



IHREC's role in promoting and monitoring the state's compliance with CRPD Article 29 (Participation in political and public life) in local, European and national elections in 2024-2025

Issues paper prepared for the Disability Advisory Committee

March 2024

This paper presents questions which IHREC would like the Disability Advisory Committee to consider with regard to any activities that the Commission might undertake – in its role as the Independent Monitoring Mechanism for the CRPD- in promoting, protecting or monitoring Article 29 in advance of confirmed and expected elections in Ireland in 2024 and 2025.

The paper documents IHREC's and the DAC's current and previous considerations and submissions on this issue; it provides a summary of recent EU-level guidance on enabling participation of disabled people in political processes, and it presents some questions for the DAC to consider regarding potential actions that IHREC might take this year.

The DAC is requested to provide its advice to the Commission at the March 11th meeting (reflecting the states' obligations under CRPD Articles 9 (Accessibility)¹ & 29 (Participation in political and public life)² in particular).

1. Current IHREC work in this area

The Public Sector Duty Section (Strategic Engagement Team) are currently working with the local government sector in relation to the forthcoming Corporate planning cycle and the implementation of the PSD in the local Authority Corporate plans 2024-2029. The team has been engaging with key stakeholders in local government for the past 18 months on this programme of work, including Department of Housing Planning and Local Government, Association of Irish Local Government and all local authorities, noting that local authorities play a key role in elections, managing the register and providing information to the public, a role managed nationally by the department.³

The Strategic Engagement Team are also considering undertaking work to influence the political manifestos of political parties, informed by the findings and recommendations of IHREC's parallel report to ICESCR and the Committee's Concluding Observations (anticipated in early March).

¹ [Article 9 of the UNCRPD provides that](#): "States Parties shall take appropriate measures to ensure to persons with disabilities access, on an equal basis with others, to the physical environment, to transportation, to information and communications, including information and communications technologies and systems, and to other facilities and services open or provided to the public, both in urban and in rural areas." Article 9 goes on to specify the states' role in the provision of infrastructure, information, communications, and the provision of minimum standards, training and guidance.

² Article 29 of the UNCRPD provides that: "States Parties shall guarantee to persons with disabilities political rights and the opportunity to enjoy them on an equal basis with others, and shall undertake: (a) To ensure that persons with disabilities can effectively and fully participate in political and public life on an equal basis with others, directly or through freely chosen representatives, including the right and opportunity for persons with disabilities to vote and be elected... (b) To promote actively 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."

³ An Coimisiún Toghcháin (the Electoral Commission) also plays a role in provision of information to the public and an oversight role in the Department's management of the elector register.



2. Previous actions by IHREC on political participation of disabled people

2.1 Correspondence from the Commission with government departments in advance of previous elections (2019) & follow up consideration by the DAC on future electoral processes

IHREC previously wrote to the Minister for Housing, Planning and Local Govt., and the Minister of State for Local Govt. & Electoral Reform regarding the States' obligations under Article 29 (participation in public life) and Article 4(3) (participation of persons with disabilities in decisions about legislation and policies) of the CRPD, raising the following issues:

- the accessibility of polling stations, voting procedures and media broadcasts providing coverage of election issues;
- the preparedness of Presiding Officers to facilitate persons with disabilities to vote;
- the need to promote awareness of the Special Voters List among persons with disabilities living in hospitals, nursing homes and other residential settings;
- the need to promote awareness of postal voting and the process by which persons with disabilities can register for entry on the Postal Voters List, and;
- the wide-ranging barriers that persons with disabilities face in seeking to stand for elected office.⁴

While a response was forthcoming at the time from the Minister of State for Local Govt. & Electoral Reform, the DAC (when it considered this response in July 2019) considered it be unsatisfactory, for example in portraying a narrow understanding of accessibility and in failing to address participation in terms of candidacy. Issues raised by members in reflecting on the accessibility of the elections more generally included:

- the lack of supports for persons with disabilities participating in elections as candidates;
- accessibility issues in polling stations, including the absence of wheelchair-accessible polling booths and insufficient space for using the tactile ballot paper template;
- the impact of accessibility issues on the right to a secret ballot for voters with disabilities;
- the lack of accessible information, from both state bodies involved in electoral administration and from political parties and candidates, for voters with different disabilities (Blind and vision impaired, Deaf/hard of hearing, learning disability), and;
- the inadequate training of polling staff regarding what assistance to provide to voters with disabilities.⁵

