

---

# The Right to Political Participation of Persons With Intellectual Disabilities

*William P. Alford, Matthew S. Smith, and Michael Ashley Stein*

---



Special Olympics athlete at Capitol Hill Day, 11 February 2020, in Washington, D.C.



**SPECIAL OLYMPICS**  
**GLOBAL CENTER**  
FOR INCLUSION IN EDUCATION



Easy-to-Read



Special Olympics athlete at Capitol Hill Day,  
11 February 2020, in Washington, D.C.

## 1. About This Document



We call this document a **brief**.

- A **brief** is a short report that explains a hard subject using plain words.
- We made an easy-to-read version of this brief so that more people can use it to learn new things.



The Special Olympics Global Center for Inclusion in Education made this brief.

- **Inclusion** means making everyone feel welcome and accepted in a place or in an activity.
- The Global Center works with friends around the world. Together, they help make schools, towns, and people more inclusive so persons with intellectual differences and their families can have fuller and happier lives.



Special Olympics asked friends from the Harvard Law School Project on Disability to help write this brief.

- The friends' names are William P. Alford, Matthew S. Smith, and Michael Ashley Stein.
- They are lawyers.
- They work for the rights of people with disabilities.

## 2. Introduction



**Political participation** means being involved in politics.

- Being involved in politics means taking part in how your government works or the choices it makes.
- Being involved in politics gives you a chance to make your voice heard and shape how choices get made.
- Being involved in politics can mean voting, helping others to vote, being in political organizations, talking to candidates about important things, running for office, and much more.



Justin Dart Jr. was a famous advocate for disability rights.

- An **advocate** is someone who explains an idea and speaks up to support it.

- Justin Dart Jr. helped fight for an important law in the United States called the “Americans with Disabilities Act.”
- He said, “Vote as if your life depends on it—because it does!”
- In other words, being involved in politics is very, very important.



In 2006, the United Nations made a human rights treaty for persons with disabilities.

- A **treaty** is an agreement that countries sign.
- This treaty is called the Convention on the Rights of Persons with Disabilities, or **CRPD**, for short.
- It is a legal paper that lists all the human rights that persons with disabilities have.
- The CRPD also says what society must do so that persons with disabilities can enjoy their rights.



The CRPD says a lot about the right to be involved in politics.

- First, the CRPD talks about the right of persons with disabilities to vote. The CRPD says that:
  - Voting must be easy for persons with disabilities to do and to understand.
  - Persons with disabilities who want support to vote must get that support easily.

- Persons with disabilities must be allowed to keep their votes secret.
- The CRPD says other things, too, about the right to be involved in politics. It says that:
  - Persons with disabilities must have chances to run for office.
  - Persons with disabilities must have chances to be part of political organizations.
  - Persons with disabilities must have chances to be part of organizations of persons with disabilities.
- So, the CRPD is an important tool to understand and to use to advocate the right to be involved in politics.



This brief focuses on the right of persons with intellectual disabilities to be involved in politics.

**Intellectual disabilities** are differences in how some persons think or learn that sometimes cause other people to treat them differently.

- Different countries use different words to describe persons with intellectual disabilities, words such as “learning disabilities” or “cognitive disabilities.”
- Some persons do not like to use those words at all.
- They may choose to say “self-advocates.”
- We do not want to offend anyone, but we use the term “intellectual disability” in this brief because many persons do use it and understand it already.

### 3. Barriers to Being Involved in Politics



Persons with intellectual disabilities often face barriers to being involved in politics.

- **Barriers** are things that get in people's way or make it hard for them to do something.
- Because of barriers, in many places persons with intellectual disabilities do not vote as much as persons without disabilities.

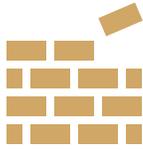


Some barriers are **legal**.

This means that barriers are written down in laws or other rules that everyone must follow.

Legal barriers make it hard for persons with intellectual disabilities to enjoy their right to be involved in politics.

- For example, some places' laws do not allow persons with intellectual disabilities to vote because they think that persons with intellectual disabilities do not understand what voting is all about.
- These laws take away the right to vote of persons with intellectual disabilities.
- Often, these laws make it hard for persons with intellectual disabilities to prove that they know what voting is all about.



Some barriers are **practical**.

Practical barriers are not written down, but still make it hard for persons with intellectual disabilities to enjoy their right to be involved in politics.

