



IDA Human Rights Publication Series - The Right to Vote and to Stand for Election Contents

IDA's Human Rights Publication Series is an annual journal dedicated to sharing and gathering information, practices and experiences related to implementation of the UN Convention on the Rights of Persons with Disabilities (CRPD) from different sources including organisations of persons with disabilities (DPOs), NGOs, national human rights institutions (NHRIs), United Nations human rights mechanisms and other actors, with a focus on highlighting positive examples of CRPD compliance. It aims to respond to an increased demand for additional guidance on implementation given the diversity and multiplication of practices worldwide.

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II. Interviews

[A new era for the political participation of persons with disabilities - Interview with the UN High Commissioner for Human Rights, Navanethem Pillay](#), p 8

The UN High Commissioner for Human Rights speaks about the principal findings drawn from the 2011 OHCHR study on participation in political and public life by persons with disabilities, including commenting on the measures which States should take to align their practices with the CRPD as well as the role to be fulfilled by NHRIs, Parliaments, courts, and others.

[The Arab Spring and the rise of Tunisians with disabilities - Interview with Imed Ouertani](#), p 12

Imed Ouertani, President of the Tunisian Organisation for the Promotion of the Rights of Persons with Disabilities, recounts how persons with disabilities, following the Arab Spring, have been reclaiming their voices and seizing opportunities to contribute to the building of the new Tunisian democracy by taking action to exercise and promote their right to political participation.

III. International Developments

[Gábor Gombos - Implications of the paradigm shift on the right of persons with disabilities to vote and stand for election](#), 17

The CRPD brought about a paradigm shift with respect to the rights of persons with disabilities, at the heart of which lie non-discrimination and the enjoyment and exercise of legal capacity- inherent to all rights of persons with disabilities. The CRPD Committee's reviews actively uphold the paradigm shift with respect to the right to vote and stand for election, and standards of regional human rights mechanisms are evolving in that direction.



[Theresia Degener - The right to political participation: from exclusion to universality](#), p 22

Persons with disabilities have historically been marginalised and excluded from participating in political and public life. This exclusion has been challenged and continues to be so by various regional and global human rights mechanisms, moving to an effective universal right to political participation.

[Thomas Hammarberg - A new era for the political participation of persons with disabilities](#), p 26

International human rights law no longer accepts that persons with disabilities are deprived of their right to political participation, and it is in society's interest to reflect the diversity of all its citizens. Society now needs to accommodate the different needs of persons with disabilities by facilitating support for the exercise of their rights and by abolishing their restriction or substitution, including those based on discriminatory assessments by judges and doctors of an individual's competence or capacity.

[Victoria Lee - The right of persons with disabilities to political participation before the UN Human Rights Committee : current developments](#), p 29

The UN Human Rights Committee is actively addressing the right to vote of persons with disabilities in the context of its country reviews during its present session.

IV. Generating change

Global

[Inclusion International - The Right to Vote: Beyond the Ballot Box](#), p 34

Inclusion International's research and experience in the Americas demonstrates that engaging people with intellectual disabilities in the electoral process before, during and after elections builds democracies that are more inclusive and reflective of the needs of persons with disabilities.

[World Blind Union - The challenges of voting and standing for election for blind and partially sighted persons](#), p 35

There are several barriers facing blind and partially sighted persons in the act of voting and standing for election which need to be eliminated by introducing measures of accessibility, inclusion and universal design.

[Aryeh Neier, Open Society Foundations - Truly participatory, inclusive democracies require the abolition of restrictions on voting rights for people with disabilities](#), p 38

The continued existence of limitations on the right to vote of persons with disabilities obstructs the construction of inclusive and vibrant democracies. Such restrictions persist in laws and through guardianship systems, yet there are examples in which persons with disabilities have been successful in having their rights recognised and restored.

[Virginia Atkinson, International Foundation for Electoral Systems - Opening doors](#), p 40

Providing support to election management bodies and civil society organisations in reviewing election laws, preparing accessible voter registration materials, accessible elections, engaging in international cooperation and civic education all contribute to removing barriers and ensuring a political process inclusive of persons with disabilities.

[Shantha Rau Barriga and Rebecca Schleifer, Human Rights Watch - Democracy Delivered: Universal Suffrage without Exceptions](#), p 42

Persons with disabilities are often stripped of the right to vote under the guise that they can be manipulated or are incapable of making informed decisions. There are increasing trends of the prohibition of these exclusions and provision of support to persons with disabilities to participate in political and public life. This is not just good practice, but an obligation: the CRPD requires governments to involve DPOs and experts with disabilities in implementing and monitoring the treaty provisions, including Article 29 therein.



