



Breaking down the barriers

Persons with disabilities and their right to vote in European Parliament elections

Rapporteur: Krzysztof Pater



European Economic and Social Committee



INTRODUCTION

Ensuring voting rights for persons with disabilities

All adult Europeans, including those with disabilities, have the right to vote in national and European Parliament elections. This right is based upon many binding legal documents, including the Universal Declaration of Human Rights, the UN Convention on the Rights of Persons with Disabilities, and the Charter of Fundamental Rights of the European Union.

Unfortunately, across the EU, many persons with disabilities cannot exercise their full voting rights. A report by European Economic and Social Committee (EESC) rapporteur Krzysztof Pater estimates that **around 800 000 EU citizens in 16 EU countries are legally deprived by national rules of their right to vote in elections to the European Parliament because of their disabilities or mental health problems.**

These and millions of other citizens are not able to vote for a number of reasons. For example, many persons with disabilities are assigned a polling station based on their place of residence that cannot accommodate their needs. Given the option, many would change their polling station. However, in 12 EU countries, national legislation does not allow voters to change their polling station without changing their place of residence.

A lack of choice

Furthermore, although many persons with disabilities have limited independent mobility, eight EU countries do not provide alternatives to voting at a polling station, such as postal voting, electronic voting, or voting by mobile ballot box.

In 18 EU countries blind voters have no way of voting independently but must entrust someone accompanying them to vote on their behalf.

A few EU countries allow voting by proxy, whereby a person with disabilities permits someone else to cast their vote on their behalf. But by definition, proxy voting does not allow persons with disabilities to exercise their voting rights on their own. As such, it is not an adequate alternative.

An absence of accessible information also discourages voting. For example, those with disabilities may be deterred from trying to vote if they are

unaware of the specific procedures they may have to follow in a polling station, or any physical obstacles they may encounter.

The EESC report concludes that if the best practices from all countries were implemented, every EU citizen with disabilities would have the full possibility to vote in the most convenient way they choose to exercise their democratic right.

The EESC suggests that current EU legislation on European Parliament elections should be amended to include guarantees on voting options for persons with disabilities.

The full report is available on the EESC's website. It presents the full state of play describing how the right to vote is only partially protected in Europe for persons with disabilities. This brochure offers a summary of the report's findings.



UNIVERSAL DECLARATION OF HUMAN RIGHTS

CHARTER OF FUNDAMENTAL RIGHTS OF THE EUROPEAN UNION

UN CONVENTION ON THE RIGHTS OF PERSONS WITH DISABILITIES

SOME BEST PRACTICES

All EU countries have made progress in expanding voting options for persons with disabilities.



AUSTRIA

In Austria, each municipality and each district of Vienna should have at least one polling station that is accessible to persons with disabilities.



BELGIUM

Belgian voters with disabilities may use a specially adapted voting booth placed where they can access it. The booth may even be placed outside the polling station.



BULGARIA

The Bulgarian Central Election Commission makes a film available on its website that describes voting procedures for persons with disabilities. It includes sign language translation.



CROATIA

Voters in Croatia can obtain a certificate allowing them to vote at any polling station. This enables persons with disabilities to identify polling stations where assistance is available.



CYPRUS

Cyprus has decided that the maximum size of the ballot paper should be 16x70 cm to make easier to fill in a ballot paper.



CZECH REPUBLIC

In the Czech Republic a general information leaflet is prepared in various forms, tailored to the needs of persons with different types of disability.



DENMARK

In Denmark, a broad scope for early voting allows all persons to vote from two days to three weeks in advance at designated polling stations. The option to vote early is particularly useful for persons with disabilities, who often require making voting arrangements in advance.



ESTONIA

All citizens in Estonia can vote electronically.



FINLAND

The Ministry of Justice in Finland pays for an election information leaflet to be published in Braille.



FRANCE

France is one of several countries that allow non-voters such as children to help adults with disabilities to vote.



GERMANY

Blind persons in Germany can order ballot paper templates accompanied by a CD that includes instructions for using the template and official election information in Braille.



GREECE

In Greece, voting is mandatory for all citizens. However, since compulsory voting is often stressful for persons with disabilities, Greek authorities are very flexible when applying the rule.



HUNGARY

A person with disabilities in Hungary can indicate his or her need for an accessible polling station up to two days before an election.



IRELAND

Voters living in long-term care institutions in Ireland may apply to be included on a special voters list. If the application is successful, special returning officers visit applicants individually to register their votes.



ITALY

In Italy, local authorities provide transport to suitable polling stations for those with limited mobility.



LATVIA

Voters in Latvia, as in ten other EU countries, cannot be deprived of their right to vote under any circumstances.



