

## Article 29 – CRPD recommendations to EU Member States

Recommendations on 22 EU Member States reviewed by the CRPD Committee. Belgium was also reviewed but there was no recommendation on article 29.

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#### **Austria (CRPD/C/AUT/CO/1)**

48. The Committee commends the State party for its upholding of article 29 of the Convention by allowing all persons to vote including persons with intellectual and/or psychosocial disabilities. However, it does appear that many polling booths are not fully accessible to persons with disabilities.

**49. The Committee recommends that more work be done to ensure that voting is fully accessible to all persons, irrespective of disability, and that voting information is provided in all accessible formats.**

### **Bulgaria (CRPD/C/BGR/1)**

61. The Committee notes with concern that the legislation of the State party deprives persons with disabilities under guardianship, in particular persons with intellectual disabilities of their right to vote and stand for elections. It furthermore notes that some polling stations are not accessible and that information and communications related to elections are not fully accessible.

**62. The Committee recommends that the State party amend its legislation and bring it into line with provisions of articles 12 and 29 of the Convention enabling all adult persons with disabilities to exercise their right to vote and stand for elections. It also recommends that the State party produce information about elections, in accessible formats, including in Easy Read and allocate financial and technical resources to strengthen physical accessibility to polling stations.**

### **Croatia (CRPD/C/HRV/CO/1)**

45. The Committee is concerned that the electoral process is not yet fully accessible to all persons with disabilities. Furthermore it is concerned about the still low number of persons with disabilities in executive and representative public bodies.

**46. The Committee recommends that measures be taken to make the electoral process fully accessible to all persons with disabilities and to facilitate participation of persons with disabilities in representative and executive bodies.**

### **Czech Republic (CRPD/C/CZE/CO/1)**

56. The Committee is concerned that under the new Civil Code and the election legislation persons with disabilities with restricted legal capacity may be denied the right to vote or to stand for election, or vote at referendums. The Committee is also concerned that election materials are reportedly rarely accessible to blind persons or to persons with intellectual disabilities, that polling stations are often not physically accessible, that ballots may not be accessible to blind persons.

**57. The Committee recommends that the State party amend the relevant laws so that all persons with disabilities can enjoy the right to vote and stand for election regardless of guardianship or other regimes. It also recommends that the State party ensure, through legislative and other measures, the accessibility of ballots and election materials, and of polling stations.**

### **Cyprus (CRPD/C/CYP/CO/1)**

57. The Committee is deeply concerned that persons with intellectual and/or psychosocial disabilities are not adequately included, supported and trained to exercise their right to vote and stand for election, with some also being legally deprived of those rights. The Committee is furthermore concerned about the absence of data regarding the effective exercise of these rights by persons with disabilities.

**58. The Committee recommends that the State party expeditiously take legislative amendments to guarantee to all persons with disabilities the right to vote and to stand for election and to collect reliable and disaggregated data regarding their exercise of those rights.**

### **Denmark (CRPD/C/DNK/CO/1)**

60. The Committee is concerned that under the Constitution, the Parliamentary Elections Act and other electoral laws, and the Guardianship Act (section 6), persons under guardianship are not allowed to vote or to stand for election in parliamentary, municipal, regional or European Parliament elections, or referendums. The Committee is also concerned that election materials are reportedly rarely accessible to blind persons or to persons with learning and intellectual disabilities, that polling stations are often not physically accessible, that ballots may not be accessible to blind persons, and that persons under guardianship may not be able to freely choose the kind of voting assistance that they would wish to use.

**61. The Committee recommends that the State party amend the relevant laws, including the Parliamentary Elections Act and other laws governing municipal, regional and European Parliament**

elections, so that all persons with disabilities can enjoy the right to vote and stand for election regardless of guardianship or other regimes. It also recommends that the State party ensure, through legislative and other measures, the accessibility of ballots and election materials, and of polling stations, and that it ensure that freely chosen, adequate and necessary assistance is provided in order to facilitate voting by all persons.

#### **Estonia (CRPD/C/EST/CO/1)**

56. The Committee notes with concern:

- (a) The discriminatory provisions of the Code of Civil Procedure denying the rights of persons with disabilities to vote and to be elected when they have been subjected to restricted legal capacity;
- (b) The lack of accessibility to voting procedures, facilities and materials, as well as to information about elections, including public electoral debates, electoral programmes, online or printed election materials, all of which limits the effective political participation of persons with hearing impairments and persons with intellectual disabilities.

