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Mental Health Europe

The right to vote for people with psychosocial disabilities in the European Union



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Right to vote for persons with psychosocial disabilities in the European Union

Guidelines

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I. Introduction

The right to vote is essential for the exercise of democracy. It enables adult individuals to express their political will in elections choosing their representation at all levels of governance (local, regional, national and European) and in referendums on a proposal, law, or political issue. Exercising the right to vote has direct political and social consequences both for the individual and for society as a whole. The right to vote is also essential for the personhood¹ of every voter; it reflects their belonging to an electorate and a community. Persons who can vote matter in political terms; politicians must consider them and create policies and programmes that reflect the will of the persons expressed through elections.

The right to vote can be exercised actively by casting a vote on the elections or a referendum or passively by standing for an election for a certain public office. The latter gives the opportunity to every individual to participate in the governance of their community. This is as essential for the exercise of democracy as the right to cast a vote since the possibility to participate in political life gives a sense of purpose and belonging, reaffirming one's position of being a citizen.

Not everyone had the right to vote in history. When early democracies developed, this right was often allowed to wealthy men and women were generally excluded from the right to vote, thus the whole movement fighting for women's suffrage evolved globally. Most of the countries in the world recognized the right to vote for women during the 20th century. People belonging to ethnic minorities also face(d) restrictions. Furthermore, two categories of people are still often denied the right to vote: people convicted of crimes and people traditionally believed to lack the capacity to vote. For the latter group, the denial of voting rights often applies to people with intellectual or psychosocial disabilities. This is mostly connected with the deprivation of legal capacity – usually as a result of a judicial proceeding where a person is denied the right to make legally effective decisions on certain or all personal matters. Sometimes, people with mental health problems are also denied the right to vote if being deemed of “unsound mind”².

The existing data shows that on the basis of deprivation of legal capacity, in the 2019 elections for the European Parliament, 400.000 persons with disabilities were denied the right to vote often through automatic or quasi-automatic exclusion.³

Ahead of the 2024 European Parliament elections, Mental Health Europe set out to do a study on the developments in the European Union (EU) Member States in regard to the right to vote for persons with mental health problems or psychosocial disabilities, with a particular focus on changes that may have occurred since the last European Parliament elections in 2019. As a result of that study, this document provides guidance through the analysis of the international law concerning the right to vote, a comparative analysis of national laws and practices and policy recommendations. The study also included a survey among Mental Health Europe's members to determine changes in policies and practices at national level. These guidelines are meant to be an instrument to support advocacy and policymaking calling for changes in laws, their implementation and practices that enable full access to the right to vote and stand for elections for people with psychosocial disabilities.

¹ Personhood refers to a quality or a condition of being an individual person having a moral agency. In connection to the UN CRPD, the term of personhood is primarily connected with legal capacity.

² In the law the term “unsound mind” may refer to the inability to stand trial, inability to produce legal effects by own decisions or, in criminal law the lack of ability to understand the meaning of or inability to control own actions.

³ European Parliament (authored by Marie Lecerf), Political participation of persons with disabilities in the EU, May 2023.

II. Right to vote for people with psychosocial disabilities in the international law

International law is the set of rules, norms and standards generally recognized as binding between states. Human rights stem from and rely on the international law. The international treaties represent the internal part of legislation of every country that ratified them and are above the national laws. The procedures of negotiating, entering, ratifying, implementing or denouncing treaties are regulated by the **Vienna Convention on the Law of Treaties of 1969** (hereinafter referred to as “Vienna Convention”).

Very often, advocates in their respective countries invoke international law in order to persuade their respective governments into necessary legislative changes or to challenge and develop the case law before their respective national courts. They may also opt to use international bodies to exert the additional pressure on their respective governments in order to achieve the goals set by their advocacy efforts.

In this section, two international laws relevant for the European Union that guarantee the right to vote as a human right as well as the challenges for their implementation are presented, with a particular reference to the rights of persons with psychosocial disabilities.

