

How can people with intellectual disabilities take part in civil society?



Policy recommendations for the civic participation of people with intellectual disabilities



This is an easy-to-read summary of the Recommendations.

If you want to know more about what is said,

ask someone to help you to understand

the plain language document.

You will also find there information

about where we got the information to write this document.

myPart – Participatory Approaches in the Civic Education with and for People with Intellectual Disabilities

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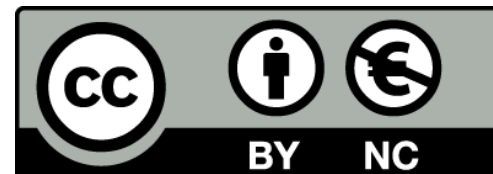
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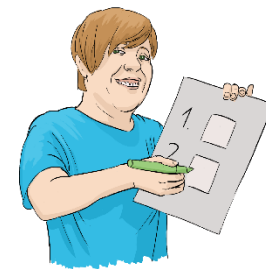
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What is this document about?

Article 29 of the Convention
on the Rights of Persons with Disabilities
says that persons with disabilities have the right
to political participation.
We will just say “Convention”,
to make it short.

This means that they should have the right to vote,
to be elected,
and to access and understand the electoral process.
The myPart project wants to help
persons with intellectual disabilities to take part
in politics.



It also wants to tell politicians
and to the persons making laws
about the right to take part and to be citizens.

The myPart project runs in 4 countries:
Austria, Hungary, Portugal and Slovenia.
All 4 countries signed the Convention.
They have to respect
what article 29 of the Convention says.

Voting and taking part in elections is a big part of civic participation.



This document will tell you what is happening in those countries. What laws do they have to make sure people with intellectual disabilities can take part in politics.

We wrote recommendations. These recommendations are about how to make sure that persons with intellectual disabilities can take part in civic life. How they can learn about politics. How they can take part in elections.



What laws do we have?

There are laws about civic participation
of persons with disabilities.

Some of them are international and European.

Others are national.

We will talk about some of the more important.

International and European

The Convention on the Rights of Persons with Disabilities is an international Convention.

It does not create any new rights.

But it says that all persons with disabilities must have the same rights as any other person.

Because the Convention talks about human rights.

And we all are human.

When a country signs the Convention it needs to make sure it respects all the rights that are on the Convention.

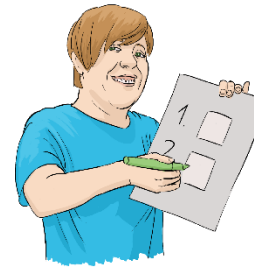
Austria, Hungary, Portugal and Slovenia have signed the Convention.

This means that they need to respect all that is written there.

If they have laws that do not respect the Convention,
they need to change them.

They have some time to do this.

Article 29 of the Convention says that
people with disabilities have the right
to be involved in politics.



But there are other very important articles in the Convention.

Article 12 says that
people with disabilities should be treated equally
by the law.

It says that they have the right to make their own decisions about important
things.

This is called legal capacity.

Legal capacity is important for civic participation.

In some countries,
the right to vote is related to legal capacity.

Sometimes,
this means that you cannot vote
if you have restrictions on your legal capacity.
This happens in Hungary, Portugal and Slovenia.

In Austria,
you can vote even if you do not have legal capacity.

Article 9 of the Convention is about accessibility.

It says that persons with disabilities must have access to all areas of life.

This means having access to transport, information, hospitals, schools and new technology.

To be able to take part in public and political life, people need information in easy-to-read.

They need to know their rights and how to claim them.

They also need to know what political parts say.

And they need to know about laws and policies that affect their lives.

The European Strategy for the Rights of Persons with Disabilities 2021-2030 is a plan for the next 10 years.

This plan says how the European Union will work to protect the rights of people with disabilities.

With this plan, the European Commission wants to make sure that people with disabilities can enjoy their rights. And that they have the same chances in life as any other citizen.

CIVIL AND POLITICAL RIGHTS

Austria

In Austria,

all people with disabilities can vote and be elected.

The Austrian National Plan on Disability 2010-2020 has a point on participation in public and political life.

It says that written official documents must be accessible to all.

It also says that education for adults about politics should be easy to understand.

In Austria,

people with disabilities can take part in politics.

But they can be denied the right to be jurors or lay judges.

A lay judge is a person that helps the judge to decide.

Hungary

In Hungary there is a law about Equal Treatment and Promotion of Equal Opportunities.

This law talks about employment, housing, education and training and goods and services.

This law does not talk about participation in political and public life.

Hungarian National Disability program 2015-2025 says that everyone must be included in society.

It says that people with disabilities have the right to exercise their political, economic and social rights.

