

PARTICIPATION OF PERSONS WITH DISABILITIES IN POLITICS; INTERNATIONAL AND NATIONAL STANDARDS AND EXPERIENCES

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Abstract

in almost all countries around the world, people with disabilities are insufficiently integrated into different spheres of society, including politics. Discrimination and violation of rights in politics. Persons with disabilities are not sufficiently represented in parliaments and the executive branch, the electoral process is not enough accessible (information, campaigning and voting) and not everyone with intellectual disabilities have right to vote. Also, there is lack of participation in parties and their bodies. The paper content an overview of the legal framework and standards, practices and main challenges.

Key words: disability, politics, election, political party, discrimination, political participation

Legal framework and standards

Article 29 of the CRPD guarantees the political rights of persons with disabilities. It notes that states should ensure the right of persons with disabilities to “stand for elections, to effectively hold office and perform all public functions at all levels of government, the use of assistive and new technologies where appropriate.” Article 29 also specifies that states actively promote “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 in “the activities and administration of political parties (5. 14p).

The 25th anniversary of the Moscow Document took place in 2016. On this occasion, eight recommendations were developed, as follows:

- 1 OSCE participating States should create an accessible environment for the participation of persons with disabilities in political and public life;
- 2 OSCE participating States should remove legal and administrative barriers preventing the participation of persons with disabilities;
- 3 OSCE participating States should create legal, policy and institutional frameworks enabling the participation of persons with disabilities;

4 OSCE participating States should provide inclusive education, civic education and take measures to raise public awareness of participation of persons with disabilities;

5 OSCE participating States should make efforts to increase the visibility of persons with disabilities;

6 OSCE participating States and inter-governmental organizations should ensure broad coalitions and co-operation to guarantee progress;

7 OSCE participating States should collect data about the participation of persons with disabilities and monitor the progress achieved; and

8 OSCE executive structures should implement measures to become more accessible to persons with disabilities.

In 2018, the Berlin Declaration of the OSCE Parliamentary Assembly observed that persons with disabilities “remain widely under-represented in parliaments across the OSCE region” and urged all OSCE participating States to ensure “participatory processes for persons with disabilities in all phases of developing legislation or policies in the spheres of political and public life.

In January 2017, the Committee on Equality and Non-Discrimination of PACE issued a report “The political rights of persons with disabilities: a democratic issue,” elaborating on the challenges and good practices in Council of Europe member states. The report emphasizes that persons with disabilities are hardly visible on the political stage or taken into consideration in voting processes (2. 26p).

Disability persons as members of parliaments

In seven Member States, data from official government sources reveal the existence of one or more members of parliament who publically identify as having a disability. Of these, Croatia was the Member State with the most reported members of parliament with a disability (7) followed by Poland and the United Kingdom (3 each). In addition, the Greek national parliament has received two requests from parliamentarians for accommodation measures due to disability since 1996, while information from the Portuguese parliament indicates that one member claimed reduced income tax due to disability. Conversely, in Cyprus and Luxembourg official data indicates that no members of the current national parliaments identify as having a disability. (4. 32p)

The right to vote for all

The Convention says that everyone has the right to vote. This means that all people with disabilities, have the same right to vote as other citizens. However, in many countries, people with intellectual disabilities and mental health problems cannot vote.

This is because they are under guardianship. They do not have legal capacity. This means that the law does not allow them to make important decisions in their lives. This is discrimination. Discrimination is when you are treated badly or unfairly because you are different from other people. For example, because you have a disability. This is against article 29 of the Convention. Laws should treat all people fairly. Therefore people with disabilities should have the same right to vote. No one should declare a person incapable of voting.

No one should test if a person with disability is able to vote. However, only in few countries like Austria and Canada, laws say that all people can vote. Some countries, like the Czech Republic are changing their laws to make sure everyone can vote

Accessible elections

People with disabilities often find it hard to take part in elections. For example:

- The polling station is hard to find and enter.
- People do not know about their right to vote or stand for elections.
- Information about elections and voting is difficult to understand.

The Convention says that governments must make sure that people with disabilities have access to elections. This means:

- Making sure that the ways of voting and the voting papers are easy to use and understand.
- Making sure people with disabilities can vote in secret as other citizens.
- Allowing a person with disability to choose someone to help them express their choice in elections, like an assistant.

Many countries try to make it easier for people with disabilities to take part in elections.

- Some countries train people who organise elections to support people with disabilities.
- Some countries make the polling stations accessible.
- Some countries allow people with disabilities to vote in other places.

It is important that these other places are only used when it is not possible or very difficult to vote normally.

All polling stations should be made accessible.

- Some countries, like Finland or France make the information about elections easy to use and understandable for all.
- Some countries have campaigns to tell people with disabilities about their right to vote.
- Most countries allow people with disabilities to choose someone to help them vote.
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- But all countries must still make efforts allow people with disabilities to take part in elections.(3. 6p)

- **Political Party and persons with disability**

Political parties are often referred to as the “gatekeepers” to participation in political life, including in national parliaments and municipal assemblies. To increase parties’ outreach to persons with various types of disabilities, both as candidates and voters, first steps would include providing political party programmes, manifestos and other information in accessible formats, including in easy to read, audio, large- font formats, and by using sign language interpretation. Similarly, parliaments should be encouraged to lead by example, by making their committees and public sessions fully accessible and by providing reports and other information in accessible formats, both

offline and online. In addition, discussions with political parties and national parliaments are crucial to increasing awareness of the importance of making their structures more inclusive for persons with various types of disabilities. Such initiatives should be organized together with persons with disabilities and their representative organizations (1. 7p). Finally, individual support mechanisms, including financial means to compensate for expenses associated with disability, should be provided to allow candidates with disabilities to run for public positions. At the same time, stronger co-operation among different members of parliament would ensure greater focus on disability issues. One example at the European Union level is the platform provided by the Disability Intergroup of the European Parliament.

Common reasons for non participation

- Outdated paternalistic approaches and prevailing social stereotypes;
- Lack of access (physical, linguistic and infrastructural, as well as to information);
- Legal and administrative barriers (including restrictions on legal capacity);
- Institutional segregation (in schools, workplaces and public institutions);
- Lack of quality inclusive education;
- Limited support and funding for participation;
- Poverty; and
- Lack of comparable data, disaggregated by disability, and lack of monitoring mechanisms at the national level. (1 3p.)

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