Africa

Rebeca Alamo and Guilaine Thebault Diagne, Handicap International

[Benin: From the law to the voting booth - the right to vote in action](#), p 43

[Mali: The man who wasn't looking for politics](#), p 44

[Niger: From the right to run for election to the right to vote](#), p 45

[Sierra Leone: Getting involved in electoral processes, from local to national](#), p 46

Examples from Benin, Mali, Niger and Sierra Leone where projects are being carried out by Handicap International and local DPO partners to promote the active participation of persons with disabilities in the politics and electoral processes of their countries, both as voters and candidates in elections.

[Joseph Enyegue Oye, Sightsavers Cameroon - Accessible Elections for Persons with Disabilities in Cameroon](#), p 47

In 2010, a study showed that only 32.2% of persons with disabilities voted in elections in Cameroon. Project AEPD was initiated to: raise awareness amongst persons with disabilities of their right to vote; render elections more accessible; provide training workshops including for persons with disabilities to become election observers; and collect data. As a result of these efforts, it was identified that 75% of registered voters with disabilities participated in Cameroon's Presidential elections of 2011.

Americas

[Maria Soledad Cisternas Reyes - The right to vote of persons with disabilities in Chile: Law no 20.183 as a factor of progress for inclusive democracy](#), p 49

The Constitutional Act on voting and elections of 2007 recognises the right to support in the act of voting for persons with disabilities in Chile. The process towards the adoption of this law began with legal action before the courts which in turn inspired research and the development of a civil society advocacy project to promote the right to vote of persons with disabilities.

Asia Pacific

[Commissioner Rene V. Sarmiento, Commission of Elections of Philippines - A Rights-Based Approach to Philippine Electoral Rights](#), p 51

Along with criminally convicted persons, persons who have been declared by a competent authority as "insane or incompetent" are disqualified from exercising their right to vote in the Philippines. This provision results in the discrimination against persons with psychosocial and intellectual disabilities and is contrary to a rights-based approach which recognises that each individual is entitled to exercise their own rights, not as a privilege, favour or benefit, but as a matter of principle.

[New Zealand Human Rights Commission - Political participation for everyone: Disabled people's rights and the political process](#), p 52

Following public consultation with persons with disabilities to identify the barriers and challenges to their political participation, the NZ Human Rights Commission published a report in 2012 outlining international human rights standards, NZ legislation, good practices from abroad, the Commission's own experience and research, and its recommendations to ensure that disabled people can fully exercise their right to vote and participate in political life.

[Chosen Power \(People First Hong Kong\) - A Chosen Message](#), p 54

Engaging with international and country level human rights mechanisms and national institutions, DPOs are advocating for the right to vote of all persons with disabilities in Hong Kong, in particular for the repeal of laws which disqualify from voting persons deemed "incapable by reason of mental incapacity", and for accessibility measures and voter assistance during elections to be recognised and provided for in the law.

[Nagase Osamu - Deprivation of voting rights found unconstitutional in Japan](#), p 57

The Tokyo District Court ruled that it was unconstitutional for the Election Law to deprive persons under guardianship of their right to vote. District Court Judge encouraged the petitioner to use her political rights and take part in society.



Europe

[European Disability Forum - Disability votes count! An overview of applicable EU legal standards on the right to vote](#), p 59

A brief overview of EU and Council of Europe law and policies which align themselves with the CRPD and which should serve to reinforce participation by persons with disabilities in the 2014 European Parliament elections.

[Diane Mulligan - Access to Elected Office for Persons with Disabilities in the United Kingdom](#), p 61

In the UK, measures are being taken to promote persons with disabilities to elected office including the adoption of a strategy to raise awareness, provide training and development opportunities and ensure the adoption of disability access policies. Further, the law allows for the reservation of places on political party candidate shortlists for persons with disabilities where there is inequality in the party's representation, and political parties can adopt positive measures in their selection arrangements for the purposes of encouraging more disabled candidates to come forward.

[Leander Palleit, German Institute for Human Rights – The role of Germany's National CRPD Monitoring Body in implementing Article 29](#), p 63

The German Institute for Human Rights, designated as both the NHRI and national CRPD monitoring body, is taking action to promote the right to political participation of persons with disabilities, including advocating for legal reform for the abolition of exclusions from the right to vote.