The Hungarian Constitution says that people with intellectual disabilities can still be denied the right to vote.

This can happen if they have a guardian.

It is up to the court to decide it.

This does not respect article 29 of the Convention.

Portugal

Portuguese Constitution says that every citizen can take part in political and public life.

It also says that there are some cases when this right can be denied.

In 2018, guardianship law was changed.

But it still allows for judges to decide about political participation.

Because of this, people with intellectual disabilities can be denied their right to vote and to be elected.

In Portugal, it is also possible to deny the right to vote on elections day. The president of the polling station can ask for a medical declaration saying you are fit to vote. This does not respect article 29 of the Convention.

Slovenia

The Slovenian Constitution says that all persons are equal before the law.

It does not limit any rights for persons with disability.

But the National Assembly Election Act says that some people cannot vote or be elected.

This can be the case if you are under guardianship.

A court can decide to take away those rights.

The Action Programme for Persons with Disabilities and the Protection Against Discrimination Act do not say how people with disabilities can be involved in political life.

Slovenia is reviewing some laws that take away the right to vote from people placed under guardianship.

Political participation and active citizenship

People with intellectual disability have been left out of political and public life.

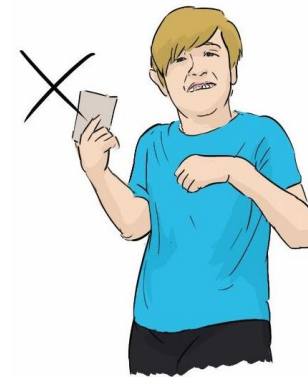
A lot of European countries have laws that take away the right to political participation if you have a guardian.

When you have a guardian

it means that the law think of you as a child, even when you are an adult.

Because of this,

you cannot exercise some civic and personal rights.



The Convention has changed this.

It says that everybody has the right to political participation.

That everyone has the right to be included in society.

This is also true for political and civic participation.



Education is really important to exercise political rights.

Education helps people to exercise their civic rights.

This means that people with disabilities must have access to education.

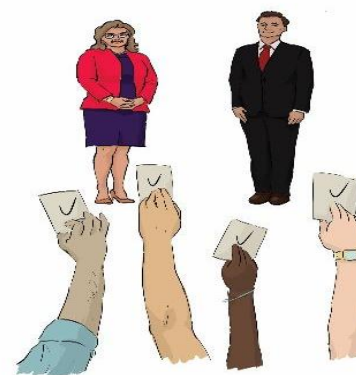
To be active citizens',
people need to have access to information,
transports and to public buildings and services.
And of course,
they need to have legal capacity to enjoy all rights.

Being able to influence politics and laws
it's really important for all citizens.
It's a human right.



One way to do this is by taking part in the electoral process.

When you vote, you are taking part in civic and political life. Being a candidate to elections is also taking part in civic and political life.



But there are other ways to be involved. Taking part in demonstrations, rallies, public debates or signing petitions are also ways to participate.



Persons with disabilities have to face barriers to civic participation.

They have difficulties to:

- Take part
- Being represented
- Having services and laws that target their needs
- Being accepted in their diversity

They need some measures to overcome those barriers.

They need a system that respects and implements their civic and political rights.

They need to be involved in politics and in organisations.

They need anti-discrimination laws that work.

They need a party and electoral system that includes them and their needs.

And they need a society that is educated in civic and human rights.

Real life stories

Austria

In 2014 Lebenshilfe started a group called
“The “Political Group”.

This is a group of persons with intellectual disabilities
that are involved in politics.

They share information about politics
with the group members.

And they have discussions.

Sometimes,

they invite people from other groups to their meetings.

Before the Corona situation,
they got together 3 to 5 times a year.
The first meetings were to talk about basic topics.
Like “what is democracy” and “voting in Austria”.
They also learned about the political parties’ programs.
They also invited people from the government
to attend their meetings.

Now,
they discuss other topics,
like the migration.
Migrants are people from other countries
that come to our country to live.
The discussions take part in small groups
and the results are shared with the others at the end.



Hungary

F. lives in Budapest with his parents.

When he finished school,

he started to work at an industrial co-operative.

Now he works for a national advocacy organisation.

He trains others on independent living skills.

On how to live in the community.

In his free time,

he likes going to the day care,

watching television, listening to folk music

and collecting DVDs and books.

F. has the right to vote.

He has strong opinions about the local politicians.

He also knows how their decisions affect his life.

He reads the local newspapers and watches the news.

He wants to be informed.

He thinks that political programs should be easy-to-read.

He also thinks that the ballot papers need to be easier to understand.

He is happy because he does not have a guardian.

Because of this, he can vote.

He does not agree that judges can limit a person right to vote.