II.a The United Nations Convention on Rights of People with Disabilities (UN CRPD)

On 12 December 2006 the United Nations General Assembly adopted the Convention on Rights of People with Disabilities – the **UN CRPD** – with the purpose to promote, protect and ensure the full and equal enjoyment of all human rights and fundamental freedoms by all persons with disabilities, and to promote respect for their inherent dignity. By this international treaty, the **Committee for the Rights of Persons with Disabilities** (further “CRPD Committee”) was established with the purpose of monitoring the implementation of the Convention and provide guidance to the state parties on how to meet their international obligations. Furthermore, an **Optional Protocol to the UN CRPD** was also adopted in 2006 under which a state party recognizes the competence of the CRPD Committee to receive and consider communications from or on behalf of individuals or groups of individuals subject to its jurisdiction who claim to be victims of a violation by that state party of the provisions of the Convention. Until present, there are 188 state parties globally that ratified the UN CRPD including all the Member States of the European Union and the EU itself as a regional political entity.

The right to vote for people with disabilities, including persons with psychosocial disabilities, is guaranteed by **Article 29 of the UN CRPD**, which stipulates it is a political right enabling their effective and full participation in political and public life on an equal basis with others. This right is therefore directly connected with the right to be protected from any form of discrimination.⁴ In a case against Hungary in 2011 initiated by persons with intellectual disabilities who were denied the right to vote on the basis of perceived lack of legal capacity, the CRPD Committee found that such a denial represented discrimination on the basis of disability. Furthermore, the CRPD Committee concluded that Article 29 does not provide for any reasonable restriction or exception for any group of persons with disabilities, which means that the right to vote and stand for an election **cannot be restricted on the basis of perceived lack of legal capacity.**⁵

In addition to the ‘active’ and ‘passive’ forms of the right to vote previously described, Article 29 of the UN CRPD also guarantees the free expression of will of persons with disabilities as electors and

⁴ For further reference see Article 5 CRPD.

⁵ CRPD Committee, the Communication No. 4/2011 vs. Hungary, CRPD/C/10/D/4/2011 of 16.10.2013, § 9.3

receiving the supports when necessary and upon their request to allow them getting assistance in voting by a person of their own choice.

As already established by the CRPD Committee, Article 29 UN CRPD must be interpreted in the light of Article 12 of the UN CRPD⁶ that guarantees equality of people with disabilities before the law. The latter conventional provision does not allow any form of substitute decision making (e.g. guardianship, tutorship, custodianship) and instead requires state parties to recognize that all people with disabilities have legal capacity, ensuring that they have access to supports in decision making when they require so. Therefore, any denial of legal capacity on the basis of perceived lack of cognitive abilities of the person is absolutely prohibited by the UN CRPD. **The denial of the right to vote on the basis of perceived lack of legal capacity, therefore, constitutes a violation of Article 29 taken alone and in the conjunction with Article 12 of the UN CRPD.**

II.b Protocol no. 1. to the Convention on Human Rights and Fundamental Freedoms

On 5 May 1949 the **Council of Europe**⁷ was established with the aim of promoting values of democracy, human rights and the rule of law in Europe. On 4 November 1950 the Council of Europe adopted the **Convention for the Protection of Human Rights and Fundamental Freedoms** (hereinafter referred to as: "ECHR"). To extend the scope of human rights, on 20 March 1952 the Council of Europe also brought a **Protocol no. 1 to the ECHR**, whose Article 3 defines the right to free elections: "*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*".

The implementation of the ECHR and its additional protocols is monitored by the **European Court on Human Rights** (hereinafter referred to as "the Court") that can find violations against state parties who do not fulfil their international obligations. The state parties for which the Court found a violation are, by the power of the Court's decision directed to discontinue the violation against the individual(s), provide remedies and compensation to them, but also when necessary to perform structural changes in order to prevent the future violations from happening. The implementation of the Court's decisions is monitored by the **Committee of Ministers** of the Council of Europe.

When it comes to the right to vote for people with psychosocial disabilities, the case law of the Court offers a lower standard than the UN CRPD does. In its well established case law, the Court deems that the right to vote is not an absolute right and may be subjected to restrictions⁸. The Court also took a stance that state parties under the ECHR may restrict the right of persons with psychosocial disabilities who are deprived of legal capacity to vote on the basis of an individual assessment preceding the exercise of such right. While the Court has found Hungary⁹ and Bulgaria¹⁰ in violation of Article 3 of the Protocol No. 1 to the ECHR for blanket denial of the right to vote to people deprived of legal capacity, in its recent decisions it did not find the same violation for Denmark¹¹ and Spain¹² based on the narrow margin of appreciation allowed to the state parties.

II.c Resolving a conflict between international standards

⁶ For further reference also see the CRPD General Comment no. 1, CRPD/C/GC/1 of 19 May 2014.

