

# One Person, One Vote: Right? People with Disabilities and Universal Suffrage



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# Outline

- MDAC
- Save the Vote
  - What and How?
  - Why?
    - Legal Framework
    - Paradigm Shift
  - Campaign and Results
  - What's Next?





# Mental Disability Advocacy Center (MDAC)

- International human rights organisation
- Advances the rights of children and adults with intellectual and/or psycho-social disabilities
- Promotes equality and social inclusion through strategic litigation, advocacy, research and monitoring and capacity-building.
- Headquartered in Budapest, Hungary
- Operates at global, regional, and domestic levels (Europe&Africa)





# “Save the Vote” - What?

- “No person with a disability can be excluded from the right to vote or to stand for election on the basis of her/his physical and/or mental disability unless the deprivation of the right to vote and to be elected is imposed by an individual decision of a court of law because of proven mental disability.”

/October 2010 Interpretive Declaration  
of the Venice Commission/





# “Save the Vote” - How?

- “No person with a disability can be excluded from the right to vote or to stand for election on the basis of her/his physical and/or mental disability ~~unless the deprivation of the right to vote and to be elected is imposed by an individual decision of a court of law because of proven mental disability.”~~

/Proposed Revised Interpretive  
Declaration of the VC/



# “Save the Vote” – Why?



- „Proper Judgement”? Lack of Objective Testing → Overreach/Manipulation/Fraud
- Whom to Test? Lack of Universal Testing → Indirect Disability-based Discrimination
- Political Participation vs. Invisibility Filter
- International Human Rights Framework





# “Save the Vote” – Why? *Int’l HR Framework*

- CRPD Article 12(2): “persons with disabilities enjoy legal capacity on an equal basis with others in all aspects of life”
- CRPD 29(a): “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”



# “Save the Vote” – Why? *Paradigm Shift*

FROM	→	TO
Disability is an individual problem	→	Disability is a problem in society
Differences in abilities are inadequacies	→	Differences in abilities are assets
Seeing deficits	→	Seeing strengths
Us and them: exclusion - tolerance	→	All of us: inclusion - valuing
Society choosing for ‘them’	→	Disabled people choosing for themselves
Professionals know best	→	People have different kinds of knowledge
Charity based	→	Rights based
Patient	→	Citizen
Institutional orientated	→	Community orientated
Medical model of disability - control or cure	→	Social model of disability - change environment and attitudes

<http://www.odi.govt.nz/resources/guides-and-toolkits/disability-perspective/shifting-beliefs.html>





# Campaign

- Launch in NYC at COSP in September 2011
- 5th Freedom Drive of people with disabilities in Strasbourg, France
- Advocacy at UN CRPD Committee, OSCE
- Seminar held in London for British media
- Online campaign





# Results

- Committee of Ministers of CoE (Nov 2011)
- UN High Commissioner for HR (Dec 2011)
- “Universal suffrage is a fundamental principle of the European Electoral Heritage. People with disabilities may not be discriminated against in this regard, in conformity with Article 29 of the Convention of the United Nations on the Rights of Persons with Disabilities and the caselaw of the European Court of Human Rights.”

/December 2011 Revised ID of VC/





# What Next?

Overall:

Awareness Raising and  
Civic Education

- Legal Capacity Law Reform: Guardianship vs. Supported Decision-Making (CZE, MDA?)
- Electoral Law Reform: Exclusion vs. Access (ESP, HUN)
- Improving Accessibility: Registration/ID (PER), Support Services and Personal Assistance (AUS)



THANK YOU VERY MUCH  
FOR YOUR ATTENTION.

