial or intellectual disabilities, but all persons with disabilities. Enhanced electoral inclusion in which more people are able to participate rather than being marginalized also has important benefits for countries overall by making governments more accountable in decision-making, which in turn strengthens them.

The guide is intended for policy makers at national level and all other stakeholders involved in electoral processes and systems, including those referred to in section 2. It seeks to answer a series of questions, including: What principles and norms should inform inclusive election design? What are the defining characteristics of an election process that is fully inclusive of people with intellectual or psychosocial disabilities? What indicators and measures could guide governments and election officials in planning and implementing more inclusive elections? What actions can civil society take to advocate for progress? What is the role of international organizations such as the United Nations Development Programme (UNDP)?

In considering these and other questions, this publication seeks to add to existing knowledge in four ways:

- 
1. It focuses on and highlights the specific challenges of persons with intellectual or psychosocial disabilities, who are most at risk of being denied the right to vote and stand for election by laws or interpretation of policies. These terms are defined in section 3.
  2. It is informed by primary research involving persons with intellectual or psychosocial disabilities.
  3. It provides detailed, measurable indicators of the key elements of election inclusion for persons with intellectual or psychosocial disabilities.
  4. It provides practical suggestions for the full range of institutions that can take steps to help achieve electoral inclusion.

The core part of the guide is structured as a tool for various election stakeholders to use to assess the status of political inclusion among people with intellectual and psychosocial disabilities. A series of indicators aims to guide the assessment process, with the results serving as a baseline for creating action plans and for monitoring progress toward addressing key barriers and promoting full participation and rights across the electoral spectrum.

This practical guide and its indicators incorporates and builds on indicators developed by the Office of the UN High Commissioner for Human Rights on the UN Convention on the Rights of Persons with Disabilities (CRPD)<sup>2</sup>. It also is influenced by extensive work that has been carried out by other organizations with which UNDP has worked closely in this area. For example, in 2014 the European Union Agency for Fundamental Rights published human rights indicators to capture progress towards political participation of people with disabilities;<sup>3</sup> in 2017, the Office of Democratic Institutions and Human Rights of the Organization for Security and Co-operation in Europe (OSCE) published a handbook on observing and promoting the electoral participation of persons with disabilities;<sup>4</sup> in 2018, the International Foundation for Electoral Systems (IFES) published an Election Access Observation Toolkit that aimed to provide organizations of persons with disabilities and election observation organizations with the background and tools to incorporate a disability rights perspective into domestic and international observation missions;<sup>5</sup> in 2019 the OSCE Office for Democratic Institutions and Human Rights published guidelines on inclusion of people with disabilities for political parties and Parliaments;<sup>6</sup> and the UN-system guideline: “Promoting the Electoral Rights of Persons with Disabilities through UN Electoral Assistance”.<sup>7</sup> These publications are available in various languages.

For the purposes of this guide, political participation is defined as electoral participation, be it as voters, candidates, observers, electoral officials or otherwise associated with the electoral process. The publication focuses on the electoral cycle, including registration of voters and candidates in the pre-election period, provision of information, election day itself, and the post-election period.

## Endnotes

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2 See ‘SDG-CRPD Resource Package’, available on [ohchr.org](http://ohchr.org).

3 European Union Agency for Fundamental Rights, 2014, ‘The right to political participation of persons with disabilities’. See also Mark Priestley, Martha Stickings, Ema Loja, Stefanos Grammenos, Anna Lawson, Lisa Waddington, Bjarney Fridriksdottir, ‘The political participation of disabled people in Europe: Rights, accessibility and activism’ *Electoral Studies* 42 (2016) 1-9.

4 OSCE/ODIHR, ‘Handbook on Observing and Promoting the Electoral Participation of Persons with Disabilities’, 12 September 2017. It also published a short guide ‘Persons with Disabilities and Ensuring their Right to Participate in Political and Public Life’ on 13 September 2017 with an Easy Read version.

5 IFES, ‘Election Access Observation Toolkit’, 16 October 2018.

6 OSCE/ODIHR, ‘Guidelines on Promoting the Political Participation of Persons with Disabilities’ 2019.

7 UN, ‘Promoting the Electoral Rights of Persons with Disabilities through UN Electoral Assistance’, 2021.

## Introduction

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# 1

# Methodology

## 133 people with intellectual or psychosocial disabilities from 24 countries took part in our research

This guide was developed using a multi-method approach involving two strands of secondary research and one of primary research.

One strand of the secondary research was an analysis of international human rights standards relating to disability and political participation, including a review of the jurisprudence of the UN treaty bodies, focusing on the UN Committee on the Rights of Persons with Disabilities.

The other secondary research component was a literature review to identify relevant scholarship. Two limitations of this strand were that the literature review was done in English only and that the results showed that research has predominantly been conducted in high-income countries.

In terms of primary research, in-person consultations with the lead author had been planned in three countries in 2020, but they could not take place due to the COVID-19 pandemic. Instead, Inclusion International was contracted to organize in-country and regional focus group discussions, most of which took place online. As part of this work, the organization developed a facilitators' guide, trained the facilitators of the focus groups and developed reports of each discussion.

A total of 16 focus group discussions were convened from October to December 2020. Where it was safe and permitted to do so under local COVID-19 regulations and policies, the discussions were in person. Others took place using an online video conferencing platform. 5 of them took place in person and the rest were virtual discussions. All participants were informed of the voluntary nature of the research and were given an Easy Read consent form in advance. They also were informed that they could withdraw at any time. A note taker at each focus group kept a record of what was said, and this was translated into English. The facilitator and note taker then filled out a consultation template that captured the group's responses and observations to four primary questions:

- 
1. What are the biggest barriers faced by people with disabilities in being included or taking part in the political life?
  2. What are the things that help people to overcome the barriers? What solutions have you found?
  3. What are some good examples you can share?
  4. What are your recommendations to governments or election management bodies (EMBs) for change?

Focus groups of persons with intellectual disabilities took place in Malawi and the United Republic of Tanzania in Africa; Egypt and Israel in the Middle East; Nepal and New Zealand in Asia and the Pacific; Mexico and Peru in Latin America; and Moldova and Spain in Europe. Many of the self-advocates (persons with intellectual disabilities) wanted support persons to assist them in the focus groups and those requests were granted. Several of the focus groups were also facilitated or co-facilitated by persons with intellectual disabilities.

Focus groups of persons with psychosocial disabilities took place in Fiji, Georgia, Kenya and Peru. In addition, two virtual regional focus group discussions were held with persons with psychosocial disabilities, many of whom hold (or have held) senior positions in relevant organizations of persons with disabilities (OPDs) in their countries and therefore had insight into laws and policies affecting not just themselves but their organizations' members. Those virtual regional focus group discussions included participants from Asia and the Pacific (with participants joining from Fiji, India, Indonesia, Pakistan and Sri Lanka) and Europe (with participants joining from Finland, Ireland, the Netherlands, Romania, Slovenia, Spain, Sweden and the United Kingdom).

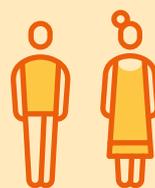
Unless specified otherwise, the names of participants referenced in this report are pseudonyms. In all such instances, no other information that could compromise their confidentiality is provided.

Sixteen focus group discussions with a total of 133 participants with intellectual or psychosocial disabilities covering five regions were organized to inform this document. The table below provides an overview of the gatherings, which were held virtually between October and December 2020.

A total of

# 133

participants



**Table 1**

Region	Country	Language	Disability	Male Participants	Female Participants	Total Participants
<b>Africa</b>	Malawi	Chichewa	Intellectual	2	8	10
	Zanzibar	Kiswahili	Intellectual	4	4	8
	Kenya	Kiswahili	Psychosocial	4	3	7
<b>Americas</b>	Mexico	Spanish	Intellectual	3	2	5
	Peru	Spanish	Intellectual	3	3	6
	Peru	Spanish	Psychosocial	2	2	4
<b>Asia-Pacific</b>	Nepal	Nepali	Intellectual	4	4	8
	New Zealand	English	Intellectual	5	2	7
	Fiji	English	Psychosocial	5	3	8
	Regional*	English	Psychosocial	2	5	7
<b>Europe</b>	Moldova	Romanian	Intellectual	10	6	16
	Spain	Spanish	Intellectual	5	4	9
	Georgia	Georgian	Psychosocial	2	3	5
	Regional**	English	Psychosocial	4	4	8
<b>Middle East &amp; North Africa</b>	Egypt	Arabic	Intellectual	9	6	15
	Israel	Arabic and Hebrew	Intellectual	6	4	10
<b>Total</b>	<b>Participants from 24 countries</b>	<b>Focus groups run in 9 languages</b>	<b>94 participants with intellectual disability, 39 with psychosocial disability</b>	<b>70 men</b>	<b>63 women</b>	<b>133 total participants</b>

\* Participating countries for Asia-Pacific regional focus group: India, Indonesia, Fiji, Pakistan, Sri Lanka

\*\* Participating countries for Europe regional focus group: Finland, Ireland, the Netherlands, Romania, Slovenia, Spain, Sweden, the United Kingdom

# 2

## **Who should take action?**

Full electoral inclusion by all persons with intellectual or psychosocial disabilities who want to participate requires actions by a variety of people, institutions, and organizations. The indicators proposed in this guide (section 9) contain suggested actions that the following groups can take to make progress toward electoral inclusion.

## 1 Governments

Effective and consistent government support and action are essential for full inclusion. Two important steps by governments toward fulfilling their country's obligations under international human rights law could include carrying out an audit of electoral inclusion and following through on the suggested actions in this guide document. Through a participatory process with persons with intellectual or psychosocial disabilities and their representative organizations, governments should be able to develop and implement an action plan to ensure a fair and democratic process for their political participation.

Governments might find this document useful for their Universal Periodic Review<sup>8</sup> and Voluntary National Review<sup>9</sup> processes, including progress on the 'leave no one behind' priority of the 2030 Agenda for Sustainable Development. They can also use this document to support reporting to UN treaty monitoring bodies, including the UN Committee on the Rights of Persons with Disabilities and the Human Rights Committee as well as regional bodies where relevant. Governments might also use it to support reporting into the annual Conference on States Parties to the UN Convention on the Rights of Persons with Disabilities (CRPD) to share good practice.

## 2 Election management bodies (EMBs)

These organizations are responsible for administering some or all the processes of an election, such as voter education, voter registration, voting (by post and in-person) and counting votes, among others. At all stages of an election, EMBs have an opportunity and a responsibility to ensure that people with intellectual or psychosocial disabilities are provided with information and support to enable them to exercise their rights as voters and as candidates. EMBs also collect data on elections, a responsibility that is relevant for 'countries' obligation to ensure that data are disaggregated, as called for in Article 31 of the CRPD.

## 3 Parliaments

Elected parliamentarians have a role to ensure that the process by which they and other representatives are elected is inclusive and consistent with international human rights standards. They can introduce and support draft laws to make the electoral process more inclusive, such as by abolishing discriminatory guardianship laws that adversely affect people with intellectual and psychosocial disabilities. Parliamentarians also can help ensure that legislation complies with international human rights, including the CRPD, and they have a responsibility to hold the government to account for meeting its international human rights commitments.

## 4 Judiciary

Judges play central roles in litigation about the electoral process. Notably, the judiciary applies and interprets a 'State's constitution and its laws. In some countries, the judiciary can apply international human rights standards directly or use them when interpreting domestic law. In several countries, judges have played a key role in ensuring that people with intellectual or psychosocial disabilities were able to exercise their right to vote.

## 5 National human rights institutions (NHRIs)

These are bodies established by the State that have a constitutional or legal mandate to protect and promote human rights at the national level. UN principles relating to the Status of National Institutions (the Paris Principles)<sup>10</sup> Require that NHRIs are fully independent of government, including in law, membership, operations, policy and control of resources.

In regard to political rights, they can undertake direct advocacy, publish reports scrutinizing aspects of an election process, promote inclusive elections, and liaise with other stakeholders, including organizations of persons with disabilities. Many NHRIs are designed to serve as independent monitoring mechanisms under Article 33(2) of the UN Convention on the Rights of Persons with Disabilities. As such, they should identify who is or might be left behind in electoral processes and report on progress made in implementing the Convention (and other UN treaties) to national bodies such as Parliament and international bodies such as the UN Committee on the Rights of Persons with Disabilities. NHRIs can also receive and adjudicate complaints relating to political participation rights.

## 6 Election observation organizations

This guide makes some recommendations for bodies that play a monitoring role – including election observers, whether citizen observers at the grassroots or national level or those from international organizations such as the African Union, the European Union or OSCE as well as various international non-governmental organizations.

## 7 Non-governmental organizations (NGOs)

**A Organizations of persons with disabilities (OPDs).**<sup>11</sup> These groups can be domestic or international, and they typically include people with intellectual or psychosocial disabilities as members and often leaders. Their roles include providing information and support to members and the community, getting involved in consultations, challenging prevailing stereotypes and negative societal attitudes, monitoring the rights of their members, and taking action to hold governments to account for national and international obligations and promises.

**B Other NGOs that are not OPDs.** These include civil society organizations that provide services for or advocate on behalf of persons with disabilities as well as those that work on broad human rights issues and in areas such as equality and democracy. NGOs that are not OPDs can be allies to disability-rights movements, including on electoral issues, and often follow the lead of OPDs on messaging and advocacy.

## 8 Service providers

These are people and organizations that provide care, support and other services to persons with disabilities, including in the community. For individuals living in institutional settings, the service provider is the institution, and it can be a for-profit or non-profit entity run by a government, a private company, or an NGO (including religious organizations). Service providers play a role in supporting people with disabilities, if necessary and requested, to participate in political and public life – for example, by arranging information, transportation and an assistant along with other support that might be needed to participate in electoral processes.

## 9 Political parties

Parties can enable and support people with intellectual or psychosocial disabilities to stand as candidates; promote inclusiveness in their membership by reaching out to and involving them in other ways; promote legislative and parliamentary inclusion measures; adopt policy positions that seek to have positive impacts on the lives of people with disabilities; and take more basic yet critical steps such as producing their manifestos in accessible formats, using appropriate words and phrases in public debates, and ensuring that content is both easy to understand for everyone and does not include terms derogatory to people with intellectual or psychosocial disabilities.

## 10

### Media

Journalists are instrumental in shaping public discourse and perceptions about disability. The media can have positive policies, for example reporting positively about people with disabilities and interviewing experts with disabilities. Journalists also can help change social and culture discourse by refraining from using terms derogatory to people with intellectual or psychosocial disabilities in order to ridicule or discredit politicians.

## 11

### Intergovernmental organizations and embassies

These are organizations with in-country representation (such as UN country offices, including UNDP and other UN bodies)<sup>12</sup> as well as countries with embassies or other missions in the country where elections are being held. They can play a role in encouraging and supporting electoral inclusion, including by facilitating the involvement of organizations of persons with disabilities if those organizations are marginalized. International organizations have a role in promoting international cooperation under Article 32 of the CRPD, and this may include work on electoral inclusion.

## 12

### Electoral assistance providers

These are usually international agencies that provide technical support to EMBs and other electoral stakeholders, including in regard to inclusion. For example, they can assist partners with undertaking research, developing policies, organizing the logistics and other practical aspects of election implementation, and communications.