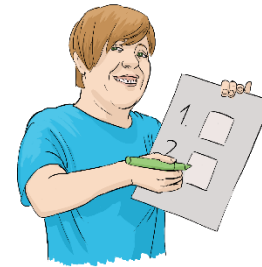
He says:

“I don’t think judges should be able to do that.

I do think the more people go to vote, the better.

I encourage every one of my peers to go and vote.

Because you have the right to do so!”



Portugal

In 2019, a 64-year-old man had his right to vote denied by a court decision.

He was not able to gain again his right to vote.

For the court,

the law allowed for this restriction of rights.

The court also took away other rights:

- The right to marry,
- The right to be a father,
- The right to move to another country alone,
- The right to decide where and with whom to live,
- and the right to sign any official documents.

The court decided this because he was an alcoholic, and had an intellectual disability.

The court said that because of these characteristics he was not able to fully exercise and understand his rights and duties.



Slovenia

In Slovenia,

a court decided to take away the right to vote from a person with intellectual disability.

This was done on a process to extend parental rights.

This means that the parents can take some decisions about the life of their adult son or daughter.

The father did not agree with this decision.



In 2015,

he complained to the Ombudsman of the Republic of Slovenia.

The Ombudsman is someone that protects the rights of the persons.

The father wanted to know if this decision was not against the Convention on the rights of persons with disabilities.

The Ombudsman said that the father was right.
That the national laws did not respected the Convention.
The court decided to check
if the person was able to understand the voting process.
They have asked a lot of questions.
The person was really upset with the way they did it.
He felt he was treated like a criminal.

Recommendations

The myPart project wants to tell politicians and other decision-makers how they can make sure people with intellectual disabilities take part in political life.

We have some recommendations to change what is happening now.

They are about:

- the laws,
- the way society sees people with intellectual disabilities,
- accessibility,
- and active participation.

Laws

- No laws that link legal capacity with political participation and the right to vote.
- No restrictions on legal capacity because a person has an intellectual disability.
- To replace substitute decision-making (when someone decides for you) by supported decision-making (when you get support to take decisions).
- To make sure that everyone can make a complaint, even if they have a guardian.



The way society sees people with intellectual disabilities

- Organise campaigns to inform people about the right to political and civic participation of persons with intellectual disabilities.
- Involve non-governmental organisations and organisations of people with disabilities in these campaigns.
- Make sure that people with disabilities are the face of these campaigns.
- Make sure people with intellectual disabilities take part in the electoral debates in the TV, radio and internet.
- Make sure that all debates are accessible for people with intellectual disability.

- Teach people with disabilities about how to be a citizen.
- Teach people with disabilities on how to use social media (like Facebook, Instagram, Twitter).
- Provide education and training on civic education in easy-to-read and understand formats.
- Schools should provide opportunities for pupils to learn and exercise civic duties.
- Make sure that young people with and without disabilities can learn how to be involved as citizens with practical activities (participatory budgets in schools, students association, class delegate, and others.)

- Make sure that families know the importance of having voting rights.
Electoral commissions could inform families about this.
- Organise trainings on non-discrimination and how to assist people with intellectual disabilities.
Those training should be for polling station officers and other professionals involved in the electoral process.
- Draw guidelines on how to help voters with a disability, involving representative nongovernmental organisations and organisations of persons with disabilities.
These guidelines should be disseminated.

Accessibility

- Making sure that:
public buildings,
polling stations,
parliaments,
and government buildings
are accessible, on an equal basis with others.
- Persons with disabilities should be able to use
the public space in the same way
and with the same dignity as any other citizen.
- Make sure that information about the electoral process,
political programs,
and voting procedures exist in accessible formats,
like in easy-to-read and understand.



- Give persons with disabilities the opportunity to practise how to vote.
Organisations could work together with the Elections bodies setting up mock polling stations for practise before the voting day.
- Make sure that voting ballots and/or other means of voting are accessible to all people. They must respect the secrecy of voting. And they should be protected from manipulation.
- Explore the possibilities offered by electronic voting.
- Ensure accessible free transportation to and from the polling station on the voting day.
- Create a toll-free information hotline for persons with disabilities and/or caregivers, to provide information or request accommodation.

Active participation

- Collect information on political participation of persons with disability at European, national and local level. This data should be collected in a way that will protect personal information.



- Make sure that there are enough people with disabilities taking part in elections, from local to European levels. Set up a number that the countries should respect.
- Make sure that candidates with disabilities have the money they need to cover for additional costs they have to take part (for example. the need for sign language interpretation or other type of assistance).

If you would like to get more information
ask someone to help you to understand the document called
“Policy Recommendations”.
You can find it online here <https://mypart-project.eu/>

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