- For example, some people think that persons with intellectual disabilities do not want to or do not need to be part of their governments.
- They think this because they have wrong ideas about what persons with intellectual disabilities are able to do.
- One wrong idea is that persons with intellectual disabilities cannot understand what they are voting for.
- People who have these wrong ideas may not help persons with intellectual disabilities when they want to vote.



Next, we talk about how legal and practical barriers in different parts of the world make it hard for persons with intellectual disabilities to enjoy their right to be involved in politics.

## > Legal Barriers



Laws about guardianship can stop persons with intellectual disabilities from voting.

A **guardian** is someone the law names to help another person manage their life and be safe.

- For example, in 2019 most countries in Europe did not let persons with intellectual disabilities vote if they had guardians.
- These countries' laws go against what the CRPD says about the right to be involved in politics.
- The CRPD says that guardianship cannot get in the way of persons with intellectual disabilities who want to vote.



One voter with intellectual disability told his story about trying to vote in Spain while he had a guardian.

- He said, “The first time I tried to vote was in 2007, when I was 20 years old.  
I went to the polling station, and they told me I was not on the voting list!”
- He learned that he was not on the voting list because he had a guardian.
- He had to take a test from a doctor to get back his right to vote.
- He said, “When I finally took the test, they asked me weird and difficult questions such as: ‘What is the speed of light?’ and ‘Who was Catherine the Great?’
- And I wonder . . . how is this related to voting? It is very unfair.”



The CRPD says that countries cannot stop persons with intellectual disabilities from voting just because they have a guardian, but not everyone agrees.

- For example, the European Court of Human Rights decides disagreements about people’s human rights.
- This important Court decided to let countries stop persons with intellectual disabilities from voting if they have guardians.
- Advocates for persons with intellectual disabilities are trying to get the Court to change its mind.



Some countries’ laws use offensive words that keep persons with intellectual disabilities from voting.

- Countries such as Australia, Bangladesh, China, Kenya, Laos, and South Africa have laws that do not allow persons of unsound mind to vote.
- **Unsound mind** is an old-fashioned way of saying that someone cannot understand things, but not everyone agrees what these words mean.
- Some people who make decisions today believe that “unsound mind” means that persons with intellectual disabilities are not allowed to vote.



Also, some places have rules that make it easy for other persons to challenge the right of persons with intellectual disabilities to vote.

- For example, in Australia, someone can remove a person with intellectual disability from the voting list if the person's doctor says that the person does not understand what it means to vote.
- In the state of New York, poll workers can make voters with intellectual disabilities swear a special oath that a judge has not said they are unable to vote.

## ➤ Practical Barriers



Besides legal barriers, persons with intellectual disabilities face practical barriers to being involved in politics.

- One of these practical barriers is **voter registration**.
- This means that persons with intellectual disabilities sometimes have trouble getting their names on the list of people who are allowed to vote.



Another practical barrier is getting easy-to-read information about the voting process or about voting choices.

- Many persons with intellectual disabilities do not get information about voting from their support staff.
- Also, in many countries, such as Japan, Korea, and Singapore, it can be hard for persons with intellectual disabilities to get information about who they can vote for in words that are easy to understand.
- Support staff and governments need to do more to make sure that information for voters is easy to understand.



A third practical barrier that persons with intellectual disabilities face is getting help to vote from people they trust.

- Many persons with intellectual disabilities do not get help from their support staff or other people around them to vote or to register to vote.
- This may be because other people have wrong ideas about if persons with intellectual disabilities want to vote or if they can vote.
- People who have wrong ideas about persons with intellectual disabilities being involved in politics probably think too much about what these persons cannot do.

- Instead, they should think more about all the things that persons with intellectual disabilities can do.

## 4. Good Ideas for Political Participation



Persons with intellectual disabilities and their supporters have good ideas about ways to overcome the barriers to being involved in politics.

- This is good news!
- Persons with intellectual disabilities and their supporters can use these ideas in their own lives to make sure they enjoy their right to be involved in politics.
- We found good ideas from around the world and we talk about them next.



One good idea is to **read carefully what the CRPD says about the right to be involved in politics.**

- An important group of experts called the “CRPD Committee” reads the CRPD carefully and decides if a right has been violated or not.

- For example, the CRPD Committee decided that the country of Hungary violated the right of persons with intellectual disabilities to be involved in politics.
- The Committee told Hungary that it had to change its laws and remove some legal barriers.