⁷ Not to be confused with the European Council, which is the institution of the European Union. Note also that the European Union is a different regional political entity that was established by the Maastricht Treaty in November 1993.

⁸ Case of Hirst v. the United Kingdom (no. 2) [GC], Application no. 74025/01, 06.05.2005, §§ 57-62.

⁹ Case of Alajos Kiss v. Hungary, Application no. 38832/06, 20.05.2010, § 42.

¹⁰ Case of Anatoliy Marinov v. Bulgaria, Application no. 26081/17 of 15.02.2022

¹¹ Case of Strøbye and Roselind v. Denmark, Applications nos. 25802/18 and 27338/18, 02.02.2021, §§ 66 and 70.

¹² The case of Caamaño Valle v. Spain, Application no. 43564/17, 11.05.2021, § 54

The UN CRPD and ECHR are international treaties ratified under the Vienna Convention and the state parties bound to them must implement both. Yet, the normative aspects of the UN CRPD and the interpretations of the CRPD Committee are far more progressive than the interpretation of the ECHR currently offered by the Court. Therefore, state parties find themselves in a difficult position, sometimes confused about which standards they must apply. This is a difficult situation also for advocates who may propose further implementation of the UN CRPD to their respective governments but may be taken aback by the argument that state parties must also respect the ECHR standards.

The Court has acknowledged that the other instruments can offer wider protection than the ECHR, but took a stance that it cannot be bound by the interpretations of similar instruments by other bodies and that it understands that ECHR should, only *as far as possible* be interpreted in harmony with other rules of international law.¹³ While Spain eliminated the restrictions on the right to vote on the basis of deprivation of legal capacity in 2018,¹⁴ the Court concluded that this legislative change does not imply that the previous system was incompatible with the requirements of Article 3 Protocol No. 1.¹⁵

One of the solutions to resolve the problem of these conflicting international laws may be first found in Article 53 of the ECHR which states that “*nothing in this Convention shall be construed as limiting or derogating from any of the human rights and fundamental freedoms which may be ensured under the laws of any High Contracting Party or under any other agreement to which it is a party*”. This means that the ECHR, its additional Protocol No. 1 and its interpretation by the Court do not prevent state parties to the UN CRPD to fully implement Article 29. The second solution may be found in the Article 30 of the Vienna Convention which prescribes that when all the parties to the earlier treaty are also the parties to the later treaty, the earlier treaty applies only to the extent that its provisions are compatible with those of the later treaty. Therefore, the Article 3 Protocol No. 1, if not compatible with Article 29 UN CRPD is not applicable and the UN CRPD takes precedence as a later treaty.

There is an obvious logical reason for the existence of Article 30 of the Vienna Convention. The international law shall consider the elapse of time and social developments into account when determining obligations of state parties. More than a half of a century elapsed between Article 3 of the Protocol No. 1 and Article 29 of the UN CRPD coming into force. During this time the social norms changed, nations have globally developed into a modern era and people got more rights and freedoms than ever in the history of a humankind. People with psychosocial disabilities should be able to equally enjoy the fruits of these advancements.

III. Results of the survey with Mental Health Europe’s members

In the period between late November and early December 2023 a survey was conducted among membership of Mental Health Europe in order to assess how the right to vote and stand to elections for people with psychosocial disabilities has been respected since the last elections of the European Parliament in 2019, as well as to identify some positive new practices. The survey questionnaire was designed based on the selected United Nations Development Program indicators.¹⁶ Responses from the Netherlands, Germany, Poland, Italy and Greece were received.

¹³ Ibid.

¹⁴ See Section V. Promising changes in EU Member States since 2019

¹⁵ See Caamaño Valle v. Spain, Ibid., § 68

¹⁶ Political participation of persons with intellectual or psychosocial disabilities, UNDP, 2021.

The results showed that while in the surveyed countries there are no blanket restrictions for people with psychosocial disabilities to vote or stand for elections, these restrictions sometimes do apply to people who are fully or partially deprived of their legal capacity. However, the deprivation of legal capacity is no longer an obstacle in exercising active or passive right to vote in Germany, Italy and the Netherlands. In these countries, individual capacity assessment of the cognitive abilities of persons with psychosocial disabilities before elections are not performed.

In Poland there has been a step forward in relaxing the restrictions to vote for people deprived of legal capacity, where a local court in Nowy Sącz overturned the decision of a court of a lower instance to deny partially incapacitated person to vote on the elections for the European Parliament.

