

**ΑΥΤ. 7/2021, dated 15 May 2021**

**Ex officio Intervention  
of the Commissioner for Administration  
and the Protection of Human Rights  
regarding the exercise of the civil rights of persons with disabilities  
and their equal participation in elections**

**(SUMMARY)**

Considering the forthcoming Parliamentary Elections on 30 May 2021, the Commissioner for Administration and the Protection of Human Rights (Ombudsman), in the framework of her responsibilities as an Independent Mechanism for the Promotion, Protection and Monitoring of the Implementation of the UN Convention on the Rights of Persons with Disabilities and as an Equality Body, proceeded with the submission of this Ex officio Statement, in relation to the equal participation and access of persons with disabilities to electoral processes and, consequently, to political and public life.

The Statement referred to the recent electoral contests in the Republic of Cyprus and to the actions taken by the State to improve the exercise of the voting rights of persons with disabilities, but also to the issues that remain unresolved and, according to the representative organizations of persons with disabilities, continue to impede the smooth exercise of the voting rights of persons with disabilities. Furthermore, the national legal framework governing the exercise of the rights of persons with disabilities in the various electoral processes was evaluated, as well as the current legislation on the deprivation of legal capacity of persons with disabilities and, consequently, the right to exercise their voting rights.

After analyzing the relevant provisions of the UN Convention and the positions of the UN Commission on the Rights of Persons with Disabilities, as formulated in its General Comments and in Decision no. CRPD/C/10/D/4/2011, the Concluding Observations were quoted in relation to the first Report of Cyprus on the implementation of the Convention regarding this issue.

Following, after comparing, in relation to the situation in Cyprus, the recommendations and practices of the various EU institutions on the civil rights of persons with disabilities and their participation in electoral

processes, as well as their exclusion from them due to the deprivation of their legal capacity, the Ombudsman pointed out the need for all citizens to be able to participate smoothly in the electoral process and the obligation of the State to take the necessary and appropriate measures towards this direction.

In particular, the obstacles faced by persons with disabilities when exercising their civil rights, are categorized into those related to the deprivation of the right to participate in electoral processes by certain groups of persons with disabilities and those related to accessibility to information about the elections, before the day of their holding and during the exercise of their voting right.

Therefore, and given the direct relevance of the participation of persons with disabilities in elections with their legal capacity, any deprivation or restriction of this right by persons with intellectual or psychosocial disabilities, implies their immediate exclusion from the elections and discrimination against them due to of their disability.

As stated, the preparation by the State of the relevant bill regarding the exercise of legal capacity of the persons with disabilities, is a step to the right direction when it comes to the participation of persons with mental or psychosocial disabilities in the elections, with their support in decision making and not by substituting their decision with third parties, unless decision-making assistance and codecision are deemed unsatisfactory.

However, the regulation of the exercise of the voting right by persons with disabilities residing in long-term care institutions is still pending, as well as the harmonization of specific provisions of the relevant legislation with the provisions of the Convention, so that persons with disabilities are not deprived of their voting rights. due to a court decision.

Regarding the accessibility to election-related information, it does not appear to be any regulation requiring political parties to conduct their election campaigns and meetings in accessible venues, nor to prepare information material in a form accessible to all persons with disabilities, regardless of their disability. Therefore, failure to take action in this direction, constitutes prohibited discrimination on the grounds of disability, according to the Article 5 of the Convention.

Similarly, in order to avoid discrimination against persons with disabilities, all the relevant election information should be accessible, in print or online format, before the election day and it should be ensured that television broadcasts hosting candidates or they are related to upcoming election processes, are accessible to all persons with disabilities without any exceptions.

Regarding the accessibility of the polling stations, the Ministry of Interior, in consultation with the organizations of persons with disabilities, is already making the necessary arrangements for the placement of ramps and the existence of at least one ballot box, accessible to persons using wheelchairs. However, the Election Service should act voluntarily in this direction, so that all buildings in which polling stations will operate, are fully accessible to persons with disabilities, regardless of their disability.

Moreover, it was stated that relevant instructions are being given to the chairpersons of the polling stations regarding the voting ability provided to persons with disabilities, when they wish, with the help of a person of their choice. While this guarantees the exercise of the voting right of persons with visual or intellectual disabilities, the secrecy of their vote, as well as their right to vote independently, are at stake. In particular, when the necessary and personalized adjustments are not provided to persons with disabilities who go to the polls, it is not possible for persons with visual disability to use the ballots, due to the lack of assistive devices or technologies, such as magnifiers and voting devices (special coverages) by touch.

Persons with intellectual disabilities need to be provided with the necessary instructions regarding electoral procedures in a legible format, and at the same time, these instructions, which are available at polling stations, should be accessible to all persons with disabilities, regardless of their disability and therefore should be provided in audio or Braille format.

Based on the above, the Ombudsman suggested the following recommendations:

- Accelerate the completion of the bill regarding the legal capacity of persons with mental and psychosocial disabilities, so that they are not deprived of their political rights and if it is possible, this to be set out for discussion and voting at the Parliament before the upcoming Municipal and Community elections.
- Take measures for the exercise of the voting right by persons with disabilities residing in long-term care institutions, driven by preserving the secrecy of the ballot and eliminating the risk of influencing voters during the exercise of their right to vote. To this end, it is crucial to provide on time the necessary information related to the elections and the electoral procedures of the persons residing in these institutions, so that they are able to vote, as much as possible, independently and without assistance by third person.
- Examination of the possibility of connecting the sponsorships to the political parties with the organization of their pre-election events at places accessible to all persons with disabilities and the provision of their pre-election material in an accessible form, such as subtitling

their visual messages and making their printed material available in Braille.

- All information related to the elections and the electoral procedures should be available in an accessible form before the elections and in this direction, the introduction of a telephone line for the oral provision of this information to the persons with disabilities, based on the needs, should be considered. This information should be available in accessible formats, also at the polling stations on elections day.
- Take measures to ensure that all election-related television broadcasts are provided simultaneously and in an accessible form to persons with hearing disability, either by subtitling them or by providing simultaneous interpretation in sign language.
- All polling stations should be fully accessible to persons with disabilities, as the right of persons with disabilities to vote at polling stations on election day, is not substituted in any way. In case that this cannot be achieved for practical reasons, additional options should be provided, including the mobile ballot box or the provision of the possibility for persons with disabilities to vote in polling station near their place of residence.
- Adopt accessible voting systems and / or consider adopting alternative forms of voting, that ensure both the secrecy of the ballot and the right of persons with disabilities to vote independently and without intermediaries.
- Keep records of data and statistics in relation to the accessibility of persons with disabilities in elections and electoral processes, so that, any problems that may arise can be identified and addressed.

As the Ombudsman noted, the above suggestions are indicative and not exhaustive, as, considering that any decisions concerning persons with disabilities should not be taken in their absence, the Services involved should consult the representative organizations of persons with disabilities, to adopt best practices and solutions that will ensure the full enjoyment of the rights of persons with disabilities, during elections.

A triptych was attached to the Ombudsman's report, which was prepared as part of an awareness campaign conducted by her Office, regarding the Equal Participation of Persons with Disabilities in the Elections. In the triptych they are briefly mentioned, on the one hand, the basic rights of the persons with disabilities during the elections, and, on the other hand, the obligations of the State (and of the political parties), in order to ensure these rights.