LITHUANIA

In Lithuania, the Central Electoral Commission provides an online map that identifies polling stations best suited to voters with reduced mobility.



LUXEMBOURG

In Luxembourg a voter may even designate a member of the electoral commission as her or his assistant.



MALTA

In Malta each polling station must be equipped with audio players and a Braille template that lists the candidates and parties on the ballot paper.



NETHERLANDS

Voters in the Netherlands may use a magnifying glass provided in each polling station.



POLAND

In Poland “closed polling stations” are organised at hospitals and long-term care institutions that have at least 15 people staying there.



PORTUGAL

A vote in Portugal is counted if it clearly indicates the will of the voter, even though his or her mark on the ballot may fall outside the box.



ROMANIA

Romania allows voters to make a mark next to a candidate's name using a stamp obtained from the electoral commission.



SLOVAKIA

In Slovakia, those providing permanent care for voters with disabilities may vote simultaneously in the same mobile ballot box.



SLOVENIA

Before each election, relevant ministries in Slovenia send notices to hospitals and long-term care institutions listing how many residents or patients can exercise their voting rights.



SPAIN

In Spain, a person with disabilities who cannot get to the post office to request a postal vote may call a notary public. That official will, free of charge, give power of attorney to the person appointed by the voter to complete the postal voting requirements.



SWEDEN

A voter who has received a ballot paper for a postal vote in Sweden may change his or her mind and deliver the ballot in person to their polling station on election day.

Despite this progress across the EU countries, much work remains to guarantee that all EU citizens, including persons with disabilities, have the voting options they require.

LEGAL AND TECHNICAL BARRIERS TO VOTING

To protect the interests of citizens with intellectual disabilities or mental health problems, EU countries allow for types of legal guardianship based on the capabilities of their wards.

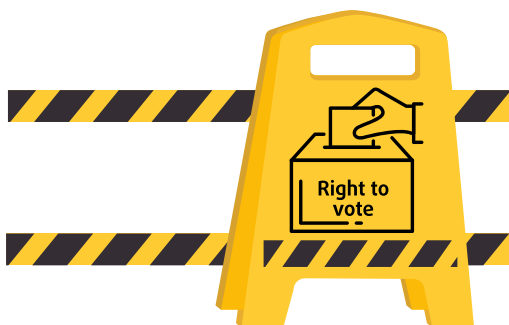
For example, plenary guardians make almost all decisions for their ward, while partial guardians make some decisions, depending on the individual.

In nine EU countries, the legal system automatically revokes the voting rights of persons under plenary guardianship while in seven depriving a person of the right to vote is possible based on a court's assessment of the individual. In 11 EU countries, an individual cannot be deprived of the right to vote under any circumstances. The number of persons with disabilities who cannot vote varies widely by country.

In Portugal, around 100 persons with disabilities cannot exercise their right to vote, while in other countries, the number could be as high as around 300 000 people.

In recent years, EU countries have tended to move away from automatically revoking voting rights. Instead, national legal systems more often limit those rights in a small number of instances, decided by a court on a case-by-case basis. Some countries have abolished all limitations.

The European Parliament and other EU institutions should help to accelerate this change in Member State legal systems, with the goal of abolishing all legal restrictions on the rights of persons with disabilities to vote, the report proposes.



Technical barriers to voting rights

Public authorities have the responsibility to provide information about elections to persons with disabilities in a format tailored to their needs. Often, however, national laws do not expressly require such information to be provided.

Electoral information includes the date of elections, basic rules, voting formats and details about special procedures that are relevant for persons with disabilities. Authorities must also ensure that the information takes into account varying types of disability, such as the needs of blind, visually impaired, and deaf persons.

Authorities should cooperate with organisations representing persons with disabilities to ensure that the information is communicated as effectively as possible, the report notes. For example, it should be easy to locate polling stations equipped to accommodate persons with disabilities.

Public media and the internet also should not be the only ways to provide voting information to those with disabilities. Instead, authorities must convey information in ways adapted to different disability types, the report advises. Often, images are an effective way to reach persons with intellectual disabilities, even if EU countries rarely use this method.



At the polling station

The most basic form of electoral participation is voting at a polling station. However, the vast majority of polling stations in the EU are not fully adapted to the needs of persons with different types of disability.

