



## **OUR RIGHT TO PARTICIPATE – PROMOTING THE PARTICIPATION OF PERSONS WITH DISABILITIES IN POLITICAL AND PUBLIC LIFE**

**31 OCTOBER 2016, HELSINKI, FINLAND**

### **RECOMMENDATIONS**

On 31 October 2016, the OSCE Office for Democratic Institutions and Human Rights (ODIHR) together with the Ministry for Foreign Affairs of Finland and the Finnish Human Rights Centre organized a high-level expert seminar, *Our right to participate – Promoting the participation of Persons with Disabilities in political and public life* in Helsinki, Finland.

The seminar was held in a year marking the 10<sup>th</sup> anniversary of the UN Convention on the Rights of Persons with Disabilities (UNCRPD), which has been adopted or signed by 53 out of 57 OSCE participating States (pS). In 2016, the OSCE also marked the 25<sup>th</sup> anniversary of the Moscow Document which ensures the protection of the human rights of persons with disabilities and equal opportunity to participate fully in the life of their society. In the Moscow Document, the OSCE pS committed to “to take steps to ensure the equal opportunity of such persons to participate fully in the life of their society (Moscow 41.2) and to “promote the appropriate participation of such persons in decision-making in fields concerning them” (Moscow 41.3).

140 participants (80 women, 60 men) attended the seminar, including disabled people’s organizations, parliamentarians with and without a disability, representatives of ombuds institutions, OSCE field operations, as well as members of the Parliamentary Assembly of the Council of Europe, the OSCE Parliamentary Assembly, the EU Fundamental Rights Agency, the International Foundation for Electoral Systems and the UN Committee on the Rights of Persons with Disabilities. Twenty one experts (12 women, 9 men) contributed to the discussion as speakers from different OSCE participating States (pS).

The discussions during the seminar were organized in two panels:

- 1) What are the main challenges to the Political Participation of Persons with Disabilities in the OSCE region?



- 2) How can identification and application of good practices help OSCE participating States address challenges to the political participation of persons with disabilities in the OSCE region?

The panels were organized in the form of presentations and interactive discussions. Each speaker contributed on the key challenges with a brief presentation related to participation of persons with disabilities in political and public life and examples of mechanisms and support that contribute to creating an enabling environment. The moderators then focused on identifying concrete suggestions and solutions for improvement and an agenda for action, based on the information provided by the speakers.

During both panels, references to the relevant OSCE human dimension commitments, UNCPRD and the UN 2030 Agenda for Sustainable Development were made, with the documents serving as guiding principles to define the challenges, obligations and necessary steps which should be undertaken to increase the participation of persons with disabilities in political and public life. Article 29 of the UNCPRD provided a framework for discussions during the seminar and also for the recommendations. The close interaction and connection of Article 29 with other UNCPRD provisions was often visible when discussing issues such as, for example, accessibility, inclusive education and equal recognition before the law.

The initial outcomes of the seminar were first discussed at a smaller experts' meeting, held on 1 November in Helsinki, Finland with most of the speakers and other experts present. The provided feedback was incorporated in the draft recommendations which were shared with the speakers and experts for their comments. Subsequently, the document was finalized and disseminated to all the participants of the seminar, aspiring to reflect the vision and inputs of all contributing participants.

The following recommendations were identified as a result of the discussions:<sup>1</sup>

- OSCE pS should create an accessible environment for participation of persons with disabilities in political and public life;
- OSCE pS should remove legal and administrative barriers, preventing participation of persons with disabilities;
- OSCE pS should create legal, policy and institutional framework enabling participation of persons with disabilities;
- OSCE pS should provide inclusive education, civic education and take measures to raise public awareness on participation of persons with disabilities;

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<sup>1</sup> See 6-11 p. for more information.



- OSCE pS should make efforts to increase visibility of persons with disabilities;
- OSCE pS and inter-governmental organizations should ensure broad coalition and co-operation to guarantee the progress;
- OSCE pS should collect data about participation of persons with disabilities and monitor the progress achieved;
- OSCE executive structures should implement measures to become more accessible to persons with disabilities.