#### Endnotes

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- 8 As noted on the UN Human Rights Council website, the UPR involves a “review of the human rights records of all UN Member States. The UPR is a State-driven process, under the auspices of the Human Rights Council, which provides the opportunity for each State to declare what actions they have taken to improve the human rights situations in their countries and to fulfil their human rights obligations.” <https://www.ohchr.org/en/hrbodies/upr/pages/uprmain.aspx#:~:text=The%20UPR%20is%20a%20State,fulfil%20their%20human%20rights%20obligations.>
- 9 As noted on the OHCHR website, VNR “is a process through which countries assess and present progress made in achieving the global goals and the pledge to leave no one behind. The purpose of VNRs is to present a snapshot of where the country stands in SDG implementation...” [https://www.ohchr.org/EN/Issues/SDGS/Pages/2021VoluntaryNationalReviews.aspx.](https://www.ohchr.org/EN/Issues/SDGS/Pages/2021VoluntaryNationalReviews.aspx)

- 10 Adopted by General Assembly resolution 48/134 of 20 December 1993.
- 11 For a definition, see UN Committee on the Rights of Persons with Disabilities, ‘General comment No.7 (2018) on the participation of persons with disabilities, including children with disabilities, through their representative organizations, in the implementation and monitoring of the Convention’.
- 12 United Nations electoral assistance is provided only at the specific request of the Member State concerned or based on a mandate from the Security Council or General Assembly. See UN, ‘Principals and Types of UN Electoral Assistance’, 2021.

# 3

## Persons with intellectual or psychosocial disabilities

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## 3.1

### Defining the terms

According to the CRPD, “Disability is an evolving concept and...results from the interaction between persons with impairments and attitudinal and environmental barriers that hinders their full and effective participation in society on an equal basis with others.”<sup>13</sup>

It does not define disability, but offers some clear guidance on how it might be viewed:



Persons with disabilities include those who have long-term physical, mental, intellectual or sensory impairments which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others.<sup>14</sup>

There are two important elements in this concept of ‘person with disabilities.’ One is the impairment, and for the purposes of this document the impairment will be ‘intellectual’ or ‘psychosocial’.<sup>15</sup> The second key element is that the impairment interacts with barriers to produce the disability. The language of the CRPD is that any barriers that hinder a person’s “full and effective participation” are to be removed.

Persons with ‘intellectual disability’ refers to all individuals who experience discrimination and environmental barriers related to actual or perceived cognitive functioning and skills, which may include communication, social and self-care skills. These barriers restrict their equal participation in society.

The term ‘psychosocial disability’ encompasses all persons who, regardless of their self-identification or diagnosis, experience discrimination and societal barriers based on actual or perceived mental health diagnosis or subjective distress. This term aims to reflect a social rather than a medical model approach to mental health conditions and experiences, placing the focus on the attitudinal and environmental barriers that restrict equal participation in society. Terms not used by the international human rights community but still prevalent in laws and policies and in mental health services include ‘mental illness’, ‘mental disorder’ and ‘psychiatric disorder’. The term ‘mental disability’ is sometimes used as an umbrella term for both intellectual and psychosocial disability.

The term psychosocial disability is not contained in the UN Convention on the Rights of Persons with Disabilities (CRPD) itself, but is used by the UN Committee on the Rights of Persons with Disabilities; UN agencies, including the World Health Organization (WHO); and by most global and regional disability rights NGOs.

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## 3.2

### Rights and protections

People with intellectual or psychosocial disabilities are entitled to all the protections set out in international human rights law, including the CRPD. However, these rights are routinely ignored and violated. People with intellectual or psychosocial disabilities have for centuries been denied their personhood and self-determination, as if they are undeserving of rights on an equal basis as others. Laws have stripped people with such disabilities of their autonomy and denied them legal personhood and the right to make decisions about their lives. Often, laws have enabled their families, or State bodies, to deny them their right to decide about their residence and care, the right to marry and establish a family, and the right to work and make financial decisions.

Emblematic of the denial of citizenship is the denial of the right to vote and stand for election. Without the ability to influence the election of politicians or remove them from office, people with intellectual or psychosocial disabilities are often ‘off the radar’ of elected politicians and are rendered politically invisible. This publication seeks to contribute to the positive change that is taking place around the world to eliminate persistent discrimination against them and ensure that electoral processes are made more inclusive.

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#### Endnotes

13 Preamble para. (e), CRPD.

14 Article 1, CRPD.

15 As noted in this document, none of the key actors at the international level refer to people with psychosocial disabilities as having a ‘mental’ impairment. This is an oddity that can be tracked back to the CRPD

drafting process where States adopted the word ‘mental’ in the final version of the Convention, against the unanimous wishes of the hundreds of organizations of persons with disabilities that were involved in the drafting process.

# 4

## **Human rights standards and the Sustainable Development Goals**

International human rights law has over the past few decades moved toward recognizing and ensuring that people with disabilities are holders of human rights on an equal basis with others. Key language from some of the more important legal instruments is summarized below.

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## 4.1 Universal Declaration on Human Rights

Article 21(3) of the Universal Declaration of Human Rights (UDHR) states the following:

“

“The will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures.”

Article 7 of the UDHR sets out the right to equality before the law and entitlement without discrimination to equal protection of the law.

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## 4.2 International Convention on Civil and Political Rights

The general framework for human rights in elections is contained in the 1966 International Convention on Civil and Political Rights (ICCPR). Article 25 of the ICCPR recognizes and protects the rights of every citizen to take part in the conduct of public affairs, the right to vote and to be elected and the right to have access to public service.

The Human Rights Committee is the body that was established to monitor States' compliance with the ICCPR and to consider individual communications. It has said that States have a duty to ensure that persons with disabilities are not discriminated against on the basis of their actual or perceived impairments, regardless of intellectual, mental, physical or sensory impairment, and that they are provided with the support necessary to exercise in practice all of the rights set out in Article 25 of the ICCPR.<sup>16</sup>

In 1996, this committee, interpreting the ICCPR, said that “established mental incapacity may be a ground for denying a person the right to vote or to hold office”.<sup>17</sup> However, that position is no longer valid as it has been superseded by the CRPD.

The conventions create obligations for States Parties only.

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## 4.3 UN Convention on the Rights of Persons with Disabilities

The most authoritative articulation of the rights of persons with intellectual or psychosocial disabilities is contained in the UN Convention on the Rights of Persons with Disabilities (CRPD), adopted by the UN General Assembly in December 2006. As one of the core UN treaties, it is legally binding on the States that have ratified it. The CRPD enjoys near universal ratification worldwide.

The Committee on the Rights of Persons with Disabilities (CRPD Committee) monitors the implementation of the CRPD by States. In order to comply with the CRPD, governments must send to that committee a report two years after ratification and thereafter every four years (NGOs and national human rights institutions can also submit reports to the committee at these times, which the committee will review and take into consideration). The CRPD Committee then assesses each State's compliance and produces a report called 'concluding observations', which consist of recommendations by the CRPD Committee to the relevant government about amendments it should make to its laws and regulations to better comply with the CRPD.

The purpose of the CRPD is to promote, protect and ensure the full and equal enjoyment of all human rights and fundamental freedoms by all persons with disabilities, and to promote respect for their inherent dignity (Article 1).

## Article 29

### Participation in political and public life

States Parties shall guarantee to persons with disabilities political rights and the opportunity to enjoy them on an equal basis with others, and shall undertake:

**A** →

To ensure that persons with disabilities can effectively and fully participate in political and public life on an equal basis with others, directly or through freely chosen representatives, including the right and opportunity for persons with disabilities to vote and be elected, inter alia, by:

- i** Ensuring that voting procedures, facilities and materials are appropriate, accessible and easy to understand and use;
- ii** Protecting the right of persons with disabilities to vote by secret ballot in elections and public referendums without intimidation, and 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;
- iii** Guaranteeing 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;

**B** →

To promote actively an environment in which persons with disabilities can effectively and fully participate in the conduct of public affairs, without discrimination and on an equal basis with others, and encourage their participation in public affairs, including:

- i** Participation in non-governmental organizations and associations concerned with the public and political life of the country, and in the activities and administration of political parties;
- ii** Forming and joining organizations of persons with disabilities to represent persons with disabilities at international, national, regional and local levels.



All provisions of the CRPD should be read in light of other relevant provisions. In addition to Article 29, of particular relevance to the right to political and public participation is the **right to non-discrimination**, set out in Article 5. This provision places a duty on States to “prohibit all discrimination on the basis of disability and guarantee to persons with disabilities equal and effective legal protection against discrimination on all grounds” (Article 5(2)).

As described in Article 2, discrimination on the basis of disability means “any distinction, exclusion or restriction on the basis of disability which has the purpose or effect of impairing or nullifying the recognition, enjoyment or exercise, on an equal basis with others, of all human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field. It includes all forms of discrimination, including denial of reasonable accommodation”. In turn, as also noted in Article 2, **reasonable accommodation** means “necessary and appropriate modification and adjustments not imposing a disproportionate or undue burden, where needed in a particular case, to ensure to persons with disabilities the enjoyment or exercise on an equal basis with others of all human rights and fundamental freedoms”. Moreover, the CRPD says that States have a duty to “take all appropriate steps to ensure that reasonable accommodation is provided” (Article 5(3)), including in the context of elections.

The CRPD Committee has noted that because the CRPD establishes a duty on States to promote and ensure **accessibility** (Article 9), compliance with the CRPD requires “political meetings and materials used and produced by political parties or individual candidates participating in public elections” to be accessible.<sup>18</sup> According to the committee, the right to political participation would not be achievable “if States parties failed to ensure that voting procedures, facilities and materials were appropriate, accessible and easy to understand and use.”

The **right to receive information** is part of freedom of expression and opinion, set out in Article 21 of the CRPD, which calls for information intended for the general public to be provided to persons with disabilities in accessible formats and technologies without additional cost. Complying with this provision requires States to facilitate the use of sign language, Braille, augmentative and alternative communication and all other accessible means, modes and formats of communication of their choice by persons with disabilities in official interactions.

A strong **gender perspective** is contained within the CRPD. It places a duty on States to take measures to ensure the full enjoyment of women and girls with disabilities of all human rights and fundamental freedoms (Article 6(1) and that they “shall take all appropriate measures to ensure the full development, advancement and empowerment of women” including in the context of political participation (Article 6(2)). Such requirements follow closely on Article 7 of the 1979 UN Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), which establishes a duty on States to “take all appropriate measures to eliminate discrimination against women in the political and public life of the country,” including to vote in elections and to participate in the formulation and implementation of government policy and to hold public office.

The CRPD stipulates that all persons with a disability have the **right to legal capacity** on an equal basis with others, in all areas of their life (Article 12(2)) which includes political participation. Of particular importance, the CRPD places a duty on States to ensure that where a person may need support in exercising their legal capacity (for example, when they are deciding which political party they will cast their vote for), the State will “take appropriate measures to provide access [...] to the support they may require” (Article 12(3)).

The CRPD also underscores the importance of integrating safeguards into all measures of such support. This requires States to ensure that the measures to provide access “respect the rights, will and preferences of the person, are free of conflict of interest and undue influence, are proportional and tailored to the person’s circumstances, apply for the shortest time possible and are subject to regular review by a competent, independent and impartial authority or judicial body. The safeguards shall be proportional to the degree to which such measures affect the person’s rights and interests.” (Article 12(4)).

**Protection from physical and other harm** is also referenced in the CRPD. It requires States to “take all appropriate legislative, administrative, social, educational and other measures to protect persons with disabilities, both within and outside the home, from all forms of exploitation, violence and abuse, including their gender-based aspects” (Article 16(1)). This includes violence around elections.<sup>19</sup> States have a duty to establish systems to prevent such exploitation, violence, and abuse by providing “information and education on how to avoid, recognize and report instances” and such protection services must be “age-, gender- and disability-sensitive” (Article 16(2)).

Where a person with disabilities has become a victim of any form of violence, exploitation and abuse – which includes electoral violence – the State has a duty to “take all appropriate measures to promote the physical, cognitive and psychological recovery, rehabilitation and social reintegration” (Article 16(4)), and to put into place laws and policies that ensure that instances of exploitation, violence and abuse “are identified, investigated and, where appropriate, prosecuted” (Article 16(5)).

Voting and standing for election are activities that take place in, and seek to develop, local and national communities. As such, they are connected to the right to live independently and be included in the community. Article 19 refers to the **right of equal access to community services and facilities**, which may include electoral services and polling stations.

The CRPD contains **awareness raising obligations** (Article 8). Among them are that States undertake to “adopt immediate, effective and appropriate measures” to raise awareness and “foster respect for the rights and dignity of persons with disabilities” as well as to “combat stereotypes, prejudices and harmful practices”. Such measures include “[e]ncouraging all organs of the media to portray persons with disabilities in a manner consistent with the purpose of the [CRPD].”

Governments have duties under the CRPD about **how they should adopt, implement and monitor laws and policies in relation to persons with disabilities**. These include a duty to implement the CRPD by taking appropriate legislative administrative and other measures (Article 4(1)(a); modify or abolish laws, regulations, customs and practices that constitute discrimination against persons with disabilities (Article 4(1)(b)); a duty to mainstream disability rights across all policies and programmes (Article 4(1)(c)); a duty to consult with people with disabilities and their representative organizations in the development and implementation of laws and policies that affect them (Article 4(3)); and a duty to ensure people with disabilities are included in independent monitoring of the CRPD’s implementation (Article 33(3)).

The CRPD also places a duty on States to produce information, including statistical and research data, to enable governments to formulate and implement policies to implement the Convention. This information should be disaggregated, so that governments can assess implementation and identify barriers by persons with disabilities, including those with intellectual or psychosocial disabilities, in exercising their rights (Article 31).

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## 4.4 Sustainable Development Goals

On 25 September, the United Nations General Assembly unanimously adopted the Resolution 70/1, Transforming our World: the 2030 Agenda for Sustainable Development. This historic document lays out the 17 Sustainable Development Goals (SDGs), which aim to mobilize global efforts to end poverty, foster peace, safeguard the rights and dignity of all people, and protect the planet.

The SDGs are not legal instruments, but nearly every country has committed itself to achieving them – and monitoring take places under processes such as Voluntary National Reviews. SDG 16 is particularly relevant: “Promote peaceful and inclusive societies for sustainable development, the provision of access to justice or all and build effective, accountable and inclusive institutions at all levels.” More specifically in pursuit of that goal, target 16.7 calls for countries to “ensure responsible, inclusive, participatory and representative decision-making at all levels”.

A way to achieve this is by meeting target 16.b – to “promote and enforce non-discriminatory laws and policies for sustainable development”, – including by focusing on groups experiencing significant marginalization, a category that includes persons with disabilities<sup>20</sup>, women<sup>21,22</sup>, youth<sup>23</sup>, LGBTI+ persons and Indigenous persons. In this way, measurable progress can be made on democratic processes and the establishment of long-lasting institutions in creating sustainable, just, inclusive and peaceful societies.

### Endnotes

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- 16 See Human Rights Committee, *Ignatane v. Latvia*, communication No. 884/1999, para. 7.4. See also CCPR/C/BGR/CO/4, para. 18; CCPR/C/LTU/CO/4, para. 14; CCPR/C/GTM/CO/4, para. 27; and CCPR/C/AUS/CO/6, para. 48.
- 17 UN Human Rights Committee (HRC), *CCPR General Comment No. 25: Article 25 (Participation in Public Affairs and the Right to Vote), The Right to Participate in Public Affairs, Voting Rights and the Right of Equal Access to Public Service*, 12 July 1996, CCPR/C/21/Rev.1/Add.7.
- 18 CRPD Committee, General Comment No. 2 (2014), ‘Article 9: Accessibility’, 22 May 2014, CRPD/C/GC/2.
- 19 For more information about violence against women around elections, see UN Women, ‘Preventing violence against women in elections: A programming guide’, 2017.
- 20 See UNDP publication: ‘Disability Inclusive Development in UNDP’, November 30, 2018.
- 21 See UNDP and UN Women publication: ‘Preventing violence against women in Elections: A programming guide’, December 20, 2017.
- 22 See UNDP and UN Women publication: ‘Inclusive Electoral Processes: A Guide on Electoral Management Bodies and Women’s Participation’, 2015.
- 23 See UNDP publication: ‘Youth Participation in Electoral Processes – Handbook for Electoral Management Bodies’, July 3, 2017.

# 5

**What persons  
with intellectual  
or psychosocial  
disabilities want:  
voices from  
around the world**

This section explains and discusses what persons with intellectual or psychosocial disabilities are calling for, with regard to their increased and full participation in political and public life. It is based on input during research for this document using the principle of *nothing about us without us*.