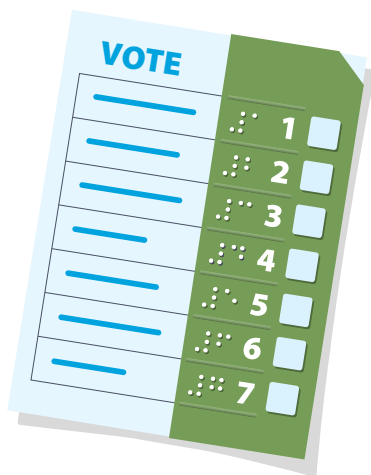
Although 11 EU countries mandate that all polling stations must be adapted for persons with disabilities, a closer look reveals that 'accessibility' is often defined as a lack of physical barriers for wheelchairs. This narrow view overlooks a number of issues, such as the needs of blind persons.

Since polling stations cannot adapt quickly to the needs of persons with disabilities, the best option is to allow voters with disabilities to change polling stations, if their station was assigned based on their residence.

The administrative procedure enabling such a change should be simple and quick, the report states.

All voters with disabilities should also be able to choose the person who will assist them at the polling station. Many countries place conditions on choosing such assistants that do not seem warranted.

Other effective measures include displaying official notices and copies of ballot papers in appropriate sizes, and at a height where they can be easily read; making information available in Braille; and allowing the use of a sign language interpreter online.



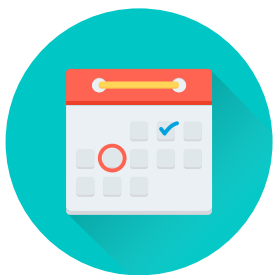
Ballot paper

The procedure for casting a vote often determines whether or not persons with disabilities can vote independently. Often, the design of the ballot paper and the voting format are difficulties that those with disabilities cannot overcome. Instead, the voter must disclose their vote to another person, who casts it, which does not respect the principle of secrecy.

Furthermore, writing out the name or the registration number of a candidate or drawing a circle around a choice poses a major obstacle for voters with limited use of their hands.

The most convenient solution is to allow voters to make a selection by putting an 'X' or similar mark in a sufficiently large box. For the blind or visually impaired, or those who find it difficult to write clearly with a pen, special covers for ballot papers often work best, provided the information is in Braille or easily readable text.

If a voter with disabilities must select a card with the name of a political party from a number of cards, the font must be sufficiently large, and all cards must also be printed in Braille.



Early voting

Ten EU countries offer at least some groups of voters the possibility to vote in advance at a designated polling station. These are located on premises tailored to the needs of persons with limited independent mobility.

In most countries, early voting does not require administrative tasks: voters simply go to the polling station during opening hours. Some countries, however, require early voters to register in advance.

Early voting is an effective way of helping persons with disabilities to take part in elections. It gives local authorities more time to arrange transport for persons with disabilities to access their polling station.

In long-term care institutions, early voting eases the voting process on a working day. More staff are usually on hand than on a Sunday, the traditional day for elections in most countries.

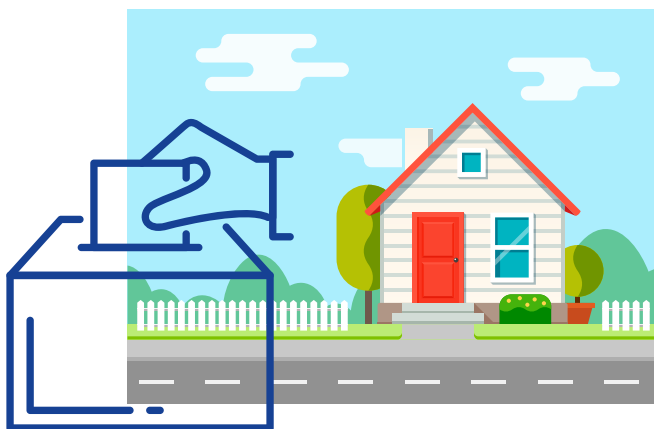


Postal voting

Some EU countries allow in-country voters to receive the ballot paper in advance, complete it personally, and then post it to the electoral commission.

Postal voting eases the voting process considerably for many with disabilities. But the ease of use depends, among other factors, on the simplicity of the registration process and the absence of fees.

Voters with disabilities who register for postal voting should receive not only the ballot paper but also instructions in a form adapted to their specific type of disability. For example, the blind and visually impaired should receive special covers in Braille or CDs with instructions.



Mobile ballot-box voting

A mobile ballot box is an effective way to enable persons with disabilities to vote. Seventeen EU countries allow either a ballot box or a special voting envelope to be delivered to a voter's residence for their use.

Voters can use this type of voting when their disability or medical condition prevents them from travelling to a polling station. Such voting is also useful for those in hospitals or long-term care institutions.

For someone who is ill or has a serious disability, waiting several hours for the ballot box to arrive can be burdensome, so the time frame for delivery should be short.

In addition, until polling station accessibility is improved, electoral authorities should consider the possibility of placing a small ballot box outside or at the front of the polling station for voters with limited independent mobility.