### ***Importance of inclusion***

An overarching emphasis during both panels was on acknowledging the importance and necessity to include persons with disabilities in political and public life on an equal basis with others. It was emphasized that lack of participation creates a democracy gap, undermines the rule of law and diminishes the basic principles of good governance. It enforces segregation and discrimination of persons with disabilities. Exclusion is not only an issue that negatively affects the exercise of rights of persons with disabilities. It harms the society as a whole, having 15 per cent of the population excluded from decision and policymaking, legislative initiatives and economic development. When taking into account their families and friends, the negative impact of exclusion of persons with disabilities is even stronger.

Acknowledging the ability, capacity and will of persons with disabilities to contribute at all levels of political and public life is the first step in ensuring their participation. It requires changing the perception about persons with disabilities, questioning the outdated paternalistic approaches and prevailing stereotypes.

It was recognized that a more diverse political landscape can contribute to a more inclusive society. Inclusion of persons with disabilities in decision-making results in policies and legislative initiatives which more broadly reflect the perspective, will and needs of different community members. Similarly, participation of persons with disabilities in public life results in a more inclusive, equal and peaceful society which acknowledges the diversity and values contributions of all members of any given community.

### ***Identified challenges***

During the first panel discussion, the speakers shared their experiences and views on the main obstacles and limitations to effective participation of persons with disabilities in political and public life. With respect to challenges faced, the participants in particular emphasized the existing discriminatory laws and practices in the OSCE pS, poverty, institutional segregation, lack of accessibility (physical, linguistic, i.e. absence of sign language interpretation,



infrastructure and access to information/media and communication systems), limited support and funds for participation, legal and administrative barriers (including restrictions on legal capacity and lack of mechanisms for supported-decision making), low awareness and prevailing stereotypes in the society.

The lack of accessible information puts persons with disabilities at a disadvantage when making informed choices. Similarly, it was stressed that the lack of quality inclusive education further contributes to exclusion and segregation of persons with disabilities. Finally, the participants identified the lack of comparable, disaggregated by disability data and monitoring mechanisms in most OSCE pS as a main obstacle to measure the level of participation and develop policies which would address the core problems and provide needs-based policies, programs and measures. Many of these barriers are the result of national legislation not being harmonized with international standards outlined in the UNCRPD or this legislation not being implemented and/or enforced.

### ***Steps to be taken***

One of the main conclusions of the seminar is that involvement of persons with disabilities in political and public life largely depends on the existence of political will in the countries. Effective participation in public and political life requires an enabling environment and political setting which encourages and supports such participation. It is thus closely linked to the general political environment in the state. Persons with disabilities face additional challenges when living in a country with general shrinking space for freedom of speech, democratic principles and political pluralism.

Similarly, when discussing the engagement of persons with disabilities, general challenges affecting political activism should be considered, taking into account the growing gap between policy makers and citizens. The declining political engagement and trust in democratic institutions impacts persons with disabilities equally, if not more, than their fellow citizens, and their potential engagement should be considered when taking steps to promote overall political activism. Thus, civic education is crucial in generating political participation of persons with disabilities.

It was also noted that participation is not an abstract issue and concrete measures are required to ensure its realization. The measures taken should be flexible and tailored to people with different types of disability or impairment. This requires creative ways of thinking and using different kinds of approaches. The use of opportunities brought in by new technologies may have a significant role in facilitating the participation of persons with disabilities and should be explored accordingly.



Finally, it was also acknowledged that many reasonable accommodations made to increase access to persons with disabilities support broader inclusion – for example, step-free entry to polling stations benefits people with physical disabilities as well as older people, voter education in easy-to-read format is helpful for those with intellectual disabilities and people with low literacy.

### ***Consolidated recommendations***

A number of recommendations were developed as a result of the discussions. In addition to the concrete recommendations described below, two cross-cutting issues were identified. The first relates to the consultations and direct involvement of persons with disabilities in the matters directly affecting them and in those of a general public concern. Involvement of experts on disability rights is not sufficient; OSCE pS should give a voice to persons with disabilities to talk about themselves and provide their expertise and contributions. This equally applies to the engagement of persons with disabilities in policy planning and legislative processes, directed at improving their political participation to ensure that the developed tools and programs correspond to the actual needs of persons with disabilities. Such participation should be formalized, as well as real, meaningful and effective.