In all the surveyed countries people who reside in mental health or similar institutions are allowed to vote. However, in Poland and Greece this is only possible for persons who are not placed under guardianship. Furthermore, though in Greece persons with psychosocial disabilities in institutions are allowed to vote, no measures are foreseen on how citizens, with or without disabilities, who reside in institutions or need a temporary hospitalization during the election period could exercise their right to vote in practice.

When it comes to political participation and the right to stand for election as a candidate, in the Netherlands political parties do have policies in place that enable political participation of persons with psychosocial disabilities. There too, most political parties address the rights of persons with psychosocial disabilities in their respective political programs.

In the Netherlands, Poland, Germany and Greece there have been politicians who publicly spoke about their own mental health problems. However, it seems that German politicians mostly speak about mental health problems such as burnout, that may not carry the same stigma as other mental health problems do.

In Germany, Italy and the Netherlands supports to people with psychosocial disabilities in exercising their right to vote are available. In Germany people with psychosocial disabilities who are not able to take part in the elections by themselves, may appoint another person to carry out the voting. However, the voting decision must be made and articulated by the person entitled to vote, either by making a verbal statement or pointing to the ballot paper. In Greece, there is a legal obligation for the members of the electoral commission to assist persons with disabilities to exercise their right to vote in case any assistance is requested. Such assistance, however, is in fact directed mainly at people with physical/motor disabilities, and not at people with psychosocial disabilities. In Poland, there is no assistance for people with psychosocial disabilities in exercising the right to vote.

Apart from the positive legislative changes identified, the survey did not detect other types of promising practices that enable people with psychosocial disabilities to exercise their right to vote or stand as a candidate for an election.

IV. Promising changes in EU Member States and in the EU since 2019

The information on the legal changes that occurred since 2019 was collected on the basis of desk-review of the progress reported by state parties to the CRPD Committee, case law of the European Court on Human Rights, the existing literature and from the responses provided by Mental Health Europe's members. The reference to Spain was also added to this section, though the change of law

happened in December 2018, since these changes are in line with UN CRPD. Some of the changes, like those in Germany, Ireland and Spain show to be more progressive and going towards respecting the obligations under the UN CRPD, while in countries like Lithuania, Romania and Poland there are initiatives that are more flexible towards people deprived of their legal capacity, but rather connected to the lower standards of the Council of Europe. This differentiation reflects the conflicting standards of the international laws as described in Section II.

IV.a UN CRPD compliant promising changes

Germany

Until 2019 persons fully deprived of legal capacity, as well as those declared of “unsound mind” after committing a criminal offence and thus placed into a psychiatric hospital were denied the right to vote. By its decision of January 29, 2019 the German Constitutional Court quashed both provisions of the relevant electoral law and allowed people fully deprived of legal capacity and those of “unsound mind” to vote.¹⁷ The German Constitutional Court argued that these provisions violated constitutional principles of universal suffrage and of prohibition of discrimination on the basis of disability. Furthermore, German legislation does not ban people with mental health problems or psychosocial disabilities in general to stand for an election. However, there is a possibility to ban an individual to stand for an election on the basis of a judicial decision if the person concerned does not have the ability to hold a public office; this is usually applied to persons convicted of certain criminal offences.¹⁸

Ireland

The Government of the Republic of Ireland announced in 2021 the drafting of a legislation to repeal the prohibition of a person of “unsound mind” from standing for election to the two houses of the national parliament and to the European Parliament.¹⁹ Indeed by the Electoral Reform Act 2022 the paragraph of the Electoral Act 1992 that prohibited a person of “unsound mind” from standing in elections was removed.²⁰

Spain

By its Institutional Law no. 2/2018 of December 5th, 2018 Spain modified the Institutional Law 5/1985 on the general electoral system by deleting the provisions that deprived people with disabilities of the right to vote. Furthermore, the law added a new provision as a second paragraph of the section 3 of the electoral law that reads as follows: *“Everyone shall be entitled to exercise his right to vote, knowingly, freely and voluntarily, whatever the manner in which that vote is cast and whatever means of support he may require”*.²¹ Also, a completely new paragraph was added, as follows: *“As of the entry into force of Organic Law 5/1985 of 19 June modifying the Organic Law on the General Electoral System in order to adapt it to reflect the International Convention on the Rights of Persons with Disabilities, any limitations on the exercise of the right to vote established by judicial resolution (on the basis of section 3(1)(b) and (c) of Organic Law 5/1985 – no longer in force) shall cease to have effect. Those persons whose right to vote has been limited or annulled owing to disability shall fully regain that right by virtue of the law”*.²²