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Participants in focus groups that UNDP and Inclusion International conducted said that they want equal rights. They want politicians and elected representatives who listen to their concerns, effectively represent them and enact laws with their participation. Participants stressed that they have political opinions and want to be involved in how their communities are organized and how public services are delivered.

The following comment from a focus group participant from Malawi encapsulates many of the challenges and desires expressed:

→ I am a person with intellectual disability and I am married with two kids. I work loading luggage at the bus stand, people have been laughing at me, saying with my condition I cannot support a family but I have proved them wrong by working hard. I send my kids to school and am a happy parent. I voted this year and I intend to be voting as long as am alive.

Sashi Babu Paudel<sup>24</sup> is a person with an intellectual disability who is 41 years old and lives in Kathmandu, Nepal. He stood as a candidate for the provincial assembly in 2017. His party helped him in developing his election manifesto and preparing pamphlets and leaflets for his campaign. He also took part in election rallies and events in various areas of Bagmati province. Although he was not elected, Sashi was hopeful in his remarks in the Nepal focus group discussion:

→ Me as a candidate for the election, it is a first step towards inclusive participation in politics for people with intellectual disabilities. Though I could not win, this will set as an example that persons with intellectual disabilities can be an election candidate.

Across the world, it is rare for a person with an intellectual disability to stand as a candidate. As observed by an Egypt focus group participant, “No person with an intellectual disability like me ran for elections and entered Parliament.” Many of the participants across the focus groups referred to the high level of stigma and discrimination against people with intellectual or psychosocial disabilities in their societies as one reason for this.

Similarly, people with psychosocial disabilities said that due to stigma, people with such disabilities are sometimes afraid of standing for election for fear of being outed as a ‘crazy’ person. Focus group participants from a range of contexts gave examples of the barriers they face in exercising their right to vote, including being detained in institutions where there is no ballot box and being denied legal capacity. A participant in Moldova said that in her country, a prevailing system of guardianship means that if a person has been appointed a guardian to manage their finances, the law automatically strips that person of their right to vote: “This is an injustice, literally”, she said.

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## Endnotes

24 His real name, as the media have reported his election campaign.

# 6

**The current  
situation:  
low and unequal  
participation**

## I myself have suffered prejudice when voting, because they believed that I was not capable.

Focus group participant from Spain

Like others, many people with intellectual or psychosocial disabilities want to engage in public and political life by exercising their right to vote. The concept of 'one person, one vote' is an important marker for any democracy. It is the opportunity of the citizen to influence local and national (and in the case of the European Union, international) decision-making that may affect people's lives. The UN Human Rights Committee has stated, "The principle of one person, one vote must apply, and within the framework of each State's electoral system, the vote of one elector should be equal to the vote of another."<sup>25</sup>

However, analysis of the limited published literature indicates that there are significant gaps on rates of political participation by people with intellectual or psychosocial disabilities.<sup>26</sup> Research in 30 countries has found that people with disabilities or health conditions are usually less likely to vote than others in their societies.<sup>27</sup> In the few countries where studies have been carried out, the same is true for people with intellectual or psychosocial disabilities.

Research in the United Kingdom in 2008, for example, found that in the 2005 general election, just 16.5 percent of people with intellectual disabilities voted compared to 60.8 percent for the general population. Another notable finding was that the share of people with intellectual disabilities who were registered to vote (66.1%) was far lower than the 95 percent level among the general population.<sup>28</sup>

Research in the United States that looked at political participation from 1980 to 2008 found that individuals with cognitive and mobility impairments had the lowest rates of electoral participation.<sup>29</sup> Other studies of voter turnout in the United States showed that people with disabilities had a turnout rate of 3 to 20 percentage points lower than the general population, depending on the election and the type of disability.<sup>30</sup> A study using European Social Survey data to analyse voting activity among people with disabilities in Europe found a difference of eight percentage points between those with disabilities and those without.<sup>31</sup>

Other analyses have found notable differences in electoral participation related to age. In general, the older a person is the more likely it is that they will vote. Yet, research in the European Union found the reverse for people with intellectual disabilities: It was younger people with intellectual disabilities who voted more than older people with intellectual disabilities.<sup>32</sup> Research in 2011 in Ireland reported that around 7 out of 10 older people with intellectual disabilities did not vote in the previous general election. This compared with participation among the general older population of around 80 percent.<sup>33</sup> The research also uncovered some trends and nuances that point to some important gaps and opportunities for improved participation. Within the population of people with intellectual disabilities, voting rates decreased with increasing age and level of support needs, and those living in community locations, especially those in independent/family residences, were much more likely to vote than people living in institutional settings.<sup>34</sup>

Inclusion International survey  
of its member organizations in 2014

Over 70 percent reported that it was uncommon  
for people with intellectual disabilities  
to be engaged in political and public life

+ 70%



Using European Social Survey data from 30 countries from 2002 to 2015, another study showed that people with disabilities have lower levels of internal and external efficacy, political trust and interest, and electoral participation. The authors defined internal efficacy as a person’s confidence in their ability to understand and effectively participate in politics, while external efficacy is the belief that government is responsive to citizen demands. The research found that “disabled people feel less confident in their ability to participate in and influence politics, perceive the political system as less responsive, and have lower trust in Parliament, parties, and politicians”.<sup>35</sup>

Such gaps help to explain the findings of a survey that Inclusion International conducted a survey of its member organizations in 2014. Among the results were that while over 80 percent of respondents indicated that there were mechanisms in place for people with intellectual disabilities to have their voices heard by governments, over 70 percent reported that it was uncommon for people with intellectual disabilities to be engaged in political and public life.<sup>36</sup>

## Endnotes

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- 25 Human Rights Committee, “General Comment No. 25: The Right to Participate in Public Affairs, Voting Rights and the Right to Equal Access to Public Service (Article 25)”, 1996, para. 21.
- 26 Important caveats should be kept in mind regarding the findings discussed in this section. The research is from high-income and English-speaking countries, and it is possible that the results of research would differ.
- 27 Mattila, Mikko, Peter Söderlund, Hanna Wass and Lauri Rapeli (2013) ‘Healthy Voting: the effect of self reported health on turnout in 30 countries.’ *Electoral Studies* 32(4): 886–891.
- 28 Keeley H., Redley M., Holland A. & Clare I. (2008) ‘Participation in the 2005 general election by adults with intellectual disabilities.’ *Journal of Intellectual Disability Research* 52, 175–81.
- 29 Tetsuya Matsubayashi and Michiko Ueda, ‘Disability and voting’, *Disability and Health Journal* 7 (2014) 285–291. One notable finding – that the participation gap was smaller when people with disabilities vote by-mail, as opposed to voting in-person – suggests that those with disabilities will benefit if vote-by-mail options were more readily available.
- 30 Schur, Lisa, Todd Shields, Douglas Kruse and Kay Schriener (2002) ‘Enabling Democracy: Disability and Voter Turnout’ *Political Research Quarterly* 55(1): 167–190 and Schur, Lisa and Meera Adya (2013) ‘Sidelined or Mainstreamed? Political participation and attitudes of people with disabilities in the United States.’ *Social Science Quarterly* 94(3): 811–839.
- 31 Grammenos, Stefanos (2013) Task 6: Comparative data and indicators. European comparative data on People with disabilities and Citizenship. Academic Network of European Disability Experts (ANED), December 2013.
- 32 European Union Agency for Fundamental Rights (2014) ‘The Right to Political Participation for Persons with Disabilities: Human Rights Indicators.’ European Union Agency for Fundamental Rights, Vienna.
- 33 Barrett A., Savva G., Timonen V. & Kenny R. A. (2011) ‘Fifty-Plus in Ireland 2011: First results from the *Irish Longitudinal Study on Ageing* (TILDA)’ *The Irish Longitudinal Study on Ageing*, Dublin.
- 34 D. McCausland, P. McCallion, D. Brennan and M. McCarron, ‘The exercise of human rights and citizenship by older adults with an intellectual disability in Ireland’, *Journal of Intellectual Disability Research*, Vol 62, Part 10, October 2018, pp 875–887, doi: 10.1111/jir.12543.
- 35 Stephanie Reher, 2018, ‘Mind This Gap, Too: Political Orientations of People with Disabilities in Europe’, *Political Behaviour*, doi.org/10.1007/s11109-018-09520-x.
- 36 Inclusion International, ‘Accessing the Ballot Box: Inclusive Civic Engagement for People with Intellectual Disabilities - An Information Toolkit for Governments’, 2015.

# 7

## Barriers to electoral participation

## The low rates of electoral participation among potential voters and candidates with intellectual or psychosocial disabilities are likely to be explained by the multitude of barriers they face in participating in political and public life.

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For example, the legal framework in many countries prevents people labelled with the stigmatizing and outdated term ‘of unsound mind’ from voting and standing for election, and in other countries the system of guardianship order – made on the basis of the person’s disability, or perceived capacity/competence – strips people of their legal authority to make decisions in several domains such as where to live and how to spend their money which are decided by the guardian. These laws remove the person’s right to decide on other important issues such as marrying, applying for an identification card or passport, as well as voting and standing for election.

Even if a person with an intellectual or psychosocial disability is not legally barred from voting, they may face informational challenges to their access to the electoral process such as the absence of plain language or Easy Read materials and poorly designed or structured electoral processes and facilities. Also, because stereotypes and false assumptions about intellectual disability and psychosocial disability are common, attitudinal barriers are often a major obstacle (and one that stakeholders for whom these guidelines are written can take action to reverse).

More detailed information follows below about these four clusters of barriers: (1) **legal barriers**; (2) **barriers to procedures, facilities and materials**; (3) **information barriers**; and (4) **attitudinal barriers**.

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### 7.1 Legal barriers

#### Key international standards and obligations:

→ **Article 12(2)** of the CRPD requires States to ensure that “persons with disabilities enjoy legal capacity on an equal basis with others in all areas of life”. This includes the exercise of political rights.

**Article 12(3)** obliges States to “take appropriate measures to provide access by persons with disabilities to the support they may require in exercising their legal capacity”.

**Article 29** refers to the right to vote and stand for election. This provision applies to every person with disabilities, regardless of actual or perceived type, nature or level of impairment.

**The CRPD Committee** has noted that “a person’s decision-making ability cannot be a justification for any exclusion of persons with disabilities from exercising their political rights, including the right to vote, the right to stand for election and the right to serve as a member of a jury.”<sup>37</sup>

#### Existing challenges and gaps: observations from the research

Despite these clear expectations of CRPD signatories, the reality in many countries is that laws continue to withhold many rights of people with intellectual and psychosocial disabilities, including their right to vote and stand for election.

Several countries maintain a legislative ‘**unsound mind**’ provision that is used as a justification for disenfranchising persons with intellectual or psychosocial disabilities.<sup>38</sup> Focus group participants with psychosocial disabilities in Kenya pointed out that their country’s constitution and Election Act state that persons of unsound mind cannot vote or stand for electoral positions, which means that persons with psychosocial disabilities are barred from participating in elections. Another Kenyan participant observed that some persons with psychosocial disabilities do not have a national identity card, which is mandatory in

order to register as a voter or stand for election. UNDP was told that in Egypt the law prohibits persons with intellectual disabilities from voting.

Focus group participants told UNDP that in Pakistan people with psychosocial disabilities are not allowed to vote or contest elections. It is the same in India, where despite a recent Mental Healthcare Law of 2017 that introduced some important reforms to the benefit of persons living with psychosocial disabilities, there still exists a legal provision that disqualifies a person “of unsound mind and stands so declared by a competent court” from voting.<sup>39</sup>

The point was made several times in different focus group discussions that these unsoundness of mind provisions are vague and open to interpretation. A focus group participant from Fiji, where similar barriers exist, stressed that the term ‘unsound mind’ was discriminatory and stigmatizing because it portrays persons with psychosocial disabilities as being unable to make decisions.

In Indonesia, there is still widespread stigma despite a Constitutional Court case in 2016 that annulled the legal prohibition on voting by people with intellectual disabilities.<sup>40</sup> People with psychosocial or intellectual disabilities are called *orang gila* (‘crazy people’), which is “understood as a situation when someone lose their mind, or consciousness which lead them unable to do things under control”.<sup>41</sup> This example shows that for people with intellectual and psychosocial disabilities to have their full rights respected and upheld, legal reform alone is not enough. Shifts in attitudes in society, which are more difficult to achieve, are also needed.

In civil law countries such as Moldova and Spain, it is not the concept of unsoundness of mind that prevents people with psychosocial or intellectual disabilities from voting; instead, it is the Roman law concept of **guardianship**. Guardianship laws strip a person of their legal capacity and result in the person being prohibited from voting or standing for election. Research in the European Union (EU) found that laws in the majority of EU Member States automatically barred a person deprived of legal capacity from voting or standing as a candidate.<sup>42</sup> The source of this exclusion is sometimes in the constitution, civil code or other pieces of legislation.

These and other discriminatory laws and policies can be difficult to overcome. As some scholars have observed, “Legal provisions that preclude persons with disabilities from voting typically fail to provide any process for court challenge or judicial review and are often vague, arbitrary and lacking in legitimate aim or purpose.”<sup>43</sup>

However, in some parts of the world there is growing recognition that such restrictions are unfair and should be removed. Commenting on the judgment of the Chamber of the European Court of Human Rights in the case of *Strøbye and Rosenlind v. Denmark*, Gerard Quinn, the UN Special Rapporteur on the rights of persons with disabilities, commented that no legitimate public policy aim is served by restricting the right to vote to those who have the requisite ‘mental skills’ as this does not accord with modern scientific understandings of human decision-making, especially during elections.<sup>44</sup>

## Legal reform developments and opportunities

The solution to being constitutionally locked out of the democratic sphere is law reform. Spain underwent law reform in 2019, which led to people under guardianship being allowed to vote. The previous law allowed judges to take away someone’s right to vote in individual cases. Legal change came after a seven-year campaign by *Plena Inclusión España*, a Spanish NGO that supports people with intellectual disabilities. It established the campaign *Mi Voto Cuenta* (‘My Vote Counts’), which focused on raising awareness about the right to vote and to have access to elections.<sup>45</sup>

Similarly, in France before 2005 people under full guardianship were not allowed to vote, but the law was changed to make the right to vote subject to the approval of a judge. Then, in 2018, the government announced that the law would be further amended to remove the authority of a judge to restrict a person from voting. The State Secretary for Persons with Disabilities, Sophie Cluzel, said, “Our French legislation cannot on the one hand assert that people with disabilities are citizens like any other, and on the other hand take away from them the most emblematic attribute of citizenship.”<sup>46</sup>

It was reported during the 2019 European Parliament elections that since the previous election in 2014, six Member States had completely abolished restrictions on the right to vote of people deprived of their legal capacity – Denmark, France, Germany, Ireland, Slovakia and Spain.<sup>47</sup> Peru,<sup>48</sup> and Colombia<sup>49</sup> also offer examples

of legal capacity law reforms that have positively impacted on the rights of persons with disabilities, although there is still work to be done to bring those systems in compliance with Article 29 of the CRPD.<sup>50</sup>

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## 7.2 Barriers to procedures and facilities

### Key international standards and obligations:

- Article 29(a)(i) of the CRPD requires States to ensure that “voting procedures, facilities and materials are appropriate, accessible and easy to understand and use.” Its importance was underscored by the CRPD Committee in this observation: “Article 29 of the Convention guarantees persons with disabilities the right to participate in political and public life, and to take part in running public affairs. Persons with disabilities would be unable to exercise those rights equally and effectively if States parties failed to ensure that voting procedures, facilities and materials were appropriate, accessible and easy to understand and use.”<sup>51</sup>
- Accessibility is a specific obligation, as discussed in Article 9, and includes the duty to ensure that all entities that provide a public service take into account accessibility and that they provide training for relevant stakeholders on accessibility. Accessibility is also described as an anticipatory duty, which means that policy makers, employers and service providers must anticipate the needs of persons with disabilities in advance, not simply react when a person with a disability asks for an adjustment. This means, for example, that EMBs and electoral officials at all levels should be prepared to accommodate voters in wheelchairs, older voters, and blind voters, each of whom is likely to require various measures to be put into place in advance. Similarly, these officials should be aware that there will be voters with intellectual disabilities and psychosocial disabilities who have a variety of access requirements.
- The best way for EMBs and other election facilitators to learn about access requirements is to closely consult with and involve people with intellectual or psychosocial disabilities and their representative organizations, as required by Article 4(3) of the CRPD.<sup>52</sup>
- A related CRPD provision to accessibility is the right to not be discriminated against<sup>53</sup> and the resulting duty placed on States to enact laws that prohibit discrimination based on disability. One of the forms of discrimination on the basis of disability is the failure to provide reasonable accommodations, which are described in Article 2 as “necessary and appropriate modification and adjustments not imposing a disproportionate or undue burden, where needed in a particular case” to ensure – in this case – the exercise of the right to vote.<sup>54</sup>

EMBs should mandate and ensure compliance at all levels with both obligations: the anticipatory accessibility duty in Article 9 of the CRPD, and the duty to protect, respect and fulfil the right to non-discrimination in individual cases including the requirement to provide reasonable accommodation in Article 5.