The committee agreed to continue considering political participation and the accessibility of elections in forthcoming meetings. The committee secretariat subsequently compiled members' reflections on the elections, with a view to informing the committee's future work in this area. The reflections suggested that while there had been significant improvements, there was clear evidence that disabled people that wished to vote and/or to participate as candidates were disenfranchised. Despite the necessity for a voter information campaign before the election being highlighted by disabled people, this did not occur. The result was a very large number of spoiled votes. The DAC members called for:

- Voter awareness campaign,
- Greater information and support in relation postal voting,
- Supports for candidates with disabilities to engage in the elections and run as candidates,

⁴ The DAC had recommended this action in February 2019; See DAC Minutes (Feb 2019).

⁵ DAC Minutes (July 2019).



- Improvements in the voting system for the visually impaired,
- Greater awareness among polling staff and improved accessibility at polling booths,
- A system in which people with disabilities can raise access to voting issues on the day of the elections and have them resolved in a timely manner allowing them to vote.⁶

2.2 Submissions on the establishment of the Electoral Commission (2019) and the Electoral Reform Bill (2020) regarding engagement with disabled people and accessibility of polling stations:

IHREC has called for the engagement with disabled people and for actions to be taken to ensure the accessibility of polling stations in its submissions on the establishment of the Electoral Commission (2019) and the Electoral Reform Bill (2020).⁷

The Commission recommended that the Electoral Commission should engage with groups facing barriers to participating in the Irish electoral process, including disabled people, noting the role of disabled people in shaping which measures could be taken to enable participation. The commission noted in particular the participation of disabled people in the development of standards for the use of polling stations that are compliant with the constitutional right to vote and the obligations of all public bodies under Section 42 of the Irish Human Rights and Equality Act, 2014, noting concerns expressed by the DAC about the performance of Returning Officers in ensuring accessible polling facilities.⁸

The DAC has previously raised concerns regarding the Electoral Reform Bill (prior to its enactment), including the lack of supports for disabled candidates, intersectional exclusion of persons with disabilities who are not citizens of the State, and the need for polling station staff to be trained in supporting and facilitating disabled people to vote.⁹

3. European Commission- Guide of good electoral practices

In December 2023, the European Commission published a guide to good electoral practices to address participation of citizens with disabilities in the electoral process, to address physical, information,

⁶ IHREC internal note, "Disability Advisory Committee reflections on CRPD Article 29 Participation in political and public life; Compiled by the committee secretariat" (October 2019).

⁷ IHREC, [Recommendations on the Establishment of an Electoral Commission 2019](#) and IHREC, [Submission to the Committee on Housing, Local Govt and Heritage on the Electoral Reform Bill Feb 2021 \(2020\) – See pages 4-6](#). The recommendation that the Electoral Commission engage with groups facing barriers, including disabled people, was repeated in IHREC's [Submission to the Citizens' Assembly on Gender Equality 2020](#)⁷ (p14-16) which drew attention to the barriers faced by disabled women in participating in political life, and in IHREC's [Submission to the Committee on Housing, Local Govt and Heritage on the Electoral Reform Bill Feb 2021 \(2020\)](#). IHREC restated this view too in its submission to the [Consultation on the Terms of Reference and Work Programme for the Joint Oireachtas Committee on Disability Matters \(2020\)](#), when it recommended that the Joint Oireachtas Committee should examine the barriers to political participation for persons with disabilities and develops proposals for how these might be addressed (p.11); and in its [Submission to the United Nations Human Rights Committee on the List of Issues for the Fifth Periodic Examination of Ireland](#) (August 2020) p. 56

⁸ The call for improved engagement with DPOs has been echoed recently by the Joint Oireachtas Committee on Disability matters, who recommended "The Electoral Commission must consult with DPOs on the barriers that people with disabilities face, as well as implementing equality and disability awareness training for returning officers." Joint Oireachtas Committee on Disability matters, [Towards harmonisation of national legislation with the United Nations Convention on the Rights of Persons with Disabilities](#) (2024), p. 138.