¹⁷ BVerfG, Beschluss des Zweiten Senats vom 29. Januar 2019 - 2 BvC 62/14 -, Rn. 1-142

¹⁸ § 15(2) Bundeswahlgesetz (BWahlG)

¹⁹ Initial Report of Ireland under the Convention on the Rights of Persons with Disabilities submitted to the CRPD Committee on November 8, 2021

²⁰ Overview of UNCRPD Article 29 in Ireland, Participation in political and public life, National Disability Authority, June 2023.

²¹ The case of Caamaño Valle v. Spain, Application no. 43564/17, 11.05.2021, § 19

²² Ibidem

IV.b Council of Europe compliant promising changes

Lithuania

Though since 2019 the laws regulating elections have entered into force that ban restrictions on elections on grounds of disability, such restrictions may still apply to persons lacking legal capacity if being deprived of the right to vote by the competent court. Therefore, restriction to the right to vote to people with mental health problems deprived of legal capacity is still possible on the basis of an individual assessment.²³

Poland

In Poland there is no constitutional restriction of the right to vote for people with disabilities, but those deprived partially or fully of their legal capacity are not able to exercise both active and passive right to vote. In May 2019 the District Court in Nowy Sącz overturned the decision to deny partially incapacitated persons to vote on the elections for the European Parliament, but also concluded that the decision whether the person can be allowed to vote should be based on the individual capacity assessment.²⁴

Romania

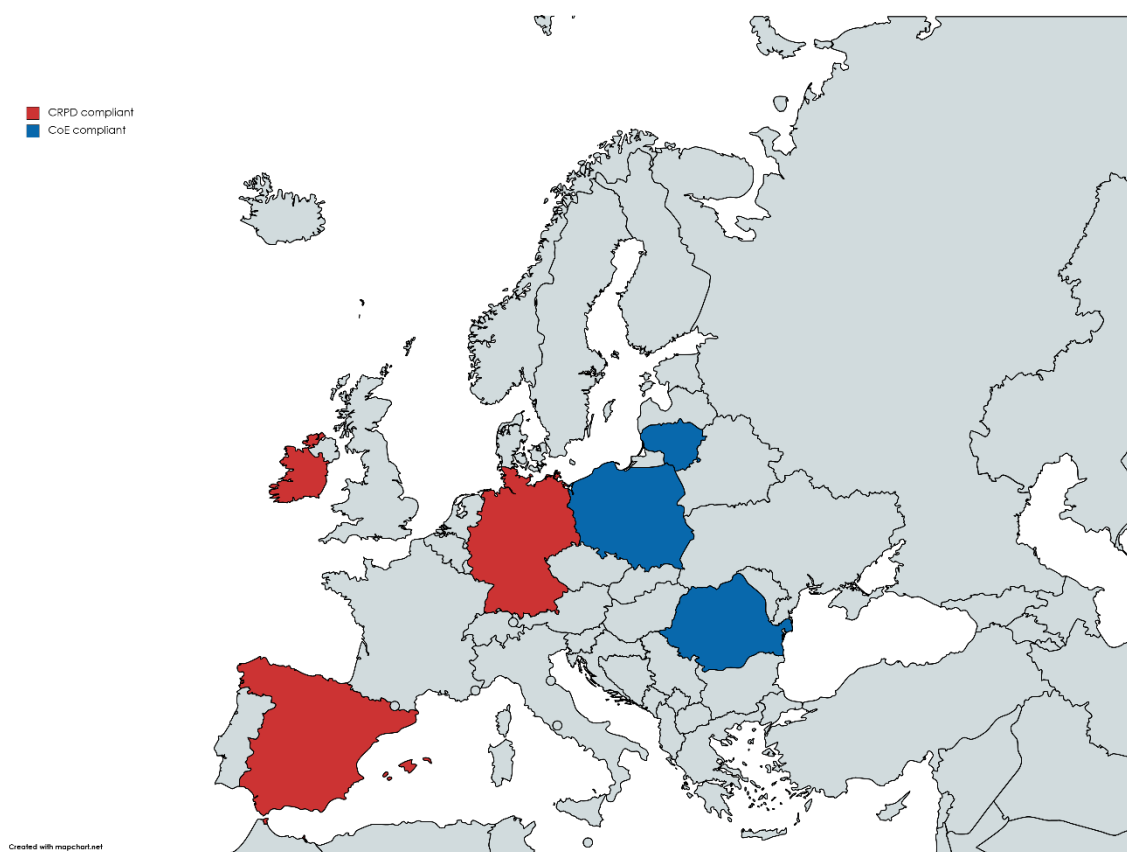
In 2020 the Constitutional Court of Romania made a decision declaring that the measures concerning deprivation of legal capacity determined by the Romanian Civil Code do not provide for sufficient guarantees to ensure the respect of human rights and fundamental freedoms. Following that decision of the Constitutional Court, the Government of Romania announced the comprehensive reform of legislation concerning the guardianship system that would also include the electoral law.²⁵