### Existing challenges and gaps: observations from the research

Several different types of barriers to inclusion persist across all aspects of electoral processes and systems. While significant progress has taken place in several countries to make election systems and polling stations accessible to people with physical and sensory disabilities, many countries have yet to ensure that their electoral systems, facilities and materials are accessible to people with intellectual or psychosocial disabilities. (Physical accessibility to polling stations and access to information are barriers that affect people with physical and sensory disabilities. These barriers include difficulties for wheelchair users in accessing polling stations, the absence of sign language services or assistive technology during the electoral campaign, lack of ballot papers in Braille and a prohibition on bringing a support person into the polling station.)

Accessibility barriers cause lower voter turnout among people with disabilities. Research into the 2012 national elections in the United States found that people with disabilities who voted in a polling station were more likely than those without disabilities to report some type of difficulty in voting. Almost one-third (30.1 percent) of voters with disabilities reported one or more difficulties in voting, compared to about one-twelfth (8.4 percent) of voters without disabilities. Difficulties varied by type of disability or the level of support needs. All the major impairments (including cognitive) were linked to greater difficulties in reading or seeing the ballot, and all except hearing impairments were linked to difficulty in understanding how to vote or use the voting equipment.<sup>55</sup>

The lack of accessibility of the electoral process was of concern to participants in all focus groups. People with psychosocial disabilities said that EMBs and other election facilitators make no adjustments for people's unseen disabilities. This can mean, for example, that people with anxiety do not vote because they want to avoid being in a queue at the polling station. Moldova held a presidential election in November 2020, and some of the focus group participants told UNDP that they did not vote for fear of getting COVID-19 and wanted other solutions such as postal voting, to prevent the need from queuing at a polling station and make the process easier and safer (and therefore reduce their anxiety).

This was not just a pandemic-related request. Focus groups participants with psychosocial disabilities from Fiji said that they should be given the option to either vote physically at a polling station or via postal ballot to address the anxiety issue. Such requests should not be taken lightly or dismissed. Anxiety can arise in myriad ways for people with psychosocial disability and can be highly destabilizing for them. For example, a person who is confused by the electoral process and has no support may be perceived as 'a risk' or 'dangerous' when in fact they are communicating their distress and their need for support. Situations like that one highlight the fact that anxiety is sometimes trivialised as an emotion experienced by everyone, which in turn means that the profound nature of it for people with psychosocial disabilities is not understood or responded to.

The severe challenge of anxiety for many was also mentioned by focus group participants in Kenya, including in discussions about how people with psychosocial disabilities respond in different ways to the electoral environment. The lack of supports and reasonable accommodations means that some people may "have instances of extreme anxiety and this may influence how they respond to electoral demands such as having to queue for purposes of voter registration or voting," according to one participant. Maria, one of the Kenyan participants, said that in the last election, voting was easier for her than in the previous five she had voted in because she was given permission not to stand in line after producing her disability card.

In addition to often being a cause of anxiety, researchers have found that long queues at the polling station "add to the 'time tax' for voting that disproportionately falls upon people with disabilities".<sup>56</sup> The lack of proxy (or 'absentee') ballots can be a barrier to all people, but research suggests that when this option is available, people with disabilities are more likely to make use of it, in part because it allows them to avoid long queues.<sup>57</sup>

Other accessibility barriers referenced in focus groups or referred to in research include the following:

- ➔ ● Some focus group participants said they sometimes do not vote because they feel unsafe. One in Kenya gave this account: "I am a registered voter and I have voted twice. I experienced very long queues and a lot of pushing and shoving. This was especially disturbing to see the pushing between men and women." Participants in Malawi discussed how political areas were not safe for people with disabilities because of violence and that makes them not attend political rallies, thereby preventing them from engaging in the political process.<sup>58</sup> (In a more hopeful and promising sign, other participants gave examples of how voters with any type of disability were allowed to vote without standing in the queue, and how they were allowed to go in the voting booth with their support person.)
- For people with intellectual disabilities, voting materials may not be available in accessible formats. This means that the ballot paper should be clearly laid out, contain symbols of the parties and photographs of the candidates. A focus group participant in Spain said that "polling station manuals are very complicated".

- In some countries, people with intellectual disabilities are not provided with identity cards, a situation that results in exclusion from political life when identity cards are compulsory to register to vote. In others, people with disabilities are less likely to have such cards than persons without disabilities.<sup>59</sup>

Other barriers exist for people with intellectual or psychosocial disabilities living in **congregate (institutional) care settings** or temporarily placed in mental health hospitals or units. Although the CRPD specifically states that no one should be forced to live in an institutional setting that is isolated or segregated from the community,<sup>60</sup> many countries have yet to reform their mental health and social care systems to prevent this from happening. In some countries, people living in such facilities are automatically prohibited from voting by under the law. In other countries, the management of such institutions simply do not arrange for residents to be able to go to the polling station. Another challenge for some people in such facilities is that they need to re-register because they changed electoral districts when moving into a facility.<sup>61</sup>

Focus group participants from Georgia told UNDP of numerous problems in securing the vote for people detained in hospital, many of whom remain there for very long periods of time. It was noted that the law does not prevent an inpatient from voting unless a guardian is appointed, but in practice many people detained in hospital do not vote anyway. No voting via proxy or by post is allowed in Georgia, so in-person voting is the only way to participate in an election. Participants discussed the arbitrary way in which directors of mental health hospitals prevent patients from voting. One recommended that the staff of such institutions should not be responsible for organizing the voting processes and procedures for residents, but instead that they be arranged directly by the EMB.

The CRPD Committee has called on governments to “[e]nsure that voting procedures, facilities and materials are appropriate, accessible and easy to use for all persons with disabilities.”<sup>62</sup> The results from the research, including the focus group discussions, show that although some countries have made important reforms that have improved the accessibility of procedures and facilities for people with intellectual and psychosocial barriers, governments have yet to address persistent gaps in many places.

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## 7.3 Informational barriers

### Key international standards and obligations:

- ● The CRPD requires information, communication, and materials to be accessible, including those relating to elections. To this end, States have a duty to promote assistance and support to persons with disabilities to ensure their access to information and to promote access for persons with disabilities to new information and communications technologies and systems, including the Internet.<sup>63</sup>

As this CRPD requirement suggests, it is important in all elections that voters are able to receive information – including about registering to vote and how to vote – from trusted sources, especially when it is easy to disseminate ‘fake news’ on the Internet. Information is often more accessible if it is seen to be from people with similar characteristics to voters, a type of source that also can make the information more relevant and applicable. This is where disability services and groups including self-help networks can play a role, including by producing promotional material that is inclusive and accessible to their membership.

### Existing challenges and gaps: observations from the research

The lack of information about candidates, about how to vote, and about the results was discussed in each of the focus groups. A participant in Egypt said, “They don’t give us any information about the candidates. That’s why I don’t know who they are? So how I could take part in the election?”

In Fiji, participants discussed how the lack of information resulted in people with disabilities not being informed about political campaigns and therefore they lacked knowledge about candidates. It was noted in the Asia regional focus group that while some EMBs produced information in accessible formats about the registration process, how to vote and so on, political parties tended not to do so. Participants in that

discussion also recommended that brochures, documents, and ballot papers be in accessible, Easy Read formats.

Participants with psychosocial disabilities in Kenya had similar comments regarding the need for information to be provided in formats that were accessible to persons with disabilities, such as Easy Read, while also stressing the need for information to be made more widely available through community radio and translations to local languages. It was also noted that persons with psychosocial disabilities are often not invited to campaign meetings or community meetings discussing political information.

One of the participants in the Latin America focus group for people with psychosocial disabilities pointed out that a main challenge for many of them is not the content or sophistication of the messaging and policies, but other factors that obstruct the ability to digest information quickly and consistently. That individual said, “I don’t think you should think that a psychosocial disability affects the discernment to be able to understand about policy issues [...] what can happen is that medication or poor mental health care can lead to cognitive status being deteriorated and does not allow us to understand the election processes well”.

People with intellectual disabilities also wanted information to be clear and direct, because otherwise it is difficult to understand candidates’ platforms and what they say. In Mexico, focus group participants noted that there is no information in Easy Read format and the ballots do not contain pictures, which disadvantages people with disabilities who cannot read. Sashi Babu Paudel from Nepal, who has stood for election, said, “In the election manifesto, electoral process are published in small letters and difficult words that we cannot understand. This makes it difficult.”

Participants in the focus group in New Zealand acknowledged that Easy Read information was available, but noted that it was included after the regular information, leaving people with disabilities less time to digest it. They noted that there was no Easy Read information in audio, only in print. Lucy told the UNDP, “Because I could not understand the information I was sent, I decided not to vote in the referendums and couldn’t get help to go over it.”

## Strategies to adapt and address gaps

Several focus groups participants from different countries said they had found ways to adapt nonetheless. One participant from Mexico, Camila, said that her family often had to get involved to provide information to enable her to vote: “In my family, they hold discussion tables that allow me to create spaces for me to comment on the candidates.” Luciana, also from Mexico, said that she used videos on the internet to help her to gain information about the parties and how to vote. A Nepal focus group participant said, “I was shown different voting symbols which belonged to different political parties like tree, etc. and the candidates from these parties. Representatives from [the EMB] taught me the process of casting a vote.”

One of the ideas that focus group participants discussed in Israel, Moldova and Mexico is the concept of mock elections, where people with intellectual disabilities could experience what it is like to vote in a safe and inclusive environment before election day. Participants in Moldova explained how useful it was to have participated in some workshops that an NGO held about voting that included a mock election in addition to the provision of information. A focus group participant from Mexico supported this approach, adding that “having experiences such as mock elections help us to know the real process.”

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## 7.4 Attitudinal barriers

### Key international standards and obligations:

- The CRPD identifies attitudinal barriers and discusses how they can hinder the full and effective participation in society of people with disabilities on an equal basis with others.<sup>64</sup>
- It calls for “an attitude of respect for the rights of persons with disabilities” to be one of the goals to be fostered by the educational system.

- More broadly, the CRPD establishes a duty on the State “to undertake to adopt immediate, effective and appropriate measures” to “combat stereotypes, prejudices and harmful practices relating to persons with disabilities, including those based on sex and age, in all areas of life.”<sup>65</sup>

## Existing challenges and gaps: observations from the research

Attitudes based on stereotypes and false assumptions about people with intellectual or psychosocial disabilities explain, but do not justify, why people continue to be disenfranchised. A common belief is that people with intellectual or psychosocial disabilities do not deserve to be allowed to vote. This belief is antithetical to notions of democracy and the rule of law where the starting point is one person one vote: It is not for the State to ‘give’ people their rights, rather it is the State’s role to protect, respect and fulfil rights.

Worldwide, social and cultural norms operate “on an assumption that people with intellectual disabilities cannot and should not even be making decisions as important as voting”.<sup>66</sup> Enabling relatives with an intellectual disability to vote might not be a priority for a family, which “contributes to their being ignored by government officials and society at large.”<sup>67</sup>

In low- and middle-income countries there has been less research, but where studies have been conducted they show the impact of attitudinal barriers on the political participation of people with disabilities.<sup>68</sup> This research did not include people with intellectual or psychosocial disabilities who are constitutionally barred from voting, but it does give an indication of how and why they remain disenfranchised.<sup>69</sup>

Participants of all focus groups discussed how negative attitudes against people with disabilities lead to stigma, prejudices and stereotypes that in turn lead to discrimination and block **equal access to political processes**. One Latin America focus group participant commented on the lack of people with psychosocial disabilities in government, acknowledging that although there is no requirement to disclosure, “maybe they do exist, but they keep it silent because of the stigma.” Another participant from that region said that people typically do not disclose their psychosocial disability when registering to vote or voting, because doing so leads to problems, not improved accessibility and inclusion. They suggested organizing conversation sessions with politicians and people with psychosocial disabilities, to raise awareness.

Many participants discussed the interplay between attitudes and the law. For example, in Kenya, everyone with a disability requires a special card to ask for reasonable accommodation in the voting process. However, the assessment to obtain such a card is based on a biomedical model, which denies most people with psychosocial disabilities the opportunity to be registered as a person with a disability – and therefore denies them their right to ask for accommodations in the electoral process.

That situation underscores the distinction many people make among different kinds of disabilities, with some considered understandable and legitimate compared with others. Much of the stigma in electoral processes comes from a lack of understanding of election officials about intellectual or psychosocial disability or a recognition of the duty to provide reasonable accommodation. It was noted by the Kenyan focus group that the public and election officials tend to assume that it is persons with visible disabilities such as blindness or motor disabilities who are proper or deserving persons with disabilities.

Attitudinal barriers also exist within political parties. A focus group participant in Spain commented on the lack of people with intellectual disabilities in them: “If we can get more people with intellectual disabilities in political parties, we will overcome many barriers because people will understand our needs and we can change things”.

The lack of substantial involvement and engagement is also a key reason for the poor performance of many electoral officials in creating conditions for full political inclusion of people across the full spectrum of disabilities. EMBs do not consult with people with intellectual or psychosocial disabilities in many countries. For example, whereas the Election Commission of India has invited organizations working with people with psychosocial disabilities on its national steering committee, in Indonesia consultations happened only at the provincial levels and not at the national level, so the federal authorities did not have the feedback of people with disabilities and their representative organizations. Many countries’ EMBs have working groups on disability that do not include any representation from persons with intellectual or psychosocial disabilities.

For example, in Pakistan the EMB has had a disability and gender electoral working group since 2014 that reportedly does not include a person with psychosocial disabilities.

Participants in the Tanzania focus group discussion said that some EMB staff use derogatory language to people with intellectual disabilities, who are believed to be illiterate and unable to vote. Busara, one of the focus group participants, said that her sister was chased away from the polling booth by officials using abusive language when Busara wanted her sister to help her identify the candidates on the ballot paper.

Focus group participants gave positive examples too. For example, in Sri Lanka a cross-disability coalition provides technical support to the EMB, which tends to respond to requests to meet with representatives of psychosocial disability OPDs. The EMB supported one OPD's campaign to develop voter education materials that were given to 324 mental health clinics to reassure and convince persons with disabilities that they have a right to vote. This was coupled with a telephone campaign with groups in 12 districts in which members were called and encouraged to vote then and report back on their experiences. The OPD worked with the media and political parties to reduce derogatory language such as 'lunatics', and as a result the EMB sent a request to all parties to not use derogatory words during election campaigns. As a result of their efforts the chairperson of the EMB issued a public declaration that persons with psychosocial disabilities have the right to vote. This is an example not of law reform, but of working in collaboration with those in positions of responsibility to shift attitudes and change of processes across society.