A prominent role should be given to persons with disabilities as experts in public offices, democratic institutions, election observation missions and in the work of inter-governmental organizations, including in the OSCE. The participatory approach is crucial to break the stereotypes and increase visibility of persons with disabilities. The engagement should be ensured when developing any policies and action plans. It should equally cover different structures of the OSCE. Participating States shall be encouraged to second persons with disabilities as short and long-term election observers. Partnership between international election observer organizations and disabled people's organizations (DPOs) should be enhanced. Persons with disabilities should be trained on how to monitor accessibility of elections, in addition to the general monitoring of elections, whilst different aspects of accessibility should be mainstreamed in election observation methodologies.

The second cross-cutting issue relates to addressing multiple forms of discrimination and promoting gender equality. Particular difficulties related to the participation of women and girls with disabilities in political and public life should be acknowledged, and adequate steps should be undertaken to fight gender-based discrimination. Awareness raising regarding the double marginalization encountered by women with disabilities and ways to prevent and/or combat this should be incorporated in all policies, programs and tools addressing the participation of persons with disabilities. Similarly, adequate measures should be put in place to effectively fight multiple



forms of discrimination of persons with disabilities, especially inter-sectional, based on disability and age, ethnicity, race or other grounds.

The following is the list of recommendations developed as a result of both panel discussions:

**1) OSCE pS should create an accessible environment for participation of persons with disabilities in political and public life**

Among many issues discussed, a requirement to ensure accessibility was recognized as a precondition for participation in all areas of political and public life, including elections, democratic institutions, public meetings and other forms of civic engagement. In this respect, the question of the use of public funds was raised, discussing the need to enforce the obligation to discontinue using public funds on practices which are discriminatory towards and/or segregates persons with disabilities.

With reference to political participation, general and integral accessibility of the environment is crucial, to ensure that information, public meetings, democratic institutions, polling stations and electoral materials are available to persons with different kinds of disabilities or impairments: intellectual, sensory, psychosocial as well as physical. Reasonable accommodation should be provided for persons with all kinds of disabilities, including throughout the voting process - which goes beyond adjustments for persons with physical impairments. This includes developing materials in easy-to-read formats, Braille, providing subtitles, audio description and ensuring that sign language interpretation and oral interpreters are available. It covers such areas as:

- Physical accessibility of premises, including polling stations;
- Accessibility of infrastructure;
- Linguistic accessibility (both spoken and signed);
- Accessibility of media, including online and offline media, radio and TV;
- Accessibility of political information, political manifestos, political meetings;
- Accessible voter and candidate registration processes.

Without the possibility to access news and information on political developments, persons with disabilities are limited in making informed choices. Similarly, if the information about political party gatherings or demonstrations is not available in accessible formats, persons with disabilities will not be informed about them and will not be able to participate. Even if they are informed about the meetings, they might still not be able to attend in person, due to the actual event not being accessible (e.g. via sign language interpretation). Physical accessibility of buildings, environment and infrastructure, including public transportation, are similarly important in ensuring that persons with disabilities can access the places of meetings and gatherings, including the offices of political parties, parliaments and other venues.



Sufficient accessibility measures should be put in place to ensure that persons with disabilities can take an active role in the political processes as staff, candidates and members of the parliaments, political parties and public offices. In this regard, reasonable accommodation should be provided, recognizing that the denial of such measures is a form of discrimination based on disability.

Recognizing the importance of accessibility, the challenges in ensuring it in practical terms should not be underestimated. Sufficient financial resources should be allocated to ensure accessibility, and data should be collected about the existing barriers in order to continuously provide the necessary improvements. To ensure adequate use of public funds, the accessibility of buildings, the environment and public transportation systems should be built in at the planning stage to reduce expensive retrofitting later.

With respect to political parties, there is a need to differentiate between larger and smaller political parties, accepting that different requirements might be applicable, depending on the actual possibilities of the parties to meet such requirements. To this end, minimum accessibility requirements should be defined and applied to all political parties, recognizing the potential of larger political parties using public funds to additionally invest in ensuring higher accessibility standards.