IV.c Map of promising changes in the European Union since 2019

²³ Combined second and third periodic reports submitted by Lithuania under article 35 of the Convention, due in 2020 submitted to the CRPD Committee on November 16, 2022

²⁴ Information provided by Human Foundation Poland and also: <https://www.sigrid-rausing-trust.org/story/incapacitated-persons-allowed-to-vote-in-european-elections-said-polish-court-in-landmark-ruling/>

²⁵ Report on the implementation of the Convention on the Rights of Persons with Disabilities for Romania, submitted to the CRPD Committee on March 3, 2022



IV.d Promising developments in the European Union

The EU as a regional political entity itself has ratified the UN CRPD and while its competence is not to interfere with legislation and electoral practices of its Member States, the EU can support the reforms aimed at full implementation of the UN CRPD. In 2022 the European Parliament adopted a resolution proposing to repeal the European Electoral Act and replace it with a new Council regulation that would further harmonise the rules applicable to European elections.²⁶ The European Parliament proposes that the new Regulation contains Article 4 that will read as following: *“The right to vote – Every Union citizen from 16 years of age, including persons with disabilities regardless of their legal capacity, shall have the right to vote in elections to the European Parliament without prejudice to existing constitutional orders establishing a minimum voting age of 18 or 17 years of age.”*²⁷ If this Regulation is adopted as proposed, all EU Member States would have to harmonize their electoral legislations due to primacy of the EU law.

V. People with psychosocial disabilities as candidates for elections

The study results show that, where there are no restrictions to the active suffrage, there are usually no restrictions in passive suffrage either. Conversely, people placed under guardianship are denied the right to vote in all its forms. The results of this study showed that people with psychosocial disabilities and mental health problems can run for an election for a public office with no restrictions in Germany,

²⁶ Supra note 1.

²⁷ https://www.europarl.europa.eu/doceo/document/TA-9-2022-0129_EN.html

Italy and the Netherlands and in the Netherlands, they may receive a support in exercising their political powers.

However, participation of people with psychosocial disabilities and mental health problems in political life faces other obstacles. Apart from legal restrictions as by deprivation of legal capacity, stigma is a major barrier to people with mental health problems and psychosocial disabilities to enter the political life. Though there are politicians in countries like Germany, Greece, Netherlands and Poland who publicly spoke about their own mental health problems, as noted in Germany, it is much easier to speak about less stigmatized mental health problems, such those connected with burn-out or depression.

VI. Policy recommendations

The purpose of this study was to create policy recommendations that may be of use to policy makers, but also to guide human rights and mental health advocates and their respective organisations on what steps could be taken in order to ensure that all people with psychosocial disabilities enjoy the right to vote as any other citizens, under the scope of the Article 29 UN CRPD. These policy recommendations build on the work that has already been published by the **European Disability Forum**²⁸ and reflect on the specific needs and particular problems faced by people with psychosocial disabilities and mental health problems. This section contains policy recommendations for different stakeholders: the European Union, EU Member States, European and national political parties, the media and non-governmental organisations.