There were also some examples from focus group discussions of organizations of persons with disabilities training EMBs. One of these was from Tanzania, where the NGO Zanzibar Association of People with Developmental Disabilities with support from UNDP took part in the 2015 general elections as local observers, during which its members advocated for the right of people with intellectual disabilities to participate smoothly in the electoral process. A participant of the Latin America focus group of people with psychosocial disabilities suggested that conversations should start within OPDs, which should "make sure that people talk not only about recovery and mediation, but also about issues related to politics."

A notable and persistent obstacle to full inclusion in political processes is that the **myths of 'crazy' and 'competent' voters** remain strongly believed in much of the world. Common stereotypes include that people with intellectual disabilities are incompetent and that their vote would be based on an inadequate understanding of the issues. Another is that people with psychosocial disabilities are 'mad' and therefore would cast 'crazy' votes that should not be counted. Some people holding these stereotypes believe that the votes of people with disabilities would delegitimize election results. Others believe that because there have been reports of fraud against voters with disabilities,<sup>70</sup> such voters should not be permitted to register to vote. However, the reality is that voter fraud is best dealt with not by limiting the right to vote but taking stronger measures to protect the integrity of the process.

While it may be argued that people with intellectual disabilities are more prone to memory distortions (that is, suggestibility and false memories),<sup>71</sup> emerging evidence is that suggestibility decreases by familiarity, and the decrease is greater for more recent events.<sup>72</sup> Regardless, such arguments are misleading and do not take into account the realities of how politics works. The very purpose of electoral campaigning, including via advertisements in the media (TV, newspapers, etc.) and social media, is to inform and persuade voters. In this way all potential voters – not just those with intellectual disabilities – are subject to influence from advertising by political parties, in much the same way they are by companies selling goods and services.

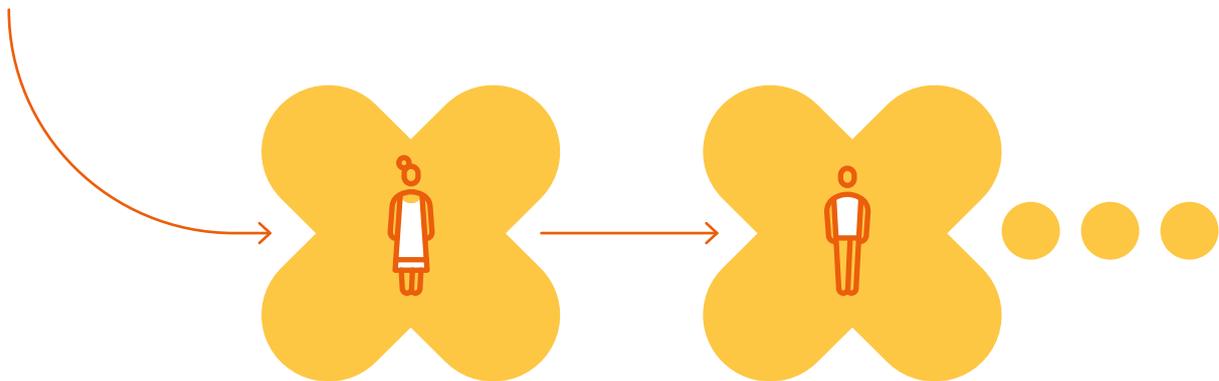
Meanwhile, the myth about people with psychosocial or intellectual disabilities lacking competence to understand political ideas is easily refuted by evidence. There are many examples, some cited by focus group participants and elsewhere in the research for this document, of people with psychosocial or intellectual disabilities informing themselves of the policies of various parties and candidates.

Moreover, because no standards exist that can be fairly defended, defining 'competence' is a subjective act that ultimately has discriminatory impacts. No country has a test of rationality or competence that all voters must successfully pass before being allowed to cast a vote. And even if tests are developed that test the 'competence' of people with (for example) dementia to vote,<sup>73</sup> they would constitute disability-based discrimination, which is unlawful in most countries, unless applied to all potential voters.

Whether such a test could ever be constructed to be politically neutral is doubtful, and any such test would undermine the concept of 'one person, one vote' and would be unworkable. While attempts have been made to construct functional assessments of voting for people with intellectual disabilities,<sup>74</sup> such approaches have been widely rejected as violating human rights. However, the European Court of Human Rights has upheld discriminatory voting systems in two cases that have been widely condemned by bodies including the United Nations Special Rapporteur on the Rights of Persons with Disabilities, as well as NGOs.<sup>75</sup>

Messy and imperfect ideas, vigorous disagreement and a plurality of views are central tenants of every country that purports to respect the concepts of equality and the rule of law. Electoral inclusion is embedded in international human rights law and in this sense, is not up for debate. The focus of political attention should pivot away from how to justify the exclusion of marginalized groups, to how to make the electoral process accessible and available to them to all. Exclusion from political participation leads to or entrenches other human rights violations.<sup>76</sup>

## Exclusion from political participation leads to or entrenches other human rights violations



### Endnotes

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- 39 Soumitra Pathare, 'Does Indian Law Disqualify People with Mental Illness from Voting?', *The Wire*, 5 April 2019, <https://thewire.in/health/mental-illness-right-to-vote>.
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- 51 UN Committee on the Rights of Persons with Disabilities, General Comment No. 2 'Article 9: Accessibility', adopted 11 April 2014, para. 43.
- 52 This provision sets out that "In the development and implementation of legislation and policies to implement the present Convention, and in other decision-making processes concerning issues relating to persons with disabilities, States Parties shall closely consult with and actively involve persons with disabilities, including children with disabilities, through their representative organizations."
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- 73 Appelbaum, P.S., J. Richard, J.D. Bonnie, and J.H. Karlawish. 2005. 'The capacity to vote of persons with Alzheimer's disease. *American Journal of Psychiatry* 162: 2094-100.
- 74 See for example Marcus Redley. 2008. 'Citizens with learning disabilities and the right to vote' *Disability & Society* 23:4, 375-384. DOI: 10.1080/09687590802038894.
- 75 *Strøbye and Rosenlind v. Denmark*, Applications nos. 25802/18 and 27338/18, judgment 2 February 2021; *Caamaño Valle v. Spain*, Application no. 43564/17, 11 May 2021.
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# 8

## Measuring progress using indicators

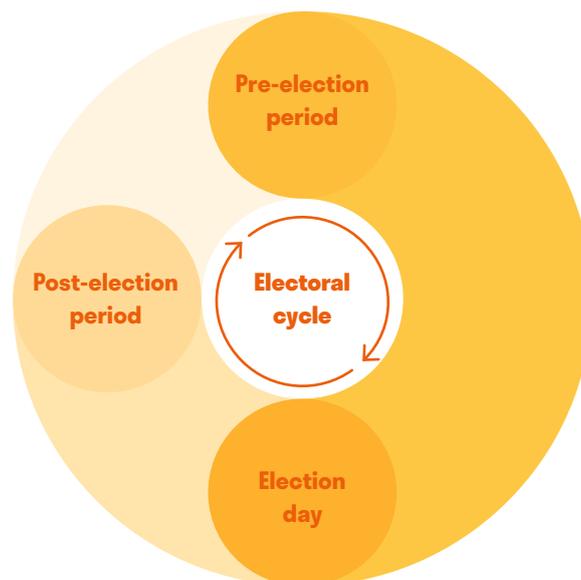
Overcoming the main barriers to the full political inclusion of people with intellectual and psychosocial disabilities in different contexts requires understanding the gaps and having evidence to make the case for reform. This guide introduces a series of indicators that can help to gather this evidence on a regular basis.

All the indicators, which are informed by the results of the focus groups held around the world, are drawn from international human rights law, including concluding observations by the UN Committee on the Rights of Persons with Disabilities (CRPD). Because they are based on and reflect international human rights law and best practice, tracking progress over time will help with the implementation at the domestic level of international human rights standards related to people with intellectual and psychosocial disabilities.

The indicators are for the purposes set out in this guide, and they are not suggestive of conditions that an election must meet in order to be considered legitimate. The indicators are recommended actions that can be taken by electoral stakeholders in order to strengthen the political participation of persons with psychosocial or intellectual disabilities.

## 8.1 Overview of the indicators

The indicators are organized in four categories, each of which focuses on one key part of the electoral cycle. Each category is discussed in a separate section of the document below.



The first is the legal and policy framework. The second category focuses on the pre-election phase, including voter registration, candidate nomination, voter education, electoral preparations and consultation, and matters concerning political parties and the election campaign. The third set of indicators is relevant primarily to election day itself, including voting in polling stations, alternative voting mechanisms, election staff, agents and observers. The final indicator section concerns the post-election period, which includes electoral dispute resolution mechanisms and post-election review.

The broad term 'persons with disabilities' is used in several of the indicators because they are relevant to the rights and political inclusion of people with any sort of disability. Monitoring using the indicators with such language therefore can be broad-based or specific – e.g., focusing on intellectual and psychosocial disabilities – depending on the purpose of the monitoring exercise.

# Key parts of the electoral cycle

## Indicator category 1 Legal and policy framework

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### Legal framework



#### Indicator 1

Legislation is inclusive of persons with disabilities by guaranteeing their right to vote.

#### Indicator 2

Legislation is inclusive of persons with disabilities by guaranteeing their right to stand for office, to effectively hold office, and to perform all public functions at all levels and branches of government on an equal basis with others.

#### Indicator 3

Legislation provides that candidates with disabilities are entitled to support measures.

#### Indicator 4

In planning elections, legislation requires State bodies to undertake consultations and involve organizations of people with disabilities.

#### Indicator 5

Legislation requires information to be made available according to accessibility standards in multiple formats.

#### Indicator 6

Legislation ensures that a person with a disability may vote by secret ballot on their own or be assisted by a person of their choice.

#### Indicator 7

Legislation includes provision for a person with a disability to allocate a proxy to cast his or her vote, in cases where it is not possible for a person to vote in person. (relevant only in cases where proxy voting is an established and well-accepted practice).

#### Indicator 8

Legislation requires State authorities to collect and make public data on voting disaggregated by disability, age and gender while protecting individuals' right to privacy.

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### Policy framework



#### Indicator 9

There is a national disability rights plan that includes political participation.

#### Indicator 10

Organizations of people with disabilities have resources and access to expertise to develop support for their members in exercising their right to vote.

#### Indicator 11

The government allocates a multi-year budget for accessibility of the electoral process.

# Indicator category 2

## Election Cycle

### Pre-election period

#### Voter registration



##### Indicator 12

Information on registration criteria is accessible.

##### Indicator 13

Personal identification documentation, if this is required in order to register to vote, is easily available.

##### Indicator 14

Voter registration processes are physically and digitally accessible.

##### Indicator 15

Registration data are easily available in accessible formats for checking personal details.

##### Indicator 16

Registrants have the opportunity to record any disability they have and support they might need. This information is protected by confidentiality and privacy provisions.

#### Candidate nomination



##### Indicator 17

Information on candidate criteria and nomination process is available in a variety of formats.

##### Indicator 18

The process for submitting nominations is accessible.

#### Voter education



##### Indicator 19

Voter education information is widely available in a variety of formats.

##### Indicator 20

Voter education addresses stereotypes by showing people with different types of disabilities participating in the election process.

##### Indicator 21

Voters can easily check specific polling arrangements.

#### Electoral preparation and consultation



##### Indicator 22

Election administration information is available to the public, including in accessible formats.

##### Indicator 23

The EMB closely consults with people with intellectual or psychosocial disabilities and their representative organizations.

##### Indicator 24

The EMB adopts its own disability plan.

##### Indicator 25

The EMB has a policy that demonstrates its commitment to inclusion of people with different types of disabilities in its staff and work.

##### Indicator 26

Training by the EMB for all staff and poll workers includes the rights of persons with intellectual/psychosocial disabilities.

#### Political parties and the election campaign



##### Indicator 27

A candidate with disability has access to support measures.

##### Indicator 28

All main parties have policies that promote participation by persons with intellectual or psychosocial disabilities.

##### Indicator 29

Candidates and parties provide information on their manifestos and positions in accessible formats.

##### Indicator 30

Campaign events are accessible to people with disabilities.

##### Indicator 31

The media promotes discussion on disability issues.

# Indicator category 3

## Election cycle

### Election day

#### Election day



##### Indicator 32

Clear, Easy Read information is available to voters with intellectual disabilities and voters with psychosocial disabilities and their support persons on how to vote, including provisions for persons with disabilities.

##### Indicator 33

Voters have *de facto* assistance in the polling station from a person of choice.

##### Indicator 34

The polling station is a calm, safe and supportive environment.

##### Indicator 35

A clear and easy-to-use complaints system is in place.

##### Indicator 36

The ballot paper is clear.

#### Alternative voting mechanisms



##### Indicator 37

Any alternative voting mechanisms prescribed in the law are used to facilitate participation by voters with intellectual disabilities and voters with psychosocial disabilities.

#### Election staff, agents and observers



##### Indicator 38

The election administration makes provision for including people with intellectual or psychosocial disabilities as election personnel.

##### Indicator 39

Parties and candidates make provision for including people with intellectual or psychosocial disabilities as agents.

##### Indicator 40

Observing organizations make provision for including people with intellectual or psychosocial disabilities as observers.

# Indicator category 4

## Election cycle

### Post-election period

#### Results process



##### Indicator 41

Results data are available in real time and are accessible to people with disabilities.

#### Electoral dispute resolution



##### Indicator 42

The complaints and appeals system is accessible to people with intellectual or psychosocial disabilities.

##### Indicator 43

Information on how to make complaints and appeals is accessible.

##### Indicator 44

Assistance is available for making complaints and appeals.

#### Post-election review



##### Indicator 45

A post-election review process collates data on the opportunities of people with intellectual or psychosocial disabilities to have participated in the elections.

**This section explains how governments, civil society and other stakeholders engaged and with influence in electoral processes can use the indicators outlined in detail below in section 9 to measure the current situation in a country, develop an action plan for reform, and then monitor progress.**

The following four sections provide information on a series of indicators organized in several categories and sub-categories. These proposed indicators aim to support stakeholders from all sectors to assess gaps and barriers to the full political inclusion of persons with intellectual and psychosocial disabilities and to measure progress over time to address them. The results can be used for a variety of purposes, including reporting on international commitments related to disability and rights and advocacy at national, regional and global levels.

It is suggested that a multistakeholder assessment process be prioritized. This would mean that representatives from all government, civil society and all other relevant stakeholder sectors work together to create a baseline report and an action plan. Moreover, any stakeholder using these indicators should ensure the participation of people with intellectual disabilities and people with psychosocial disabilities in the process. Consultation is vital, and no organization – be it a government body, national human rights organization or international organization – should forgo this vital element of the process.

### What is a baseline report?

A baseline report is a document setting out the current reality, based on evidence. It can be useful for providing a framework for deciding on ways forward and tracking progress against goals and targets. The information can also be used for reporting by countries to national stakeholders and internationally to treaty bodies.

Different stakeholders in political inclusion and electoral processes could have several reasons for using the indicators to prepare a baseline report. For example:

- A government might conduct an analysis to better understand gaps and shortcomings in enfranchisement and to identify potential policies to address them.
- A national human rights institution could create a baseline report and action plan that will feed into a report to the CRPD.
- A coalition of OPDs could create a baseline report to inform its advocacy at the domestic and international levels.
- A parliamentary committee responsible for constitutional matters could use the indicators to identify gaps in legislation so that it can draft a bill to be introduced in Parliament.

### How to use the indicators to create a baseline report

The indicators can be used by any of the stakeholder groups for whom this guide has been written. Whether acting alone or in collaboration, the group or groups using the indicators will need to carry out desk research to gather documents such as laws, policies, action plans, manifestos, and statistics. This desk research step is essential for several indicators.