Proxy voting

Popularly known as delegating voting rights, proxy voting applies when a voter authorises another person to cast a vote on their behalf at a polling station. This option is only possible in four EU countries.

While proxy voting can be only a complementary solution for those with disabilities who have difficulties casting their own vote, it must not be used as a pretext for not enabling all voters to directly and genuinely participate in elections.

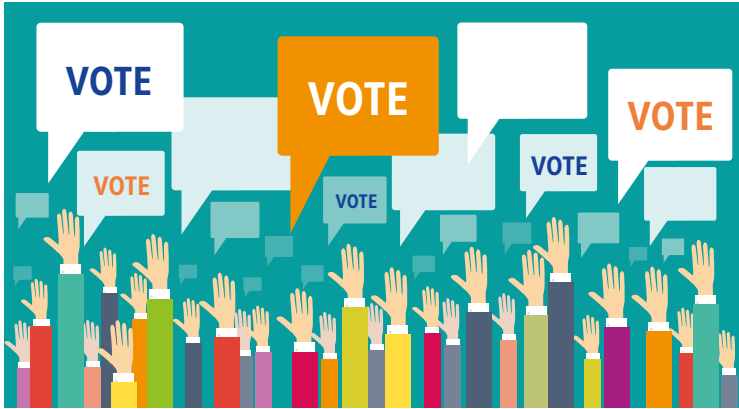
Authorities must pay particular attention to how voting rights are delegated to prevent irregularities in the electoral process. One solution is to limit the number of people for whom one person can act as a proxy, the report states.



Electronic voting

All citizens in Estonia can vote electronically, which is the most convenient solution for many Estonians with disabilities. However, this system is part of a comprehensive framework of electronic communication between the country's citizens and national authorities.

Elsewhere, setting up such a system only for elections does not make sense. Putting aside security concerns, authorities in other EU countries would have to make substantial investments to raise awareness about this voting method, and convey appropriate and tailored information to persons with different disabilities.



Compulsory voting

Three EU countries make voting compulsory. If persons with disabilities are unable to vote in these countries owing to unsatisfactory arrangements, they can suffer substantial stress because they may fear state sanction for not voting.

Such countries should ensure that solutions are in place enabling all those with disabilities to participate in elections.



Voting in another EU country

All EU citizens living in a EU country other than their EU country of origin are entitled to vote in European Parliamentary elections. They must, however, be registered before they can vote.

Many persons with disabilities can find registering in person at an office impossible or extremely difficult. Other ways to register, tailored to the needs of persons with different types of disabilities, should be implemented and continually extended.

Voter registration should happen only once, without the need to repeat it in subsequent elections. The deadlines for registering to vote should also be harmonised across the EU: at present, they vary from 90 to 5 days before an election.



Voting for those in long-term institutions and hospitals

Demographic change in ageing societies is leading to a steady rise in the number of people living in round-the-clock care institutions or undergoing long-term treatment in hospitals. But in almost one-third of EU countries, people in such institutions have no opportunity to participate in elections.

In other EU countries, while voting within these institutions is theoretically possible, doing so in practice requires a great deal of support from the voter's family. Only seven EU countries provide special polling stations for such voters.

National authorities should devote particular attention to ensuring that such people are able to vote. If an institution houses at least 50 to 100 people, setting up a closed polling station is the best solution. For fewer people, a mobile electoral commission can supply a mobile ballot box. In any case, bedridden people should always have access to a mobile ballot box to vote, the report states.

Patients often develop a high level of dependency upon staff, with a risk that a voter's decisions might not be entirely independent. Electoral commissions should focus on allowing voters to vote on their own.

A FULL RIGHT TO VOTE FOR EVERYONE

The purpose of the EESC report summarised here is not to criticise any EU countries. Rather, it is to encourage national authorities to come together to look at ways to guarantee the full political rights of some of their most vulnerable citizens, says EESC rapporteur Krzysztof Pater.

The report also does not offer a full set of solutions for EU countries to adopt. Instead, it sets out the full scope of the problem and presents many possible solutions that can be chosen or developed and implemented by EU countries in accordance with their national election traditions.

Persons with disabilities should not only have the full right to vote but should also be able to vote in the most convenient way possible. The European Parliament should lead the way in developing legislation that makes this right a reality.

The full EESC report Real rights of persons with disabilities to vote in European Parliament elections can be found here in all 24 EU official languages:
www.eesc.europa.eu/the-real-right-of-persons-with-disabilities-to-vote-in-EP-elections

ADDITIONAL RESOURCES

EESC website

www.eesc.europa.eu

EESC President's website

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