VI.a Recommendations for the European Union

1. Adopt the European Parliament legislative resolution on the proposal for a Council Regulation that would enable people with psychosocial disabilities to exercise both their right to vote and right to stand as a candidate for election regardless of their legal capacity. Adopting such a regulation would also mend the gap that is created by the outdated laws and the case law of the Council of Europe and would support the EU Member States into harmonizing their respective laws with the requirements of Article 29 taken in conjunction with Article 12 of the UN CRPD;
2. Ensure that the EU electoral legislation guarantees free choice of assistance in any form for persons with psychosocial disabilities that would enable them to participate in elections or stand as candidates for elections. This support should also be available to elected officials with psychosocial disabilities in exercising their political powers;
3. Raise awareness against stigma faced by people with psychosocial disabilities in electoral processes. This in particular should refer to the false premise that those people do not have cognitive abilities to participate in elections or that their cognitive abilities must be individually assessed prior elections;
4. Set standards for accessibility of relevant information related to elections, in particular on pre-election campaigns of political parties, debates of politicians, representation of political programmes and other forms of political communications so that people with psychosocial disabilities can make an informed choice about their participation in elections;
5. Encourage and support European political parties into including people with psychosocial disabilities in their membership, giving equal opportunities to those people to compete for the

²⁸ https://www.edf-fehp.org/content/uploads/2022/10/edf_hr_report_issue_6_2022_accessible.pdf

political positions within the parties and to exercise their right to stand as candidates for elections.

VI.b) Recommendations for the EU Member States

1. Repeal national laws or legal provisions that deny people with psychosocial disabilities to participate in elections on the basis of their perceived lack of legal capacity or of being perceived as of “unsound mind”. The EU Member States should give a precedence to Article 29 UN CRPD over Article 3 Protocol No. 1 of the ECHR. This should refer to all elections, being it local, regional, national, presidential or European and shall also include referendums;
2. Ensure that the national laws guarantee free choice of assistance in any form for persons with psychosocial disabilities that would enable them to participate in elections or stand as a candidates for elections. This support should also be available to elected officials with psychosocial disabilities in exercising their political powers at all levels of government, in legislature or other institutions of public governance;
3. Make sure that reasonable accommodation is provided to people with psychosocial disabilities to participate in election processes. That may refer, but is not limited to, choosing a personal assistant to be present during the voting, choosing a particular time for voting or the possibility to vote by post or through a chosen representative. People with psychosocial disabilities in residential institutions, being it in hospitals, social care homes or similar institutions of health- or social care must be given access to voting;
4. Provide for information on elections, political parties and their respective programmes, presentations of politicians and their debates in pre-election campaigns to be made accessible to people with psychosocial disabilities, in particular to those living in residential institutions.
5. Encourage political parties and support them in including people with psychosocial disabilities in their membership;
6. Support people with psychosocial disabilities and work with representative organisations in designing inclusive policies and any reforms concerning the right to vote and stand for an election for people with disabilities;
7. Raise awareness against stigma faced by people with psychosocial disabilities in electoral processes. This in particular should refer to the false premise that those people do not have cognitive abilities to participate in elections or that their cognitive abilities must be individually assessed prior elections. Any defamation or disqualification of politicians on the basis of their perceived or existing mental health problems must be prohibited.

VI.c) Recommendations for European and national political parties

1. Prioritize mental health and address the rights of persons with psychosocial disabilities in their political programmes. People with psychosocial disabilities are a part of the electorate and their rights and needs must be reflected in the political engagement at all levels;
2. Actively outreach to people with psychosocial disabilities and their representative organisations to understand their political priorities and needs, to establish modes of communication with them and offer them the participation within the party on the equal basis with others;
3. Ensure that people with psychosocial disabilities have the equal opportunity to get elected for positions within the party and that they have access to the nominations for elections as candidates. That in particular refers to providing a support to the nomination of persons with psychosocial disabilities and that they have the same resources and opportunities available to compete with other candidates.

VI.d) Recommendations for the media

1. Combat stigma against people with psychosocial disabilities also in a political context. This particularly refers to avoiding derogatory, disqualifying and defaming statements about politicians on the ground of their psychosocial disabilities. No person's ability to participate in political life on the equal basis with others shall be undermined on the ground of perceived or existing mental health problems;
2. Communicate about mental health in an informative, educational and empowering manner to support people with psychosocial disabilities in their political participation;
3. Give equal opportunities to politicians with psychosocial disabilities to present their political priorities, to debate and to be equally covered by the media in the pre-election political campaigns.

VI.e) Recommendations for non-governmental organisations

1. Support the European Parliament proposal on amending EU electoral law to allow all people with disabilities to exercise the right to vote regardless of their perceived legal capacity;
2. Monitor and advocate for changes of electoral laws and practices in EU Member States that enable full enjoyment of the right to vote for people with psychosocial disabilities;
3. Encourage people with psychosocial disabilities to run as candidates for elections by raising awareness on legal instruments, human rights and positive practices.



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