**57. The Committee recommends that the State party:**

- (a) Repeal all discriminatory provisions denying the rights of persons with disabilities to vote and to be elected;**
- (b) Guarantee that electoral and voting procedures, facilities and online or printed election materials are accessible in plain language and Easy Read, thereby facilitating their use by all persons with disabilities.**

#### **France (CRPD/C/FRA/CO/1)**

58. The Committee notes with concern:

- (a) The lack of accessibility of voting procedures, facilities and materials as well as of election campaigns for persons with disabilities, particularly affecting persons with intellectual disabilities;
- (b) Barriers in legislation for persons with disabilities under guardianship to stand as candidates in national and local elections;
- (c) Low participation of persons with disabilities in public and political life, including in election campaigns.

**59. The Committee recommends that the State party:**

- (a) Ensure accessibility of voting procedures, facilities and materials as well as of election campaigns for all persons with disabilities, including by applying support measures for persons with intellectual disabilities through alternative and augmentative modes of information;**
- (b) Repeal article L200 of the Electoral Code concerning restrictions to be elected in national and local elections for persons under substituted decision-making;**
- (c) Ensure that persons with disabilities can effectively and fully participate in political and public life on an equal basis with others, including the right and opportunity for persons with disabilities to vote and to stand for elections.**

#### **Germany (CRPD/C/DEU/CO/1 )**

53. The Committee is concerned about exclusion of persons with disabilities from electoral rights stipulated in Section 13 No. 2 and No. 3 of the Federal Electoral Act (BWG) and equivalent Länder legislation as well as practical barriers preventing persons with disabilities from exercising the right to vote on an equal basis with others.

**54. The Committee recommends that the State party repeal all laws and regulations that deprive persons with disabilities of the right to vote, reduce barriers and put in place appropriate support mechanisms.**

#### **Hungary (CRPD/C/HUN/CO/1)**

45. The Committee is very concerned about the provision in the State party's new Fundamental Law which permits a judge to remove the right to vote from those with "limited mental ability", and that

legislation allows for the right to vote of persons with intellectual or psycho-social disabilities to be restricted if the person concerned has been deprived of his or her legal capacity.

**46. The Committee recommends that all relevant legislation be reviewed to ensure that all persons with disabilities regardless of their impairment, legal status or place of residence have a right to vote, and that they can participate in political and public life on an equal basis with others.**

#### **Italy (CRPD/C/ITA/CO/1)**

73. The Committee is concerned that persons with intellectual disabilities and/or psychosocial disabilities do not receive adequate support in order to exercise their right to vote, and that article 48 of the Constitution, which restricts the right to vote based on “civil incapacity”, is inconsistent with the Convention. The Committee is concerned about the inability of persons with disabilities to vote wherever they choose due to legal restrictions imposed on them. It is also concerned that the regulation on assistance for persons with disabilities in order to cast their vote is not consistent with the Convention.

**74. The Committee recommends that the State party repeal article 48 of the Constitution and provide support and facilitation services to ensure all persons with disabilities can exercise their right to vote, including persons with intellectual disabilities and/or psychosocial disabilities. It also recommends that the State party repeal law No. 62/04, which restricts persons with disabilities to vote at polling stations of their choice. It further recommends that the State party harmonize its regulatory framework on assistance for persons with disabilities to exercise their right to vote in compliance with the Convention.**

#### **Latvia (CRPD/C/LVA/CO/1)**

50. The Committee is concerned about the lack of accessibility to electoral processes, facilities and materials for persons with intellectual or physical disabilities, as well as for blind or deaf persons.

**51. The Committee recommends that the State party guarantee the right to vote independently by ensuring that voting procedures, facilities and materials are appropriate, accessible and easy to use for all persons with disabilities.**

#### **Luxembourg (CRPD/C/LUX/CO/1)**

50. The Committee is concerned that the rights of persons with disabilities under guardianship to vote and be elected remain restricted by law. It is also concerned that voting procedures, facilities and materials lack accessibility. The Committee notes with concern the low rates of representation and participation of persons with disabilities in political life and public decision-making.