⁹ DAC Minutes (February 2021).



assistance and societal barriers to participation, based on the experience and practices across the EU. The guide is a part of the [Strategy for the Rights of Persons with Disabilities 2021-2030](#). It calls for a multifaceted approach “to increase the overall accessibility of the environment, services, and information that persons with disabilities interact with.”¹⁰

The guide suggests a number of actions that create a supportive environment for political participation of disabled people, including the following.¹¹

- Specific policies to be developed with the involvement of authorities at national, regional and local level, equality bodies and election authorities. These might include accessible voting action plans, developed in collaboration with disabled people/DPOs, which would improve accessibility of polling station, to provide easy to understand and access information, to better inform polling station staff, and to encourage political parties to communicate in more accessible ways (including the use of simple language).
- Awareness-raising and attitude change, including provision of information to increase awareness of political processes among disabled people, including by organising meetings, running specific information campaigns, producing communication kits, voting preparation educational sheets, and booklets with easy-to-read language, pictures, and diagrams.
- Cooperation with organisation supporting the rights of persons with disabilities. This might include the involvement of DPOs or disability-focused organisations to help develop election-specific information, provision of interpretation and preparation of materials suitable for people with audio-visual impairments. It can also include a role for DPOs in monitoring and inspecting polling stations to report and make recommendations on accessibility and compliance with appropriate standards.
- Increasing accessibility and usability of building, meaning that building used for electoral processes are convenient, safe, and independently usable by everyone including indidual or groups that need special tools of technical arrangements.
- Training and specific support for election officials, which could include guidelines and handbooks for polling station officials, prepared in collaboration with disability organisations; provision of information on how to make it easier for persons with disabilities to vote, including reception and assistance to voters with disabilities, tailored to their type of disability; training for polling station officials on how to connect with persons with disabilities and help them exercise their voting rights, independently or assisted.

The guide recommends outreach to disabled people during the electoral cycle, including through the provision of accessible voting information, in print, online and in other media,¹² and the application of universal design and reasonable accommodation in the election cycle, including the development of procedures, facilitates and materials. This would include registration procedures that are accessible (both paper and digital formats), and where done in person, accessibility of venues and information should be considered; accessible polling station, booths, ballot boxes, paper ballots, voting machines; and the provision of complementary/alternative voting methods, for example being empowered to

¹⁰ European Commission, Commission staff working groups, “Guide of good electoral practices in Member States addressing the participation of citizens with disabilities in the electoral process” (2023), p.14.

¹¹ Ibid, p.14-18.

¹² Ibid, p.18-21.



vole from home/hospital or being permitted to vote ahead of the election day, or through the use of ‘mobile voting’ (where the ballot box is brought to the voters location), or postal voting.¹³

The guide suggests too that data and statistics on the participation of citizens with disabilities should be collected and analysed to assess how effectively they can exercise their electoral rights.¹⁴

Finally, the guide includes framework (see annex 1 below) to guide authorities and sample checklists used in member states.

4. Supportive practices, policies’ and procedures in Ireland

The Electoral Commission, An Coimisiún Toghcháin, has a voter education and awareness function, “working to increase participation in, and promote awareness of Irish democratic processes. As part of its public engagement remit, it will encourage the electoral participation of under-reached groups such as persons with disabilities.”¹⁵

Election official are required to make arrangements needed to ensure polling stations are accessible, “which includes providing at each polling station an appropriate table and chair, located so as to ensure voting secrecy and provide a more convenient position for voters who are wheelchair users, who have a physical disability, a visual impairment or older voters.”¹⁶ Accessible ballot papers are provided, including through an Braille template supported by a telephone line which voters can call to hear the layout of the ballot paper and the order of candidates.¹⁷ The Electoral Reform Act 2022 broadened the definition of illness and disability to those with mental health difficulties, facilitating the extension of postal voting or special voting arrangements.¹⁸

An Coimisiún Toghcháin has “a legislative remit to conduct post-electoral event reviews. These reviews will examine returning officers’ and presiding officers’ (who supervise polling stations at a poll) support in facilitating voting by blind, incapacitated, and illiterate voters at polling stations.”¹⁹ Section 67 of the Electoral Reform Act 2022 provides that the reports of the Commission include information on the assistance provided to persons with disabilities under existing legislation.²⁰

The European Commission guide to good electoral practices has documented the provision of a number of tools and procedures in member states, and found that Ireland provides/does not provide the following.²¹

Provided in Ireland	Not provided in Ireland
Availability of assistive tools, accessible voting booths and ballot boxes	
Templates/tactile stencils	Magnifiers

¹³ Ibid, p.21-28.

¹⁴ Ibid, p.28-29.

¹⁵ Ibid, p.15-16. See also [FAQs on the role of the Electoral Commission](#).