A recommended next step in creating a baseline report is for the stakeholder groups involved to hold **workshops** to go through the indicators. A workshop may be a group of people in the same room, or it could be conducted online. Whichever stakeholder group(s) conduct a workshop, it is important to always include and fully engage with persons with intellectual disabilities and people with psychosocial disabilities, as this will help to ensure that the results are more accurate and meaningful. To enable comfortable and consistent engagement by all participants, workshop facilitators must ensure that it is inclusive to everyone. This may mean providing an Easy Read version of the indicators and any other relevant documents, making sure that everyone uses simple language, having more regular breaks, and welcoming participants' support persons if requested.

## How the scoring works

Under each indicator is a score grid. When completing the indicator set as a group during workshops, a facilitator could ask each participant to insert a tick (check) ✘ into the box that best describes the current situation.

### Score

Measure	Tick one box
Not met	
Just started	
Making good progress	✘
Fully met	
Not applicable	

The facilitator can then aggregate these scores. For example, the following grid shows that there were 10 participants. Five scored 'just started', four 'making good progress' and one 'fully met'.

### Score

Measure	Tick one box
Not met	0
Just started	5
Making good progress	4
Fully met	1
Not applicable	0

The group can then review each of the scores and jointly agree on what to take forward for inclusion in the baseline report – for example, the average score, the lowest score in case there is a disagreement, or some other formula.

The scores for all indicators used are the basis of a baseline report that reflects the assessed current reality.

# 9

## Detailed indicator checklist

The CRPD emphasizes participation of people with disabilities in all areas of life. The strongest way to achieve participation in elections is through the adoption and implementation of laws and policies that abolish any discrimination or exclusion of people with disabilities from the electoral process, and positively promote their participation and access to democratic processes. Legislation must be inclusive of persons with disabilities, which means there should be no discrimination in law based on disability, mental capacity or legal capacity that prevents a potential voter from exercising their right to vote and stand as a candidate.

Legislation must ensure that a person with disability may participate at all levels and branches of government on an equal basis with others. Policies should be in place to situate progress in electoral reform within broader disability rights initiatives and to ensure that people with disabilities and their representative organizations are trained on how they can participate in elections.



### 9.1.1 Legal framework

#### Overview

Many of the indicators in this guide focus on election laws. However, because the rights of people with intellectual or psychosocial disabilities are referred to in and influenced by other laws, regulations and policies, attention must be given to those broader documents and more extensive legal framework when considering the human rights protections that relate to political participation. These include equality laws, laws that govern freedom of speech and assembly, freedom of association and media freedom.

A potentially wide range of other laws also should be reviewed, given that one of the primary means by which people with intellectual or psychosocial disabilities are excluded from political participation is through the deprivation or restriction of their legal capacity. Depending on the jurisdiction, these may include the country's constitution, its civil code, civil procedure code, family laws as well as specific mental health and mental capacity laws.



**Indicator 1.** Legislation is inclusive of persons with disabilities by guaranteeing their right to vote.

Reaching this basic standard of equality requires the following:

- A.** There are no provisions in the country's constitution, legislation or regulations that restrict the right to vote of a person with disabilities (including those with psychosocial disabilities, intellectual disabilities, or those deemed not to have sufficient mental capacity);
- B.** There are no legal provisions that constitute direct or indirect discrimination on the basis of a disability – for example, provisions that exclude from voter registration persons “of unsound mind”, people labelled as “insane”, “incompetent” or “incapable”, etc.;
- C.** No laws should exclude a person from voting on account of any test of physical or mental ability or related to the person's ability to write, read, and speak an official language;
- D.** People deprived of their legal capacity and placed under guardianship should not be excluded from the right to vote;
- E.** In countries where there is no guardianship but where a support person is appointed, the lack of availability of such a support person should not be a reason to deprive the person with a disability from their right to vote;

- F. The law should not contain any blanket bans or provide for an individual assessment of capacity to vote, whether by a medical professional, administrative officer or judge;
- G. The law should not exclude from voting a person with disabilities currently residing in an institution (such as a mental health hospital or social care home), whether for short- or long-term; and
- H. The law should not mandate or allow exclude inaccessible or unreasonable registration procedures or requirements that might directly or indirectly restrict the right to vote of persons with disabilities.

Measure	Tick one box
Not met	
Just started	
Making good progress	
Fully met	
Not applicable	



**Indicator 2.** Legislation is inclusive of persons with disabilities by guaranteeing their right to stand for office, to effectively hold office and to perform all public functions at all levels and branches of government on an equal basis with others. Meeting this indicator means there is no provision in the constitution, legislation or regulations that restricts the right of persons with disabilities to be elected and hold office. It also means that the electoral system provides access for a person with intellectual or psychosocial disabilities who wishes to stand for office to the support that they might need to do so.

Measure	Tick one box
Not met	
Just started	
Making good progress	
Fully met	
Not applicable	



**Indicator 3.** Legislation provides that candidates with disabilities are entitled to support measures. The law should set out an entitlement for candidates with disabilities to the support they may require so they can stand for office on an equal basis with others. Support measures could, for example, include a political party providing its manifesto in Easy Read format, or a person with psychosocial disabilities not having to attend big political rallies if it would be detrimental to their well-being.

Measure	Tick one box
Not met	
Just started	
Making good progress	
Fully met	
Not applicable	



**Indicator 4.** In planning elections, legislation requires State bodies to undertake consultations and involve organizations of people with disabilities. There is a legal provision that places a requirement to consult organizations of people with intellectual or psychosocial disabilities. The legal provision(s) requires the EMB and where applicable, local government, to consult in regard to running the elections, and media in regard to media access and coverage.

Measure	Tick one box
Not met	
Just started	
Making good progress	
Fully met	
Not applicable	



**Indicator 5.** Legislation requires information to be made available according to accessibility standards in multiple formats. The formats should include plain language Easy Read. The information included in this requirement should cover a wide range of relevant areas, including electoral administration announcements, voter education, and how to make complaints and appeals. Legislation could also require political parties (or political parties over a certain size) to produce multi-language and multi-format information.

Measure	Tick one box
Not met	
Just started	
Making good progress	
Fully met	
Not applicable	



**Indicator 6.** Legislation ensures that a person with a disability can vote by secret ballot on their own or be assisted by a person of their choice. This involves the provision of reasonable accommodation to facilitate voting in practice and also applies to people with intellectual or psychosocial disabilities.

Measure	Tick one box
Not met	
Just started	
Making good progress	
Fully met	
Not applicable	



**Indicator 7.** Legislation includes provision for a person with a disability to allocate a proxy to cast his or her vote, in cases where it is not possible for a person to vote in person (relevant only in cases where proxy voting is an established and well-accepted practice). In order to reduce the risk of a person's choice being manipulated, legislation should create a corresponding criminal offence for a proxy voter intentionally not honouring a person's choice.

Measure	Tick one box
Not met	
Just started	
Making good progress	
Fully met	
Not applicable	



**Indicator 8.** Legislation requires State authorities to collect and make public data on voting disaggregated by disability, age and gender, while protecting individuals' right to privacy. This indicator aims to ensure that data are captured on disability and type of disability as well. There should be a legal provision(s) that places a duty on government to collect information, including statistical and research data, about people with intellectual or psychosocial disabilities who are voters, candidates and those who are elected. Such data collection should be based on self-reporting, and the laws and policies guiding it should include the right for individuals to withhold information, meet international standards on confidentiality and data protection, and uphold every individual's right to privacy (including of health information).<sup>77</sup>

Measure	Tick one box
Not met	
Just started	
Making good progress	
Fully met	
Not applicable	



## 9.1.2 Policy framework

### Overview

Legislation can both prevent denial of rights – for example, by not containing any prohibitions or restrictions on voting or standing for election of people with intellectual or psychosocial disabilities – and promote the safeguarding of rights, for example by containing positive measures to facilitate the right to vote and stand for election for all, including people with intellectual or psychosocial disabilities. Yet whether reactive and proactive, legislation on its own does not lead to practical reforms and improvement. Policies are needed to put critical laws into action. Therefore, in addition to legislation, governments should develop policies to provide more detail than laws, set measurable milestones to implement them, and ensure that implementation is independently monitored.



**Indicator 9.** There is national disability rights plan that covers political participation. The scope of the plan should include people with intellectual or psychosocial disabilities. It should include the right to vote in and stand in elections; be widely available and in formats that people with intellectual disabilities can access; and include specific objectives, responsibilities and timelines. The plan should be developed with the active involvement and close consultation of people with disabilities, including intellectual and psychosocial, and their representative organizations.

Measure	Tick one box
Not met	
Just started	
Making good progress	
Fully met	
Not applicable	



**Indicator 10.** Organizations of people with disabilities have resources and access to expertise to develop support for their members in exercising their right to vote. Training to strengthen their capacity to participate in policymaking, undertake advocacy and support individuals in participating in political and public life should be offered to civil society organizations that work with, are led by and support people with disabilities, including those living with intellectual or psychosocial ones.

Measure	Tick one box
Not met	
Just started	
Making good progress	
Fully met	
Not applicable	



**Indicator 11.** The government allocates a multi-year budget for accessibility of the electoral process. Budgeted funds for use at the national level (e.g., to make information available in various formats) and the local level (e.g., to adapt polling stations) should be sufficient to ensure reasonable accommodation and support measures to persons with disabilities to exercise the right to vote and be elected, hold office and perform public functions.

Measure	Tick one box
Not met	
Just started	
Making good progress	
Fully met	
Not applicable	

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## 9.1.3 Making the indicators ‘fully met’: suggested actions and priorities for different stakeholders

### Suggestions for governments

- 
- Initiate a legislative review of election laws based on an inclusive and participatory processes. The review should include the constitution.
  - Introduce into Parliament proposals to repeal/amend discriminatory laws (at federal or lower government levels, if relevant) that exclude voters on the basis of disability in general; mental health; intellectual disability; mental incapacity; legal incapacity (guardianship, conservatorship, trusteeship); or the need for support in exercising legal capacity.
  - Introduce legislation into Parliament that:
    - requires State bodies to undertake consultations with and involve organizations of people with disabilities, including intellectual or psychosocial disabilities, in planning elections;
    - requires election information to be made available according to accessibility standards in multiple formats including Easy Read;
    - clearly states that candidates with disabilities are entitled to support measures; and
    - requires State authorities to collect and make public voting data disaggregated by disability, age and gender.
  - Adopt a policy of affirmative action promoting and supporting people with disabilities, including intellectual or psychosocial disabilities, to stand for election. This means that not only should people with intellectual or psychosocial disabilities be permitted to stand for election, but there should be campaigns and processes that proactively encourage and support people to do so.
  - Through close consultation with representative organizations of people with disabilities, including intellectual disabilities and psychosocial disabilities, adopt a national disability plan that includes the right to vote and stand in elections. Any plan developed should clearly specify the inclusion of people with intellectual or psychosocial disabilities.
  - Provide funding for training activities on the right of people with intellectual or psychosocial disabilities to vote to organizations of people with disabilities.
  - Allocate spending specifically directed to promote and ensure the ability of people with disabilities, including intellectual or psychosocial disabilities, of the right to vote and be elected.

### Suggestions for EMBs

- 
- Provide clear information on electoral participation of persons with disabilities.
  - Make suggestions for legislative reform to promote participation of persons with disabilities.
  - Use regulatory authority to complement legislation and provide maximum opportunities for inclusion.
  - Contribute to preparing, implementing and reviewing national plans on disability.
  - Track additional costs involved in making electoral processes more accessible.
  - Gather and disseminate to the public data on the electoral participation of persons with disability, while maintaining individuals' right to privacy.

## Suggestions for Parliament

- ● Review legislative provisions that may have an impact on electoral participation, including legal capacity laws and mental health laws, in consultation with civil society and the NHRI.
- Undertake reviews, for monitoring and evaluation purposes, following implementation of any revised legislation and/or general election.

## Suggestions for NHRIs and NGOs

- ● Undertake a review of the legal framework using the indicators in this guide.
- Undertake monitoring of implementation of the legal and policy framework. Identify any gaps and make them public, including by reporting to domestic bodies, the CRPD Committee and other international and regional human rights mechanisms.
- Advocate for full legal provisions to support the participation of persons with intellectual or psychosocial disabilities in elections.
- Provide clear suggestions to the Parliament for legislative changes and be available for consultation and to offer legislative and police advice to ensure compliance with international human rights standards.
- Contribute to preparing, implementing and reviewing national plans on disability and promote participation of and consultation with persons with intellectual or psychosocial disabilities at all stages of the plans.
- Promote awareness-raising campaigns on the right of persons with disabilities to participate in public and political life.
- Support a robust complaints process, including by raising awareness among persons with disabilities about their options, including available remedies, and helping to provide legal aid.
- Identify internal training needs and seek support from experts and donors.
- Meaningfully involve persons with disabilities, including those with intellectual or psychosocial disabilities and their representative organizations, in the above actions.

## Suggestions for election observation organizations

- ● Based on a review of the indicators, identify recommendations that involve law or policy reform or would be strengthened through revision of law and policy to ensure full participation of persons with intellectual or psychosocial disabilities in elections.

## Suggestions for international organizations

- ● Provide promising practice examples from other countries to assist government and other stakeholders at the national level to undertake law and policy reform.

## Action plan

After the indicators have been reviewed and a baseline established, stakeholders and others can then discuss what actions need to be taken, by whom and by when to get each indicator to 'fully met'. The actions can be recorded in a simple table such as this template below:

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**Action**

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**How can this be measured?**

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**Who will do this?**

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**By when?**

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This section covers the period before election day and includes indicators relevant for voter registration, candidate nomination, voter education, electoral preparation and consultation and political parties and the election campaign.



### 9.2.1 Voter registration

#### Overview

Typically, a person can only vote in an election if they are listed on the voter register held by an election management body (EMB) that has responsibility for conducting elections where they live. It is therefore critical that eligibility criteria are inclusive and people with intellectual or psychosocial disabilities can easily register. It is therefore critical that eligibility criteria are inclusive and people with intellectual or psychosocial disabilities can easily register — although all registration processes and procedures need to be balanced with checks to protect the integrity of the process. In countries where there is mandatory voting, the voter register should include all people with disabilities, regardless of their legal capacity and whether they are living in institutions.



**Indicator 12. Information on registration criteria is accessible.** Such information should meet established accessibility standards. It should clearly explain that people with intellectual or psychosocial disabilities have the right to register as voters, how to register, and any special provisions made to facilitate registration by persons with disabilities. It should also state that people with intellectual or psychosocial disabilities can bring someone with them the polling station to provide assistance. Information should be in accessible formats, including Easy Read for people with intellectual disabilities, as well as multimedia materials.

Measure	Tick one box
Not met	
Just started	
Making good progress	
Fully met	
Not applicable	



**Indicator 13.** Personal identification documentation, if this is required in order to register to vote, is easily available. Personal identification documentation that is difficult to obtain can have a disproportionately negative impact on the ability of people with intellectual or psychosocial disabilities to participate in elections – and in such instances is a clear source of disability-based discrimination. In some countries, obtaining an identity card is linked to legal capacity status. Such linkages can be significant legal barriers to exercising the right to vote because they make it impossible for potential voters to participate in an election unless they apply to the authorities to lift restrictions on their legal capacity. In many cases, these applications are denied or ignored.

Measure	Tick one box
Not met	
Just started	
Making good progress	
Fully met	
Not applicable	



**Indicator 14.** Voter registration processes are physically and digitally accessible. Whenever and wherever in-person registration is undertaken, all facilities should be physically accessible, information should be available in different formats, and the environment should be calm, safe and supportive. People who assist a person with disabilities should also be welcomed. Security personnel should conduct themselves in a way that helps ensure inclusion and convenient, safe registration for everyone. If registration is online, the website should conform with Web Content Accessibility Guidelines (WCAG).

Measure	Tick one box
Not met	
Just started	
Making good progress	
Fully met	
Not applicable	



**Indicator 15.** Registration data are easily available in accessible formats for checking personal details. It should be easy for all prospective voters and their support persons to check that registration details are accurate, and there should be a simple way for them to request a correction in the case of error. Information should be available in various different ways to facilitate easy access to all relevant procedures.