[Klaus Lachwitz, Lebenshilfe - Engaging MPs in Law Reform to Secure the Right to Vote in Germany](#), p 64

Self-advocates engage with members of the *Bundestag* in efforts to seek the repeal of discriminatory disqualifications from the right to vote in federal elections.

[Kristijan Grđan, Shine – Association for Social Affirmation of People with Psychosocial Disabilities - At least 16,355 people with disabilities in Croatia have their right to vote restored: a victory for democracy](#), p 66

In December 2012, the Croatian Parliament adopted a law which restored the right to vote to people deprived of their legal capacity. Shine, in conjunction with other DPOs, NGOs and the Disability Ombudsperson, took action before the Parliament and the Constitutional Court, and continues to do so, to ensure the equal right to vote of persons with disabilities on the basis of Article 29 of the CRPD.

[Branka Meić, Office of the Disability Ombudsperson of Croatia- Campaigning for the restoration of the right to vote](#), p 68

The Disability Ombudsperson of Croatia in support of DPO advocacy to guarantee the right to political participation of persons with disabilities.

[Sándor Gurbai, Gábor Halmai, Lycette Nelson and Maroš Matiaško, Mental Disability Advocacy Center - Voting Rights and Guardianship: Hungary, Czech Republic and Slovakia](#), p 69

An overview of litigation, court decisions and current political and legislative developments in Hungary, Czech Republic and Slovakia on the right to vote and its connection with the right to legal capacity.

[Pia Justesen, Justadvice - Legal Capacity and the Right to Vote in Denmark](#), p 72

In Denmark, being placed under guardianship entails the loss of voting rights in breach of several provisions of the CRPD. The Danish Institute for Human Rights has recognised this conflict in Danish law and is advocating for the reform of election laws to ensure that persons with disabilities are entitled to exercise their right to vote.



Middle East and North Africa

[Lebanese Association for Self Advocacy - My Right: the Right to Vote](#), p 73

LASA, together with other DPOs and NGOs, conducted a campaign to advocate for the right to vote for persons with intellectual disabilities which included education and training for self-advocates and their families, and cooperating with government ministries to identify barriers to their voting and propose solutions, one of which was the training by self-advocates of electoral officers across Lebanon.

[Shirley Galor and Noa Bitan, AKIM Israel - Voting for all in Israel](#), p 75

In the lead up to the January elections in Israel, AKIM Israel published a plain language booklet in an effort to provide people with intellectual disabilities with equal opportunities to access information on candidates and their political platforms and on the election process generally. This initiative was welcomed by civil society and the government alike, and facilitated the making of free and informed voting choices by individuals.

V. Resources

[IDA - Compulsory voting systems: dilemmas and advocacy solutions](#), p 77

[IDA - Timely actions for monitoring and advocating for the implementation of the right to vote and to be elected](#), p 79

VI. Readers' Feedback

IDA invites readers to send in their comments and suggestions on this edition of the journal to publication@ida-secretariat.org, and to share and exchange on practices with respect to the right to political participation of persons with disabilities on the [IDA CRPD Forum Listserv](#).

The [International Disability Alliance \(IDA\)](#) is a unique, international network of global and regional organisations of persons with disabilities. Established in 1999, each IDA member represents a large number of national disabled persons' organisations (DPOs) from around the globe, covering the whole range of disability constituencies. IDA thus represents the collective global voice of persons with disabilities counting among the more than 1 billion persons with disabilities worldwide, the world's largest – and most frequently overlooked – minority group. Currently comprising eight global and four regional DPOs, IDA's mission is to advance the human rights of persons with disabilities as a united voice of organisations of persons with disabilities utilising the [Convention on the Rights of Persons with Disabilities](#) and other human rights instruments.

IDA members are: [Disabled Peoples' International](#), [Down Syndrome International](#), [Inclusion International](#), [International Federation of Hard of Hearing People](#), [World Blind Union](#), [World Federation of the Deaf](#), [World Federation of the DeafBlind](#), [World Network of Users and Survivors of Psychiatry](#), [Arab Organization of Persons with Disabilities](#), [Pacific Disability Forum](#), [Latin American Network of Non-Governmental Organizations of Persons with Disabilities and their Families \(RIADIS\)](#), and the [European Disability Forum](#).