¹⁶ Ibid, p.23.

¹⁷ Ibid, p.25. See the Electoral Commission’s information [Accessible Voting](#).

¹⁸ National Disability Authority, [NDA Review Paper on UNCRPD Article 29: Participation in political and public life](#) (2023) p. 14-15.

¹⁹ Ibid, p.30.

²⁰ National Disability Authority, [NDA Review Paper on UNCRPD Article 29: Participation in political and public life](#) (2023) p. 14.

²¹ Ibid, p.47-52.



Adequate lighting in voting booth	Audio description (either provided by the polling station of enabling use of a personal assistive device)
Large printouts	Sign language at polling stations
Braille ballots	
Accessible voting booths	
Accessible ballot boxes	
Complementary voting options available for persons with disabilities in EU Member States	
Mobile voting (i.e. voting from home, hospitals or residential settings)	Curb-side voting
Choosing polling stations	Advance voting
Postal voting ²²	Proxy voting
Assisted voting	Internet voting

An Coimisiún Toghcháin has recently stated that they will be focusing “on a universal design approach ...which looks to the access people with disabilities and people across our population have to registering, to voting, to political activity including standing as candidates, to accessing results, and being able to engage after each election on how best to make the operation of the next election better.”²³

Contextual information on the current barriers and challenges to the participation of disabled people in political processes are documented by the NDA 2023 report [NDA Review Paper on UNCRPD Article 29: Participation in political and public life](#).²⁴

5. Some suggestions for the DAC to consider

The DAC is asked to consider and discuss the following:

- Whether, and how, the Commission should engage directly with The Electoral Commission, An Coimisiún Toghcháin (the electoral commission), the Minister of Justice, the Minister of House, Local Govt. and Heritage, and/or the Minister of State at the Department of Housing, Local Government and Heritage with special responsibility for Nature, Heritage and Electoral Reform to promote measures that would enable the political participation of disabled people in forthcoming elections, and if so, what key issues should be highlighted.
- Whether there are specific messages that the Public Sector Duty team can bring to the attention of the Department of Housing, Local Government and Heritage for circulation to local authorities and/or an Coimisiún Toghcháin with regard to accessible voting and the creation of an environment that enables meaningful participation.
 - For example, see the sample information booklet – annex 4.1.1- developed by Bernie Bradley (IHREC) when previously working for a county council.

²² Section 116 of the [Electoral Reform Act 2022](#).

²³ Joint Committee on Disability Matters debate -Wednesday, 25 Oct 2023, [Ensuring Inclusive Local and EU Elections: Discussion](#) (2023), quoting Art O’ Neill, An Coimisiún Toghcháin

²⁴ See also Joint Oireachtas Committee on Disability Matters, [Participation of People with Disabilities in Political, Cultural, Community and Public Life](#) (2022).



- Whether there are specific messages regarding the significant under-representation of disabled people in Irish national and local Government and any recommended actions that the Commission could consider in this regard.
- Any issues in relation to voting that the Public Sector Duty team can bring to discussion with department/local authorities as part of their assessment of equality and human rights issues as part of the implementation of the PSD.
- Any issues that the Public Sector Duty team can bring to the Association of Irish Local Government, and any messages that the DAC would like to communicate to candidates/political parties in relation to:
 - Accessibility of manifestos
 - Canvassing with people with disabilities
 - Supporting and enabling candidates with disabilities to seek nominations

In consideration of the above, it is worth noting that each local authority has a Public Participation Network (a network of community groups in the area- PPN). The PPNs can be an avenue through which to engage with disabled people across the country to vote and to communicate supports available to do so.