Measure	Tick one box
Not met	
Just started	
Making good progress	
Fully met	
Not applicable	



**Indicator 16.** Registrants have the opportunity to record any disability they have and support they might need. This information is protected by confidentiality and privacy provision. If a person with a disability needs a form of reasonable accommodation in the electoral process, including on election day, there should be a clear process for them to inform the EMB or other relevant election officials. The process should contain strict measures to protect the confidentiality of the voter, including in regard to information about their health or disability status.

Measure	Tick one box
Not met	
Just started	
Making good progress	
Fully met	
Not applicable	



## 9.2.2 Candidate information

### Overview

The candidate nomination process should be accessible to enable fulfilment of the right to stand for election for all people. If this does not happen, prospective candidates with intellectual or psychosocial disabilities are in effect discriminated against.



**Indicator 17.** Information on candidate criteria and nomination process is available in a variety of formats. The information should clearly explain candidate eligibility criteria, how nominations should be submitted, and any special provisions made to facilitate registration by persons with disabilities.

Measure	Tick one box
Not met	
Just started	
Making good progress	
Fully met	
Not applicable	



**Indicator 18.** The process for submitting nominations is accessible. To better enable the participation of people with intellectual and psychosocial disabilities, the process should ensure welcoming environments for them as well as any support persons and personal assistants who accompany them. Accessibility also requires efficient processes that are not overly burdensome.

Measure	Tick one box
Not met	
Just started	
Making good progress	
Fully met	
Not applicable	



### 9.2.3 Voter education

#### Overview

Citizens need to know how to vote and why voting is important, and to be able to understand the whole process. Voter education that achieves these goals enables elections to be a meaningful and inclusive.



**Indicator 19.** Voter education information is widely available in a variety of formats. There should be a variety of different ways for prospective voters to easily learn how to vote. All relevant information should be available online and it should be promoted through a wide range of channels, including through services and locations that people with intellectual or psychosocial disabilities use such as community centres and support groups. Voter information should be provided to all residents of congregate care settings, including people with intellectual or psychosocial disabilities. It should also introduce and clearly explain provisions to promote participation by persons with disabilities, including being able to have someone to assist and to choose that person themselves.

Measure	Tick one box
Not met	
Just started	
Making good progress	
Fully met	
Not applicable	



**Indicator 20.** Voter education addresses stereotypes by showing people with different types of disabilities participating in the election process. An example of a step toward achieving this objective could be for all education information to feature people with intellectual or psychosocial disabilities talking about participating in an election. Another approach Another approach could be to arrange for voter education to be facilitated through organizations of persons with disabilities, including those that include and support people with intellectual disabilities and psychosocial disabilities.

Measure	Tick one box
Not met	
Just started	
Making good progress	
Fully met	
Not applicable	



**Indicator 21.** Voters can easily check specific polling arrangements. Voters should be able to easily and quickly learn which polling station they are registered to vote at as well as what arrangements are available to ensure the accessibility of persons with disabilities. It can also be helpful if voters have the opportunity to record individual needs during voter registration or at other points before election day, so that polling stations can be prepared accordingly and the accessibility information updated as needed.

Measure	Tick one box
Not met	
Just started	
Making good progress	
Fully met	
Not applicable	



## 9.2.4 Electoral preparation and consultation

### Overview

Consultation enables an election administration to be more responsive to the needs of stakeholders and different communities, and therefore to offer a more effective service and to be more trusted. Article 4(3) of the CRPD expressly requires States, in the development and implementation of legislation and policies “shall closely consult with and actively involve persons with disabilities [...] through their representative organizations”.

As part of accountable transparent governance, citizens are entitled to receive information about the functioning of the election administration (or election management body, ‘EMB’) that oversees elections in their jurisdictions, in order scrutinize its actions. When such information is not publicly available or easy to find if available, it can be especially difficult for people with intellectual or psychosocial disabilities to hold the election administration to account. Extensive, proactive consultation on the part of election authorities can help to ensure that such ease-of-access issues are fully addressed.



**Indicator 22.** Election administration information is available to the public, including in accessible formats. This can include election management decisions, plans, and data (including results). The information should be available on the internet for easy access and clearly structured to be user-friendly.

Measure	Tick one box
Not met	
Just started	
Making good progress	
Fully met	
Not applicable	



**Indicator 23.** EMBs closely consults with people with intellectual or psychosocial disabilities and their representative organizations. Consultation should be regular and be undertaken centrally and also at local levels.

Measure	Tick one box
Not met	
Just started	
Making good progress	
Fully met	
Not applicable	



**Indicator 24.** EMBs adopts their own disability plan. These plans should ensure accessibility of registration, nomination and voting procedures; materials and information; and complaint mechanisms. The plans should also mandate and monitor inclusive practices regarding voter education

Measure	Tick one box
Not met	
Just started	
Making good progress	
Fully met	
Not applicable	



**Indicator 25.** EMBs have a policy that demonstrates its commitment to inclusion of people with different types of disabilities in its staff and work. While some EMBs might already employ people with intellectual or psychosocial disabilities, others might not have taken steps to employ them or know whether they already do. All election administrations should have a policy that demonstrates their commitment to diversity, including by proactively hiring people with disabilities into permanent and temporary positions and providing them with reasonable adjustments.

Measure	Tick one box
Not met	
Just started	
Making good progress	
Fully met	
Not applicable	



**Indicator 26.** Training by EMBs for all staff and poll workers includes the rights of people with intellectual or psychosocial disability. Such training should refer to their rights as guaranteed nationally and internationally; the barriers they face in election processes (e.g., environmental, attitudinal, legal and in communications, etc); how to remove those barriers; and duties in respect to accessibility, assistance by person of choice, and reasonable accommodations.

Measure	Tick one box
Not met	
Just started	
Making good progress	
Fully met	
Not applicable	



## 9.2.5 Political parties and the election campaign

### Overview

During most election campaigns, parties and candidates provide information in printed materials, speeches, debates and through various other outlets that can help voters make informed choices. This is also a key time during the process for candidates and parties to commit to future actions should they be elected. Parties' platforms on disability and inclusion are critical guides for future actions regarding the inclusion of people with intellectual or psychosocial disabilities. At the same time, a lack of references to or commitments regarding disability and inclusion is a strong signal as well.

Parties have another key role during campaigns because they typically serve as gatekeepers in determining who will run under their banner. Thus, they often can make decisions about fielding candidates with intellectual or psychosocial disabilities.



**Indicator 27.** A candidate with a disability has access to support measures. Any candidate with a disability, including a candidate with an intellectual or psychosocial disability, should have access to the support they need to stand as a candidate on an equal basis with others. Such support could come from their political party or from government funds.

Measure	Tick one box
Not met	
Just started	
Making good progress	
Fully met	
Not applicable	



**Indicator 28.** All main parties have policies that promote participation by persons with intellectual or psychosocial disabilities. These policies should be publicly available and should act to encourage people with intellectual or psychosocial disabilities to participate. For them to be as effective as possible, involving people living with these disabilities in drafting the policies is essential.

Measure	Tick one box
Not met	
Just started	
Making good progress	
Fully met	
Not applicable	



**Indicator 29.** Candidates and parties provide information on their manifestos and positions in accessible formats. This should include simplified versions that are easy to read and understand.

Measure	Tick one box
Not met	
Just started	
Making good progress	
Fully met	
Not applicable	



**Indicator 30. Campaign events are accessible to people with disabilities.** Events such as town hall gatherings and rallies involving candidates should be safe, welcoming and accessible environments, with Easy Read information available and a variety of event formats. Security personnel should behave in ways that help facilitate inclusion, including by accommodating reasonable needs of people with intellectual and psychosocial disabilities (e.g., being accompanied by a support person). Online campaign events should also be accessible to people with disabilities.

Measure	Tick one box
Not met	
Just started	
Making good progress	
Fully met	
Not applicable	



**Indicator 31. The media promotes discussion on disability issues.** As emphasized in Article 8 of the CRPD, the media have an important role to play in challenging stereotypes. The State should not encroach on the media’s independence and freedom of expression, but it should encourage media to interview people with disabilities; give additional opportunities to candidates with disabilities, including those with intellectual and psychosocial disabilities; and promote discussion of disability issues during the campaign.

Measure	Tick one box
Not met	
Just started	
Making good progress	
Fully met	
Not applicable	

## 9.2.6 Making the indicators ‘fully met’: suggested actions and priorities for different stakeholders

### Suggestions for governments

- ● Ensure that the system of issuing personal identification documentation (if it exists in the jurisdiction) is known by people with intellectual or psychosocial disabilities, is accessible to them, and is not conditional on an individual’s legal capacity status.
- Provide disability training to security staff working on voter registration and campaign events. Through observation, monitoring and soliciting feedback from people with disabilities, ensure that they provide an inclusive facilitating service.

## Suggestions for EMBs

- Well in advance of a forthcoming election, undertake consultations with people with intellectual or psychosocial disabilities and their representative organizations to understand previous barriers to voter registration and candidate nomination.
- Disseminate to the public registration criteria and information on the process for registering to vote.
- Make available to the public information about voter registration and participation in a variety of formats, including Easy Read ones. Explain provisions for persons with disabilities, including being able to have a person of choice to assist in voting.
- Ensure the widespread availability of inclusive voter education material that shows persons with disabilities, including intellectual and psychosocial disabilities, participating in elections. Disseminate this information to places and services used by persons with intellectual or psychosocial disabilities.
- Make processes as accessible and welcoming as possible, in particular for voter registration and candidate nomination. Plan for how polling stations can accommodate people with disabilities, including by bringing a support person to the polling station.
- Train all staff to ensure the right to vote is equally enjoyed and exercised by persons with intellectual or psychosocial disability as well as other types of disability. Train staff to take an intersectional approach, which refers to taking into consideration a wide range of health, social, economic and other factors that affect their lives and ability to participate in elections. (For example, a voter with a disability might also be living in poverty, have other disabilities, be from an ethnic minority, be LGBTI+, etc.)
- Promote inclusive election administration and delivery of services, in keeping with the CRPD and other international human rights commitments.
- Adopt a policy on recruitment of persons with disabilities, including people with intellectual or psychosocial disabilities.

## Suggestions for media

- Consult with organizations of people with disabilities on how to promote people with intellectual or psychosocial disabilities in media coverage of the election process.
- Provide election information in clear accessible languages and in different formats.
- Ask candidates and parties about their policies on people with intellectual or psychosocial disabilities.
- Interview and prepare stories about people with intellectual or psychosocial disabilities to record their viewpoints, show their relevance to the process and help to overcome stereotypes.
- Ask the election administration what measures are being taken to promote the participation of people with intellectual or psychosocial disabilities in the electoral process.

## Suggestions for political parties

- Adopt clear policies on the party's inclusion of people with intellectual or psychosocial disabilities, including as candidates.
- Adopt policies aimed at supporting and improving the lives and rights of people with intellectual or psychosocial disabilities, a step that can boost the party's engagement with voters while also helping them assess different parties' positions on disability issue.

- Provide information, including the party's manifesto if it has one, in a variety of formats and make information as clear and easy to access and understand as possible.
- Make campaign events accessible through using a variety of formats; having Easy Read information; and ensuring that events are safe and welcoming for people with intellectual or psychosocial disabilities.

## Suggestions for NGOs

- 
- Review EMBs' actions and policies, and advocate for improved access to elections by people with intellectual or psychosocial disabilities.
  - Circulate education information among people with intellectual or psychosocial disabilities, to promote participation as candidates and voters. Explain provisions for persons with disabilities, including being able to have a person of choice to assist.
  - Review the performance of publicly funded media and make suggestions and advocate for improved access. Organizations of people with disabilities (OPDs), including those serving and staffed by those with intellectual and psychosocial ones, should make this a top priority.
  - Prepare materials for members to speak to the media about electoral inclusion and other election-related issues.
  - Find out if individuals with intellectual and psychosocial disabilities in the organization and elsewhere want assistance in participating in the electoral process.

## Suggestions for election observation organizations

- 
- Ask EMBs, the media, and parties about their policies on promoting the electoral inclusion of people with intellectual or psychosocial disabilities.
  - Meet with OPDs and seek their views and suggestions on the electoral inclusion of people with intellectual or psychosocial disabilities.
  - Research and review whether in practice people with intellectual or psychosocial disabilities do actually participate in elections, what barriers they face, and the initiatives that they and others have undertaken to address the barriers and increase participation.
  - Ensure that elections are accessible for people placed in institutional settings including psychiatric hospitals and social care facilities.
  - Make recommendations for how to improve the participation of people with intellectual or psychosocial disabilities in the electoral process.
  - Have a positive public policy on recruitment of people with intellectual or psychosocial disabilities.
  - Train all staff in disability matters, including intellectual and psychosocial disabilities. in order to promote inclusive observation.
  - Provide information in a variety of formats and make it as clear and easy as possible for people with intellectual or psychosocial disabilities to access and understand.

## Action plan

After the indicators have been reviewed and a baseline established, stakeholders and others can then discuss what actions need to be taken, by whom and by when to get each indicator to 'fully met'. The actions can be recorded in a simple table such as this template below:

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**Action**

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**How can this be measured?**

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**Who will do this?**

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**By when?**

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These indicators focus on what happens on election day. The three categories include voting in polling stations, alternative voting mechanisms, and election staff, agents, and observers. (To note: Postal votes are sent in advance and therefore are not technically part of election day processes. However, postal voting referred to in this category because it is a form of alternative voting.)



### 9.3.1 Voting in polling stations

#### Overview

In-person voting at polling stations should be as accessible as possible to enable people with intellectual or psychosocial disabilities to cast their vote in the same way as any other registered voter. This may require additional support from a person of choice, and also for information to be made very clear and easy to read.



**Indicator 32.** Clear, Easy Read information is available to voters with intellectual disabilities and voters with psychosocial disabilities and their support persons on how to vote, including provisions for persons with disabilities. This should include information on the possibility of having assistance from a person of choice, what to do if a voter or their support person makes a mistake when marking their ballot, and how to make a complaint. The information should be clear and easily available in Easy Read format. Information about complaints mechanisms should also be provided before the election takes place.

Measure	Tick one box
Not met	
Just started	
Making good progress	
Fully met	
Not applicable	



**Indicator 33.** Voters have *de facto* assistance in the polling station from a person of choice. In addition to being provided for in law, this needs to be realized in practice. Reasonable accommodation for both the voter and their support person should be provided when such support is requested. This could include, for example, more time for the voter with an intellectual disability, a space for the voter and their supporter to sit down so that the supporter can go through the ballot paper with the voter with intellectual disability, or a quiet area being made available for a person with psychosocial disability and their supporter if the voter finds it distressing to be in an open, noisy polling station.

Measure	Tick one box
Not met	
Just started	
Making good progress	
Fully met	
Not applicable	



**Indicator 34.** The polling station is a calm, safe and supportive environment. Polling stations should be orderly and there should be time to explain things such as letting people know what to do if someone (e.g., their support person) makes a mistake on their ballot. Such an environment should promote people with disabilities being a part of the process and welcome support persons. Security personnel should behave in a way that helps facilitate inclusion and shows they are taking a rights-based approach to security. This means, for example, that they should prioritize supporting voters and the work of the election administration, explain their actions as required, minimize force and promote a calm welcoming environment.

Measure	Tick one box
Not met	
Just started	
Making good progress	
Fully met	
Not applicable	



**Indicator 35.** A clear and easy-to-use complaints system is in place. The system should enable the election administration to review complaints and provide rapid remedies as appropriate.

Measure	Tick one box
Not met	
Just started	
Making good progress	
Fully met	
Not applicable	



**Indicator 36.** The ballot paper is clear and as easy as possible to interpret. To assist people who may not be able to read, or have difficulty reading, symbols should be used. Photographs of the candidates should also be considered.