**51. The Committee recommends that the State party, in consultation with organizations of persons with disabilities:**

- (a) Take the legal and other measures necessary to enable the political and public participation of persons with disabilities on an equal basis with others, including the right to vote;**
- (b) Ensure that electoral procedures, facilities and materials are appropriate and accessible for all persons with disabilities, including in sign language, Braille and Easy Read;**
- (c) Promote the participation of persons with disabilities, including women, in political life and public decision-making.**

#### **Lithuania (CRPD/C/LTU/CO/1)**

57. The Committee is concerned that:

- (a) The Constitution denies persons with disabilities the right to vote and stand for election if they have been declared legally incapable;**
- (b) There is lack of reliable statistical information on the number of persons with disabilities who have been removed from the electoral register on grounds of disability;**
- (c) Current laws on election do not allow autonomous, free and secret participation by all persons with disabilities in the electoral process.**

**58. The Committee recommends that the State party, in close collaboration with organizations of persons with disabilities:**

**(a) Repeal provisions in the law and the Constitution denying the right of persons with disabilities to vote and stand for election, including by eliminating the possibility of declaring persons with disabilities legally incapable on the ground of disability;**

**(b) Restore voting rights to all people with disabilities who are excluded from the national voter registry;**

**(c) Collect reliable and disaggregated statistics and data on the political participation of persons with disabilities as voters and as candidates for election;**

**(d) Expedite the parliamentary approval of election laws to ensure the legally enforceable right of persons with disabilities to vote and have access to, among others, accessible ballots, election materials and polling stations, and the provision of freely chosen, adequate and necessary assistance in order to facilitate voting by all persons, regardless of impairment.**

### **Malta (CRPD/C/MLT/CO/1)**

41. The Committee is concerned that the State party maintains its reservation to article 29(a) (i) and (iii) of the Convention, according to which the State party reserves the right to continue to apply its current electoral legislation in so far as voting procedures, facilities and materials, as well as assistance in voting procedures are concerned. It is concerned that the rights of persons with intellectual and psychosocial disabilities are restricted upon examination by a Medical Board and that voting material in Braille is not available to persons with visual impairments. The Committee notes with concern the lack of information on the representation and participation of persons with disabilities in political and public life and that they do not effectively participate in the process of decision-making.

**42. The Committee recommends that the State party, in consultation with organizations of persons with disabilities:**

**(a) Withdraw its reservation on article 29(a) (i) and (iii) of the Convention, so that they can exercise the right to vote;**

**(b) Take the legal and policy measures in order to empower persons with disabilities to effectively participate in political and public life and in the process of decision-making, in particular provide the necessary support for persons with psychosocial and intellectual disabilities, so that they can participate in decision-making processes on an equal basis with others;**

**(c) Ensure that all electoral procedures, facilities and materials are accessible for all persons with disabilities, including through audio devices, ensuring the right of persons with disabilities to a secret ballot;**

**(d) Promote the participation of persons with disabilities, including women, in political and public life and decision-making.**

### **Greece (CRPD/C/GRC/CO/1)**

42. The Committee is concerned that persons with intellectual or psychosocial disabilities subject to judicial support are deprived of their right to vote. It is also concerned about the lack of accessibility of voting procedures, facilities and materials.

**43. The Committee recommends that the State party revise the relevant voting framework, including laws, rules of procedure and support mechanisms, to ensure that persons with disabilities can effectively and fully participate in political and public life and exercise their right to vote, inter alia, by guaranteeing unhindered physical access to voting, ensuring the secrecy of the ballot and the availability of other voting materials and information in accessible formats in line with general comment No. 2 (2014) on accessibility.**

### **Poland (CRPD/C/POL/C/1)**

48. The Committee is concerned about:

- (a) Article 62(2) of the Polish Constitution, which denies persons deprived of legal capacity the right to vote and participate in a referendum, as well as other legislation such as the Law of Associations which prevents persons deprived of legal capacity to found an association, to be a member of one, and to organise public assemblies;
- (b) Amendment of the Election Code in 2018 which limit voting procedures by correspondence and therefore the accessibility of voting procedures for persons with disabilities;
- (c) Remaining inaccessible polling stations, including lack of solution for enabling the independent and secret voting by persons with severe hands paresis, and lack of support to vote for deaf persons.