Overall, it should be acknowledged that legislative measures alone are not sufficient to ensure accessibility, drawing on unsuccessful examples of several OSCE pS to implement such requirements in practice. Obstacles to the implementation of such provisions should be identified and in addition to legislative measures other supplementary efforts should be considered. For example, state-supported financial incentives to political parties could have a significant role in ensuring that accessibility requirements are implemented in practice. At the same time, parliaments should be encouraged to lead by example through making its committee and plenary sessions fully accessible and by providing reports and other information in accessible format, both offline and online.

## **2) OSCE pS should remove legal and administrative barriers, preventing participation of persons with disabilities**

In line with the UNCRPD, OSCE pS should remove all barriers in their national legal and administrative systems that prevent participation of persons with disabilities in political and public life on an equal basis with others, including denial of voting rights on the basis of legal capacity. Legal provisions and measures respecting equal recognition before the law of all persons with disabilities should be introduced, providing assistance to exercise legal capacity through supported instead of substituted decision-making.



The rights of persons who live in specialized institutions should be equally recognized, ensuring equal respect of all their rights enshrined in the UNCPRD, including the right to participate in political and public life and more specifically the right to vote. Any such measures should be taken, bearing in mind the provisions of the UNCPRD guaranteeing the right to live independently and be included in the community. In institutions where mobile voting is organized, measures preventing voting manipulation and securing the secrecy of vote must be ensured. However, mobile voting should not substitute regular voting which should be guaranteed to all persons with disabilities on an equal basis with others.

### **3) OSCE pS should create legal, policy and institutional framework enabling participation of persons with disabilities**

In addition to removing legal and administrative barriers, the OSCE pS should take steps to create an enabling legal, policy and institutional environment for participation of persons with disabilities. This entails direct engagement with DPOs and establishing an institutional setting for such co-operation.

OSCE pS should provide the necessary support to DPOs, including capacity building and financial assistance to ensure that such organizations are able to function and effectively perform their duties. Similarly, individual political activism should be encouraged by providing the necessary assistance and financial support, including for political campaigns and participation in parliaments.

Opportunities for participation at the local/regional level should be created, acknowledging that such participation is often the gateway for political participation (e.g. standing for elections) at the national level, and would help to build a culture of inclusion and participation of persons with disabilities.

Finally, positive temporary measures could be considered, in order to improve representation of persons with disabilities in political parties, public offices and decision-making positions. For example, legislative quotas or targets for persons with disabilities in parliaments next to the gender quotas could be introduced. Positive examples from countries where good practices exist should be analyzed and considered, taking into account the particular national context of the country where such measures might be introduced.

### **4) OSCE pS should provide inclusive education, civic education and take measures to raise public awareness**

Providing full and equal access to education and other educational activities, generating civic activism, have a significant role in ensuring the participation of persons with disabilities.



- *Inclusive education*

The right to political participation is closely linked to a number of other rights, including the right to inclusive education. Inclusive education is crucial to enable future political engagement of persons with disabilities. It is essential to break the stereotypes and existing segregation of children with disabilities and create an inclusive educational environment where diversity is valued and the contribution of persons with disabilities is encouraged from an early age along with that of non-disabled persons.

- *Civic education*

Persons with disabilities will have a limited role in the public and political life if they feel alienated from political developments due to the lack of knowledge and understanding, and if no measures are taken to generate an overall political activism. Civic education has an important role in creating such interest, and it should be provided in accessible formats, including for persons with intellectual disabilities. Educational activities should be accompanied with accessible, comprehensive and balanced information about the on-going political developments to allow persons with disabilities take a stand on the matters of concern and make informed decisions. Civic education initiatives should also target the general population, sensitizing citizens to the rights, capacities and abilities of people with disabilities.

- *Awareness raising*

When considering the participation of persons of disabilities in political and public life, a number of relevant actors are concerned, including political parties, parliaments, election authorities, civil society organizations, media and inter-governmental organizations.