Measure	Tick one box
Not met	
Just started	
Making good progress	
Fully met	
Not applicable	



### 9.3.2 Alternative voting mechanisms

#### Overview

While voting like other citizens is the primary aim for persons with disabilities, in some cases it might not be possible for them to go to a polling station. This may be because they cannot leave their home for one or more reasons or are detained in an institutional setting from which they cannot by law leave. In these cases, reaching them and allowing them to participate requires alternative voting mechanisms, including postal voting (where the voter fills in a ballot paper and posts it to the specified authority in advance of election day) and mobile voting (where election officials take ballot papers out of polling stations for filling in elsewhere, for example in a care home).

These and other alternative mechanisms can make it easier for people to take part in an election but can jeopardize the integrity of the process. For example, others may be able to see how a voter has cast their postal ballot, and there can be increased pressure and intimidation with mobile voting. Therefore, these alternative voting mechanisms should be used only when it is difficult or impossible for persons with disabilities to vote in polling stations like other voters.



**Indicator 37.** Any alternative voting mechanisms allowed by law are used to facilitate participation by voters with intellectual or psychosocial disabilities. The importance of maintaining integrity should be emphasized, especially secrecy and making a free choice without intimidation or pressure. Where possible, people with intellectual or psychosocial disabilities should be encouraged to vote at polling stations and offered the necessary support to do so.

Measure	Tick one box
Not met	
Just started	
Making good progress	
Fully met	
Not applicable	



### 9.3.3 Election staff, agents and observers

#### Overview

The election administration usually has a large number of temporary staff working for it on election day in polling stations and results centres. Similarly, parties and candidates usually have their own partisan observers and agents representing their interests at all stages of the process.



**Indicator 38.** The election administration makes provision for including people with intellectual or psychosocial disabilities as election personnel. This can be measured, for example, by non-discrimination provisions in recruitment policies, human resource policies on mental health, evidence of welcoming new recruits who identify as having intellectual or psychosocial disabilities, and evidence of adjusted and accessible working practices to the benefit of people with intellectual or psychosocial disabilities.

Measure	Tick one box
Not met	
Just started	
Making good progress	
Fully met	
Not applicable	



**Indicator 39.** Parties and candidates make provision for including people with intellectual or psychosocial disabilities as agents. This can be measured, for example, by non-discrimination provisions in recruitment policies, evidence of the party or candidate welcoming applications by people with intellectual or psychosocial disabilities, and evidence of adjusted and accessible working practices, including the option of having a support person at all times while working as an agent.

Measure	Tick one box
Not met	
Just started	
Making good progress	
Fully met	
Not applicable	



**Indicator 40.** Observing organizations make provision for including people with intellectual or psychosocial disabilities as observers. This can be measured, for example, by non-discrimination provisions in recruitment policies, evidence of the observation body welcoming applications to be observers by people with intellectual or psychosocial disabilities, and evidence of adjusted and accessible working practices, including the option of having a support person at all times while working as an observer.

Measure	Tick one box
Not met	
Just started	
Making good progress	
Fully met	
Not applicable	

### 9.3.4 Making the indicators ‘fully met’: suggested actions and priorities for different stakeholders

#### Suggestions for governments

- ● Provide disability training to security staff working on election day. Ensure that they provide a human rights-based service, including by facilitating access by voters with intellectual or psychosocial disabilities.
- Ensure that laws are in place that require the election administration to be inclusive and not to discriminate on the basis of disability in the recruitment of its staff and observers. This includes the provision of reasonable accommodations, one of which might be the option of having a support person.
- Ensure that laws are in place that require political parties not to discriminate on the basis of disability.
- Ensure that laws are in place that forbid EMBs from discriminating on the basis of disability.

#### Suggestions for EMBs

- ● Provide information in a variety of formats and make it as clear and easy as possible to access and understand. In the information, explain provisions for people with intellectual or psychosocial disabilities being able to have a person of choice to assist.
- Make polling as accessible and welcoming as possible, including by allowing and enabling voters with intellectual or psychosocial disabilities to bring a support person if they would like to.
- Try to minimize the risks involved in alternative ways of voting, including by promoting secrecy of the ballot and the right of everyone to make their own choice without intimidation or pressure.
- Have a positive public policy on recruitment of people with intellectual or psychosocial disabilities.

## Suggestions for political parties

- ● Adopt a policy on recruitment that welcomes people with intellectual or psychosocial disabilities as agents and prohibits disability-based discrimination.
- Train agents to adopt a positive, inclusive approach that makes the voting experience welcoming for all, including in regard to people with intellectual or psychosocial disabilities. In particular, this can cover the right to support from a person of choice.

## Suggestions for NGOs

- ● Provide practical support to people with intellectual or psychosocial disabilities who might need help getting to the polling station and participating. This practical support might also include recommending in advance that the person requesting alternative voting mechanisms if in-person participation seems likely to be difficult.
- Promote the idea that people with intellectual or psychosocial disabilities apply to become election administration staff or election observers.

## Suggestions for election observation organizations (including NHRIs, if they play an election observation role)

- ● Closely review and assess that the rights of people with intellectual or psychosocial disabilities are upheld on election day, including being able to access polling stations without hindrance and having support from a person of their choice.
- Ensure that proper electoral processes are in place in institutional settings where persons with intellectual or psychosocial disabilities are residing.
- Adopt a policy that covers recruitment of persons with intellectual or psychosocial disabilities as observers.
- Prepare observers on State obligations with regard to the duty to include and accommodate people with intellectual or psychosocial disabilities in elections. In particular, this can cover the right to support from a person of choice and clear accessible voting processes.

## Action plan

After the indicators have been reviewed and a baseline established, stakeholders and others can then discuss what actions need to be taken, by whom and by when to get each indicator to 'fully met'. The actions can be recorded in a simple table such as this template below:

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**Action**

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**How can this be measured?**

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**Who will do this?**

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**By when?**

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The final set of indicators is relevant for the period after each election. This includes the time when results come in, electoral dispute resolution and post-election review.



### 9.4.1 Results process

#### Overview

Complete results data should be easily publicly accessible, so that the public knows which (and understands why) each candidate or party is declared the winner and can check the official totals. This is important for all citizens and stakeholders to be able to trust the announced results.



**Indicator 41.** Results data are available in real time and are accessible to people with disabilities. Although election data can be complex, efforts should be made to ensure that they are as easy to access and understand as possible. For people with intellectual disabilities, this may mean producing results in an Easy Read format. It is helpful if there are explanations of the processes involved to generate the data and how stakeholders can check results. Data are most accessible if they are promptly available on the Internet with extensive breakdowns by polling station.

Measure	Tick one box
Not met	
Just started	
Making good progress	
Fully met	
Not applicable	



### 9.4.2 Electoral dispute resolution (EDR)

#### Overview

EDR is used throughout an election, but especially after election day when the election process and results can be challenged. It is an essential check in any election. It is particularly important that groups that have historically been marginalized in election processes, such as people with disabilities, can access complaints and appeals mechanisms.

In countries where voting is mandatory, failure to vote carries the risk of a fine. People with disabilities should have a simple mechanism to excuse themselves from paying the fine if they have not been able to vote in practice due to accessibility and social barriers.



**Indicator 42.** The complaints and appeals system is accessible to people with intellectual or psychosocial disabilities. The systems should be capable of reviewing processes and results and providing a meaningful remedy. EDR should provide clear decision information to complainants, and for people with intellectual disabilities this might include Easy Read information.

Measure	Tick one box
Not met	
Just started	
Making good progress	
Fully met	
Not applicable	



**Indicator 43.** Information on how to make complaints and appeals is accessible. The government should ensure that information about EDR is disseminated so that citizens are aware of how to make a complaint, and what help is available. Such information should be accessible to people with intellectual or psychosocial disabilities.

Measure	Tick one box
Not met	
Just started	
Making good progress	
Fully met	
Not applicable	



**Indicator 44.** Assistance is available for making complaints and appeals. For administrative complaints this could include explicit provision for the right to assistance from a person of choice when making complaints. For judicial petitions, accessible independent legal assistance should be available to help ensure meaningful access to remedy.

Measure	Tick one box
Not met	
Just started	
Making good progress	
Fully met	
Not applicable	



## 9.4.3 Post-election review

### Overview

A post-election review enables lessons to be learned about what went well and what could be improved, including in terms of the ability of people with intellectual or psychosocial disabilities to vote if they wanted to. It is crucial to use the time between elections to undertake such reviews, which can include consultations and research that result in suggestions for institutional reform and legal amendments.



**Indicator 45.** A post-election review process collates data on the opportunities of people with intellectual or psychosocial disabilities to have participated in the elections. The review process should include consulting with a wide range of representative organizations of people with intellectual or psychosocial disabilities to get their views on all aspects of the election process. The review should include collation and analysis of both quantitative and qualitative data, including the following:

#### Quantitative data

- Number and proportion of people with disabilities registered to vote. Given the sensitivities of classification, options to give people when seeking such information might include, “I consider myself to have an intellectual disability” or “I consider myself to have a cognitive disability”, both of which allow the person to self-identify.
- Number and proportion of people with disabilities who exercised the right to vote, including disaggregation by gender, age, geographic location and those voting in institutional settings.
- Number and rates of complaints in relation to participation by people with psychosocial disabilities. This information, compared with similar data regarding the general public, can help to determine if people with disabilities are facing disproportionate challenges in voting.

#### Qualitative data

- The subjective experience by people with disabilities of any barriers to (i) registering to vote, (ii) voting, (iii) following the election, and (iv) standing as a candidate (if relevant).
- Solutions that people with intellectual disabilities found or were offered as well as solutions that were not offered but they would recommend being put into place for future elections.

Such data should be disaggregated by type of disability, gender, age and geographic location.

Measure	Tick one box
Not met	
Just started	
Making good progress	
Fully met	
Not applicable	

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## 9.4.4 Making the indicators ‘fully met’: suggested actions and priorities for different stakeholders

### Suggestions for governments

- ● Ensure that legislation requires a post-election review, and that such reviews include looking at disability inclusion.
- Consider and incorporate findings from post-election reviews into its own policies and strategies.

### Suggestions for the judiciary

- ● Train judges and staff on State obligations on disability and electoral participation, including with regard to people with intellectual or psychosocial disabilities.
- Provide accessible services that support persons with people with intellectual or psychosocial disabilities in electoral participation.

### Suggestions for EMBs

- ● Provide accessible information, including Easy Read results data. Make this information publicly available in real time on the Internet, with a full results breakdown. Provide clear explanation of how to check results data.
- Publish a complaints system that is accessible for persons with intellectual or psychosocial disabilities and includes clear information on how to make complaints at all stages of the process and how to make appeals. The system should include provision for help from a person of choice.
- Provide clear information on complaints decisions.
- Organise a participatory post-election review with representative organizations that considers current and future participation of people with intellectual or psychosocial disabilities.
- Publish the data in an accessible way to the public.

### Suggestions for NGOs

- ● Provide assistance to people with intellectual or psychosocial disabilities wishing to make complaints or make applications to court.
- File complaints and make applications to court related to inclusion and the participation of people with intellectual or psychosocial disabilities.
- In accessible, Easy Read information, promote and disseminate awareness of how to make complaints and appeals.
- Advocate for the collection and dissemination of data that are disaggregated by disability, gender, age, and geographic location.
- Meaningfully involve persons with intellectual or psychosocial disability and their representative organizations in the above-mentioned actions.

## Suggestions for NHRIs

- ● Ensure that the institution's process for receiving and handling complaints about the electoral process is accessible to persons with intellectual or psychosocial disabilities.
- Provide legal aid to persons with intellectual or psychosocial disabilities.
- Raise awareness about possible remedial actions and redress, including alternative dispute resolution.

## Suggestions for election observation organizations

- ● Check the electoral process and identify any shortcomings, including in regard to the inclusion and the participation of people with intellectual or psychosocial disabilities. Make findings publicly available to increase awareness and provide information that can be used by people with disabilities and civil society organizations in petitions and advocacy.
- Make clear recommendations that include references to people with intellectual or psychosocial disabilities, if relevant.

## Action plan

After the indicators have been reviewed and a baseline established, stakeholders and others can then discuss what actions need to be taken, by whom and by when to get each indicator to 'fully met'. The actions can be recorded in a simple table such as this template below:

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**Action**

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**How can this be measured?**

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**Who will do this?**

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**By when?**

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## Endnotes

77 For more information on data and elections, see Privacy International's webpage <https://privacyinternational.org/learn/data-and-elections>.

# 10

## Further resources

### **UN Committee on the Rights of Persons with Disabilities**

General comment No. 1 'Article 12: Equal recognition before the law', 2014

General comment No. 2 'Article 9; Accessibility', 2014

General comment No. 6 "Equality and non-discrimination", 2018

General comment No. 7 'Participation of persons with disabilities, including children with disabilities, through their representative organizations, in the implementation and monitoring of the Convention', 2018

### **UN Special Rapporteur on the rights of persons with disabilities**

'Participation of persons with disabilities in political and public life', A/HRC/31/62, 12 January 2016

'Legal capacity and supported decision-making', A/HRC/37/56, 12 December 2017

### **UN High Commissioner for Human Rights**

'Thematic study by the Office of the United Nations High Commissioner for Human Rights on participation in political and public life by persons with disabilities', A/HRC/19/36, 21 December 2011

'Fourth Annual Interactive Debate of the Human Rights Council on the Rights of Persons with Disabilities:

Interactive Debate on Participation of Persons With Disabilities in Political and Public Life' 1 March 2012

SDG-CRPD resource package including human rights indicators on the CRPD, and 'Data source for outcome indicators on Article 29', 2020

### **UNDP**

'Disability Inclusive Development in UNDP', 2018.

'Inclusive Electoral Processes: A Guide for Electoral Management Bodies on Promoting Gender Equality and Women's Participation', 2015

'Preventing violence against women in Elections: A programming guide', 2017.

'Youth participation in Electoral Processes: Handbook for Electoral Management Bodies', 2017

### **Fundamental Rights Agency of the European Union**

'Legal capacity of persons with intellectual disabilities and persons with mental health problems', February 2013

'Indicators on the right to political participation of people with disabilities', 2 April 2014

'Voting rights for people with disabilities - What you need to know', 2014

'Parliaments - How can you encourage more people with disabilities to vote?', 2014

'Political participation indicators infographic - Election authorities', 2014

'Political parties - the votes of people with disabilities count too', 2014

'Support organisations - How can you help people with disabilities to vote?', 2014

### **Inclusion International**

'Accessing the Ballot Box: A Concept Paper on What Political Participation Means for People with Intellectual Disabilities and their Families', October 2015.

'Inclusive Civil Engagement: An Information Toolkit for Families and People with Intellectual Disabilities', October 2015.

'Accessing the Ballot Box: Inclusive Civic Engagement for People with Intellectual Disabilities: An Information Toolkit for Governments', October 2015.

'My voice matters! Plain-Language Guide on Inclusive Civil Engagement', October 2015.

### **International Foundation for Electoral Systems: IFES**

'International Language Guidelines on Disability', 15 February 2017. The publication is available in Arabic, Bahasa, English, French, Kyrgyz, Russian, Spanish and Ukrainian.

### **OSCE/ODIHR**

'Handbook on Observing and Promoting the Electoral Participation of Persons with Disabilities', 1 September 2017. This publication is available in Albanian, Bosnian, Croatian, English, Macedonian, Montenegrin, Russian and Serbian.

'Persons with Disabilities and Ensuring their Right to Participate in Political and Public Life', 13 September 2017. This document is available in English and Russian.

'Guidelines on Promoting the Political Participation of Persons with Disabilities', 15 March 2019.

This document is available in Easy Read format, as well as English, Russian and Uzbek.

### **Privacy International**

Data and elections, <https://privacyinternational.org/learn/data-and-elections>.





United Nations Development Programme  
304 East 45th Street, FF Building, New York, 10017  
[www.undp.org](http://www.undp.org)