**49. The Committee recommends that the State party:**

- (a) Abolish all provisions which deny persons with psychosocial or intellectual disability and persons deprived of legal capacity their right to vote and all other political rights;**
- (b) Replace the amendment of 2018 to the Electoral Law and ensure accessibility of voting procedures for all persons with disabilities;**
- (c) Ensure accessibility of all polling stations and election procedures for all persons with disabilities, including measures to enable the independent and secret voting by person with severe hands paresis, and support for deaf persons to vote.**

### **Portugal (CRPD/C/PRT/CO/1)**

54. The Committee is extremely concerned that in the State party there are persons with disabilities, and especially those who have been deprived of their legal capacity or who live in psychiatric institutions, who are deprived of exercising their right to vote or are prevented from exercising this right in elections, and that electoral processes, including political campaigns, are not accessible. It is also concerned about the existence of internal regulations that may require a person with disabilities to present a medical document proving his/her capacity to vote, if the person in charge of the polling station believes that he/she demonstrates “notorious mental incapacity”.

**55. The Committee recommends that the State party, in partnership with organisations of persons with disabilities, take necessary measures so that persons with all types of disabilities, including those who are subjected to guardianship or confined to psychiatric institutions, may exercise their right to vote and to stand as candidates under the same conditions as others, among other things, by providing accessible facilities and means of communication.**

### **Slovakia (CRPD/C/SVK/CO/1)**

77. The Committee notes with deep concern that all citizens with disabilities are not able to fully exercise their right to vote and stand for election.

**78. The Committee recommends that the State party repeal sections 4 (c) and 6 (c) of the Elections Act and provide for an accessible electoral system to enable all persons with disabilities to exercise their right to vote, including by electronic means, and their right to stand for election.**

### **Slovenia (CRPD/C/SVN/CO/1)**

49. The Committee is concerned at:

- (a) The denial of the right to vote for persons presumed ‘incapable of understanding the meaning, purpose and effect of elections’ because of impairment, and the lack of accessible voting materials for persons with intellectual disabilities;
- (b) The low political and participation in public life of persons with disabilities, especially women with disabilities.

**50. The Committee recommends that the State party:**

- (a) Ensure the right to vote for all persons regardless impairment and provide them with supported decision making, including accessible voting materials for all persons with disabilities, irrespective of impairment;**
- (b) Enable persons with disabilities, in particular women with disabilities, to exercise their political rights, including the right to stand for public office and participate in the conduct of public affairs.**

### **Spain (CRPD/C/ESP/CO/2-3) – 2<sup>nd</sup> review**

54. The Committee is concerned about:

- (a) The lack of accessibility of polling stations and voting materials for persons with disabilities in electoral processes;
- (b) The critically low level of participation and representation of persons with disabilities in national and regional policy-making bodies.

**55. The Committee recommends that the State party take all necessary measures to enable the political and public participation of persons with disabilities on an equal basis with others. It further recommends that the State party:**

- (a) Ensure that electoral procedures, facilities and materials are accessible for all persons with disabilities, including in sign language, Braille and Easy Read;**
- (b) Promote the participation of persons with disabilities, including women, in political life and public decision-making.**

### **Spain (CRPD/C/ESP/CO/1) – 1<sup>st</sup> review**

47. The Committee is concerned that the right to vote of persons with intellectual or psychosocial disabilities can be restricted if the person concerned has been deprived of his or her legal capacity, or has been placed in an institution. It is further concerned that the deprivation of this right appears to be the rule and not the exception. It regrets the lack of information on standards of evidence or grounds, and criteria used by judges when depriving persons of their right to vote. It notes with concern the number of persons with disabilities denied their right to vote.

**48. The Committee recommends that all relevant legislation be reviewed to ensure that all persons with disabilities, regardless of their impairment, legal status or place of residence, have the right to vote and participate in public life on an equal basis with others. The Committee requests the State party to amend article 3 of Organic Act 5/1985, which allows the denial of the right to vote based on individualized decisions taken by a judge. The amendment should ensure that all persons with disabilities have the right to vote. Furthermore, it is recommended that all persons with disabilities who are elected to a public position are provided with all required support, including personal assistants.**

### **Sweden (CRPD/C/SWE/CO/1)**

51. The Committee is concerned at the lack of information on accessibility and accommodation for persons with disabilities, during all stages of the electoral cycle, facilitating their exercise of the right to vote, and at the low number of persons with disabilities running for or holding public office.

**52. The Committee recommends that the State party ensure that voter education through mass media is made accessible, that information about elections is provided in accessible formats, that electoral campaigns are made fully accessible, that support at polling stations is made available, that the mechanisms put in place to facilitate voting assistance are developed in close consultation with organizations of persons with disabilities to suit their needs, and that polling assistants are trained to accommodate voters. It also recommends that the State party ensure that all persons with disabilities who are elected to a public position are provided with all required support, including personal assistants.**