

## **The political rights of persons with disabilities**

**Ms Mechthild Rawert, member of the Committee on Equality and Non-Discrimination of the Parliamentary Assembly of the Council of Europe, member of the Bundestag**

Rapporteur for a report on “the political rights of persons with disabilities: a democratic issue”, adopted in Madrid on 10 March 2017

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Excellencies,

Dear ladies and gentlemen,

### *1. Introduction*

It is an honour for me to be here and participate in the launch event of the new Council of Europe Disability Strategy. I would first of all like to thank the organisers for inviting me to present the report recently adopted by the Parliamentary Assembly of the Council of Europe on “the political rights of persons with disabilities: a democratic issue”.

I look forward to our discussions today and tomorrow and even more forward to the implementation of the new strategy, which the Parliamentary Assembly fully supports.

Persons with disabilities represent more than 23% of the population in the European Union according to the Fundamental Rights Agency. Nevertheless, members of parliament and of government with disabilities remain an exception. Too often, persons with disabilities face limitations and difficulties to vote, be elected and participate in political life. They are also not always visible on the political stage or taken into consideration in voting processes.

How can we explain this representation gap and what can be done so as to tackle it?

The idea behind the report is to shed light on an important democracy gap and show that it is possible to take concrete measures to increase the political participation of persons with disabilities.

The report gives an overview of challenges faced by persons with disabilities and presents good practices to encourage participation. It asks the following question: can we say that we live in full and inclusive democracies if an important part of the population is left out from elections and political processes?

I am pleased to announce that the resolution was adopted by the Parliamentary Assembly of the Council of Europe 2 weeks ago, on 10 March in Madrid. I sincerely hope it will be used as a practical guideline showing where efforts need to be made. We have prepared a video summary in international and French sign language and are working on an easy to read version of the resolution, which will soon be made available on the website of the Assembly.

## *2. Preparation of the report*

When preparing my report, I tried to analyse the situation in several Council of Europe member States so as to understand what kind of barriers to political participation remained and what could be done so as to remove them. I contacted the parliaments in all Council of Europe member and observer States and asked them to fill out a questionnaire. My report was prepared on the basis of the 42 replies I received and extensive discussions with Committee members. I also went on a fact-finding visit to Austria and organised a hearing on legal capacity and the right to vote. I had the opportunity to exchange with parliamentarians with disabilities, representatives of disabled persons organisations and organisations representing persons with disabilities, legal experts and researchers.

## *3. Identification of barriers and recommended measures*

I first tried to identify barriers to political participation of persons with disabilities in order to formulate concrete recommendations. Accessibility was the first challenge

identified. We tend to think only about the accessibility of premises. How can persons with disabilities get to the polling stations? How many polling stations are made accessible? Is remote voting encouraged rather than investing in making public buildings accessible? In order to ensure that persons with disabilities are not treated as second-class citizens, we need to ensure that they have access to a polling station rather than are encouraged to use remote voting. Accessibility of information is also a crucial element: information about programmes and electoral processes should be made available in an understandable format, including in sign interpretation when required, subtitles for videos, in braille, easy to read and to understand versions. This is why we need to call for a holistic approach to accessibility. Every step of the electoral process should take the need for accessibility into account. Requirements for voters' registration should not prevent anyone from participating. Complaints mechanisms with regard to the right to vote also need to be clear and accessible.

I also analysed the role of political parties which too often still act as gate keepers for the participation of persons with disabilities. They decide who goes on an eligible position on a list. Within political parties, often, persons with disabilities deal with disability issues exclusively. Their skills in other fields are not considered or recognised. By encouraging participation of persons with disabilities within the internal party structures and actively supporting them in electoral campaigns at the local and national level, political parties can be the game changers with regard to the political participation of persons with disabilities. They could establish committees representing persons with disabilities. The adopted resolution calls on Council of Europe member States to consider linking state funding to political parties to their compliance with accessibility requirements for persons with disabilities. It also asks member States to consider the establishment of quotas for the participation of persons with disabilities in parliamentary and local elections and to provide candidates with disabilities with additional financial support to cover possible extra costs for the conduct of electoral campaigns.

Delinking the right to vote from legal capacity is as well a key recommendation of my report. In most Council of Europe member States, the right to vote is closely linked to legal capacity. This deprivation of the right to vote should no longer be accepted. I

therefore made a call to repeal all laws and regulations that deprive persons with disabilities from the right to vote. The political rights of persons living in long-term care institutions should be protected and respected.

Persons with disabilities are keen to participate in political life. Assistance to voting should therefore be provided via supported decision-making, respecting a voter's free will. This means that one should be able to choose the person who will provide assistance. Training on non-discrimination and assistance to persons with disabilities for polling station officers and officers in charge of voters' registration should be held. The assistance provided can take different forms, taking into account the different kinds of disabilities. I therefore also advocate for a diversity of measures to respond to the diversity of disabilities.

Furthermore, we need to promote inclusive education and the provision of civic education in accessible formats. Inclusive education will be the main trigger of change with regard to the perception of persons with disabilities in society, contributing to deconstructing stereotypes, and this from an early age.

I would also like to mention the important role of the media. Ensuring the visibility of persons with disabilities in the media, including in political programmes and debates, can also contribute to making them seen and recognised as political actors, hence encouraging participation. The media can also relay awareness-raising campaigns so as to combat negative stereotyping regarding the capacity of persons with disabilities to participate in elections and run as candidates. They can commit to ensure that their programmes are broadcasted in accessible formats. They should be more pro-active in this regard.

The principle "nothing about us without us" applies as well. Changes and preparation of any new draft laws concerning the rights of persons with disabilities need to be made in close consultation with organisations representing persons with disabilities and disabled persons organisations.

#### *4. Rights for all – we do not speak about new rights*

No one can deny that political rights are fundamental human rights. Talking about the respect of the political rights of persons with disabilities does not mean that we are promoting or creating new rights, but rather looking into respecting equality, non-discrimination and fundamental human rights for all.

#### *5. Conclusions*

Ensuring an active political participation of persons with disabilities should not remain a wishful thought. It should become a clear objective. With several important elections ahead this year in Council of Europe member States, including in mine, Germany, we can very concretely promote participation of all.

Encouraging the political participation of persons with disabilities should not be considered as optional or a measure to take after more urgent ones. It requires financial resources, which can be found, but mostly political will to send a clear signal, such as legislative action to delink the right to vote from legal capacity.

The adopted resolution presents concrete measures to be taken at the local and national levels. I would be very grateful if you could promote it in your countries. I have asked members of the Assembly to do so as well within their national parliaments and hope we will soon have some positive results.

I look forward to the day when parliamentarians with disabilities will no longer be the exception and political parties will become pro-active with regard to the participation of persons with disabilities in their structures.

We know what needs to be done to this end.

It is now time for concrete action.

Thank you for your attention