General public awareness raising efforts should be complemented with targeted activities and initiatives to promote awareness about participation of persons with disabilities in all these structures and institutions. For example, as part of the awareness raising initiatives, parliamentarians with disabilities could discuss jointly with parliamentarians without disabilities barriers which prevent wider engagement of persons with disabilities in political life. Such discussions could result in decisions and concrete measures facilitating the efforts of persons with disabilities in taking an active role in national, regional, and pan-national parliaments. Similarly, political parties, as gate-keepers to the parliament, should be engaged in activities which discuss ways of increasing accessibility of their materials, promoting outreach to the wider groups of society and addressing persons with disabilities as potential voters, whilst also reaching out to them as potential members and candidates. They should also be encouraged to



give persons with disabilities who show talent for political work, an equal chance like they do for persons without disabilities.

Election authorities play a significant role in ensuring that elections are accessible to persons with disabilities. Trainings on accessibility standards and personal assistance, whilst respecting the secrecy of vote, are crucial in ensuring the right of persons with disabilities to vote. In the same way, awareness raising and training regarding the participation of persons with disabilities could be beneficial for inter-governmental and civil society organizations to ensure mainstreaming of disability issues across their programs and activities. Increased awareness about the rights, needs and perspective of persons with disabilities could result in a stronger capacity of civil society organizations to contribute with practical, tailored to the national context solutions to increase participation of persons with disabilities.

Finally, public awareness raising campaigns have an important role in fighting the existing stereotypes and prevailing prejudices in the society. Such campaigns should be designed in a way that they are accessible to persons with disabilities, including to persons with intellectual disabilities, and should be promoted broadly.

#### **5) OSCE pS should make efforts to increase visibility of persons with disabilities**

To tackle the widespread problem of the low representation of persons with disabilities, the OSCE pS should take efforts to increase visibility of persons with disabilities. This includes promoting positive role models of women and men with disabilities who are represented in voter education campaigns, public positions and offices. It may also require investments in public awareness raising campaigns. Media have a significant role in ensuring such visibility and changing the public perception about persons with disabilities. Separate trainings and educational initiatives on how to portray persons with disabilities in media might be necessary, aiming at breaking the existing stereotypes about persons with disabilities embedded in the medical model of defining/perceiving disability. In addition, OSCE pS and political parties should be encouraged to give candidates with a disability a fair chance to be selected for government positions or to be nominated by political parties.

#### **6) OSCE pS and inter-governmental organizations should ensure broad coalition and co-operation to guarantee the progress**

Close co-operation and best practice experience exchange between different OSCE pS and among the relevant national stakeholders is one of the key instruments in ensuring a long-term positive change. Efforts to collect positive practice examples should be put in place, whilst also



promoting the use of such practices in other countries. The ultimate goal would be to ensure that in the long-run such successful examples would become a standard practice.

At the national level, close co-operation between the government, parliaments, political parties, local DPOs, media, civil society organizations working on political participation, including women, youth and other underrepresented groups, is necessary to ensure joint efforts and common understanding about the importance of inclusive and participatory society.

Finally, relevant structures of international organizations, such as the UN, OSCE, European Union and Council of Europe should ensure synergies between their work to avoid any overlap and strengthen positive initiatives with a complementary approach.

#### **7) OSCE pS should collect data about participation of persons with disabilities and monitor the progress achieved**

Lack of data on participation of persons with disabilities has been recognized as a major obstacle to their effective participation. It prevents designing the necessary policy interventions and implementing measures which would correspond to the existing problems at the national or international level. Comprehensive, gender and impairment disaggregated data on the involvement at all levels are necessary to take the immediate actions, correct the interventions and monitor the progress achieved over time.<sup>2</sup>

Such monitoring should be periodical and should be carried out together with persons with disabilities, ensuring that future measures would be undertaken in light of the identified needs and challenges.

#### **8) OSCE Executive structures should implement measures to become more accessible to persons with disabilities**

In addition to the recommendations provided above, OSCE executive structures should put an effort to mainstream disability in different aspects of their work and ensure that supplementary programs and activities are implemented to promote the participation of persons with disabilities in political and public life. Accessibility of all OSCE premises, as well as of websites and other forms of information materials and events should be improved. Increased awareness and appropriate resources should be allocated to ensure broader participation and contribution of persons with disabilities in all structures, programs and activities.

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<sup>2</sup> For example, the Washington City Group questions on functioning could be utilized in each country in order to ensure comparable data.