Annex 1. Framework for enabling persons with disabilities to access elections

When?	What?
Before the elections	<ul style="list-style-type: none"> - Develop disability action plans, including checklists for accessible elections and involve representative organisations of persons with disabilities in the preparation of such plans. - Ensure that persons with disabilities have access to electoral information, in multiple and accessible modes and formats. - Ensure that election authorities' websites are accessible. - Conduct awareness-raising activities, training and education activities, including in cooperation with representative organisations of persons with disabilities. - Choose polling station premises that are accessible, including by using checklists developed together with representative organisations of persons with disabilities. - Design ballot papers to be easy to read and use assistive tools. - Design accessible polling stations, going beyond physical accessibility. - Ensure that voting machines are equipped with software that can easily incorporate accessibility features. - Design voting booths and ballot boxes that are accessible to a wide range of voters. - Purchase tools to improve accessibility, such as magnifying glasses, lamps, tactile and/or Braille templates for paper-based ballots, tactile stickers for ballot boxes, large grip pens, large printouts, audio files (i.e. DAISY (95)), video files with full transcription, captioning, sign language interpretation. - Provide complementary voting methods and other specific arrangements, including postal and online voting, advance voting, mobile voting, curb-side voting, proxy voting and the option to choose another polling station. - Mainstream disability considerations in manuals for election officials. - Consult representative organisations of persons with disabilities when preparing election rules and involve them in developing codes of conduct, including inclusive practices for compiling candidate lists.
During the elections	<ul style="list-style-type: none"> - Provide training to election officials on how to help persons with disabilities in the voting process. - Raise awareness among electoral and other relevant authorities. - Disseminate electoral information in multiple and accessible modes and formats. - Make electoral debates and events accessible. - Support accessibility of political advertising, including in cooperation with representative organisations of persons with disabilities and providing training to media providers. - Support candidates with disabilities, including by providing sign language interpreters, and conduct debates in accessible formats. - Help persons with disabilities to participate as election officials, including by providing access to sign language interpretation. - Support participation of voters, including by providing voting assistance by a person of their choice and implementing queue jumping policies. - Announce election results in accessible formats. - Ensure that election dispute resolution procedures are accessible to persons with disabilities.



	<ul style="list-style-type: none">- Support observation of elections by persons with disabilities and observe the accessibility of elections.
After the elections	<ul style="list-style-type: none">- Collect data on the participation of persons with disabilities in elections.- Evaluate the accessibility of elections and involve representative organisations of persons with disabilities in such evaluation.- Review legal, institutional, and administrative barriers.- Review the accessibility of electoral websites, including in cooperation with representative organisations of persons with disabilities.- Publish the results of the evaluation in accessible formats.- Simplify, automate and provide access to the various pre-registration processes, including voter registration, how to request accommodation, and give persons with disabilities access to the documents they need.- Reinforce partnerships between election authorities, representative organisations of persons with disabilities and other stakeholders, to address identified gaps related to the overall accessibility of the electoral environment.



Annex 2. Protection of the right to political participation for disabled people in Irish and international law

The right to vote by secret ballot is provided for by Article 16 of the Constitution of Ireland, Bunreacht na hÉireann.²⁵ UN CRPD, Article 29 sets out the political rights of persons with disabilities,²⁶ and the rights of persons with disabilities to participate at all levels in electoral events are also enshrined in the European Convention on Human Rights (ECHR).²⁷

Public Sector Equality and Human Rights Duty

Section 42 of the *Irish Human Rights and Equality Commission Act, 2014*, places a legal obligation on all public bodies to promote equality, prevent discrimination and protect the human rights of their employees, customers, service users and everyone affected by their policies and plans. This is the Public Sector Equality and Human Rights Duty, and further information is available at ihrec.ie.

²⁵ Article 16(1) of the Constitution of Ireland provides that: “1° every citizen without distinction of sex who has reached the age of twenty-one years, and who is not placed under disability or incapacity by this constitution or by law, shall be eligible for membership of dáil Éireann. 2° i) all citizens, and ii) such other persons in the state as may be determined by law, without distinction of sex who have reached the age of eighteen years who are not disqualified by law and comply with the provisions of the law relating to the election of members of dáil Éireann, shall have the right to vote at an election for members of dáil Éireann.” Article 28(a)(4) of the Constitution of Ireland provides that: “every citizen who has the right to vote at an election for members of dáil Éireann and such other persons as may be determined by law shall have the right to vote at an election for members of such of the local authorities referred to in section 2 of this article as shall be determined by law.”

²⁶ Article 29 of the UNCRPD provides that: “States Parties shall guarantee to persons with disabilities political rights and the opportunity to enjoy them on an equal basis with others, and shall undertake: (a) To ensure that persons with disabilities can effectively and fully participate in political and public life on an equal basis with others, directly or through freely chosen representatives, including the right and opportunity for persons with disabilities to vote and be elected... (b) To promote actively 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.”

²⁷ Article 3 (right to free elections) of Protocol No. 1 to the European Convention on Human Rights provides that: “The High Contracting Parties undertake to hold free elections at reasonable intervals by secret ballot, under conditions which will ensure the free expression of the opinion of the people in the choice of the legislature.”