Another good idea is to **advocate changing the laws in your country** if they contain legal barriers that keep persons with intellectual disabilities from being involved in politics.

- In the countries of Peru and Spain, persons with intellectual disabilities and their supporters got together and spoke up.
- They made their countries change the laws so that persons with intellectual disabilities could vote more easily.



Another good idea is to **go to court to change laws** that keep persons with intellectual disabilities from being involved in politics.

- In the country of Japan, a person with intellectual disability who was not allowed to vote asked a court to say that the legal barrier he faced was wrong.
- The court agreed with this person.

- Now the legal barrier he faced is gone and many more persons with intellectual disabilities can vote.



Persons with intellectual disabilities can also **run for office** themselves.

- In the United Kingdom, a man with intellectual disability named Gavin Harding was appointed mayor of his town.
- He worked hard and won the respect of the people in his town and around the country.
- But not all persons with intellectual disabilities who run for office are successful.
- For example, Sashi Babu Paudel in Nepal and
- Bryan Russell Mujica in Peru ran for offices in their countries but did not win their elections.
- Still, they can be role models for other persons with intellectual disabilities who want to use their right to be involved in politics.



Persons with intellectual disabilities can also **teach their elected leaders about how to respect persons with intellectual disabilities.**

- For example, a group in Sweden invites candidates for office to special meetings. At the meetings, the people who want to be elected have to explain their ideas in plain language to voters with intellectual disabilities.
- The group in Sweden also trains candidates on how to

share information in plain language so that voters with intellectual disabilities can understand their ideas.



Persons with intellectual disabilities can also **find out about the experiences of voters with intellectual disabilities.**

- A group in the United States called Self Advocates Becoming Empowered asks questions of voters with disabilities after every election.
- Then the group writes a report about what it learned and it names the barriers that need to be removed.
- For example, in 2020, the group learned that many persons with intellectual disabilities did not vote because they were told that they were not allowed to.



Persons with intellectual disabilities and their supporters can **help voters with intellectual disabilities get ready to vote.**

- For example, groups in Australia and the United Kingdom have helped persons with intellectual disabilities to register to vote.
- Because registering to vote involves paperwork, many persons with intellectual disabilities need help from other people to get ready to vote.

## 5. Conclusion



Persons with intellectual disabilities are taking important steps forward in advocating their right to be involved in politics.

- But because persons with intellectual disabilities face so many barriers to being involved in politics, there is still a lot of work that needs to be done.
- The CRPD is an important tool for advocates working on the right of persons with intellectual disabilities to be involved in politics.

## 6. Resources



Next is a list of resources you can use to learn more about the right of persons with intellectual disabilities to be involved in politics.

- Alford, W., Smith, M., & Stein, M. A. (October 2022). The right to political participation of persons with intellectual disabilities. (Policy brief 107). Special Olympics Global Center for Inclusion in Education. <https://www.specialolympics.org/what-we-do/youth-and-schools/global-center-for-inclusion-in-education?locale=en>
- Autistic Self Advocacy Network. (2019). Your vote counts [Toolkit]. <https://autisticadvocacy.org/policy/toolkits/voting>
- Convention on the Rights of Persons with Disabilities. (2006). [Easy read]. [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/345108/easy-read-un-convention.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/345108/easy-read-un-convention.pdf)
- Inclusion International. (2015). Inclusive civic engagement: An information toolkit for families and people with intellectual disabilities. <https://web.archive.org/web/20220120113646/https://inclusion-international.org/wp-content/uploads/2015/07/Inclusive-Civic-Engagement-Information-Toolkit.pdf>
- Marley, Ryan. (2020). Candidato 34 [Video]. <https://www.imdb.com/title/tt11656124>
- Mitchell, Cheri. (20 October 2022). Self-determination and voting [Blog post]. Harvard Law School Project on Disability. <https://hpod.law.harvard.edu/news/entry/self-determination-voting>

- Plena Inclusión. (23 November 2020). Mi voto cuenta [Video file–translation available]. Retrieved from <https://www.youtube.com/watch?v=bVAVzDk7ttM>
- Ríos Espinosa, Carlos & Gaby Martínez. (18 March 2022). Mexicans with intellectual disabilities urge inclusion in politics [News article]. Human Rights Watch. <https://www.hrw.org/news/2022/03/18/mexicans-intellectual-disabilities-urge-inclusion-politics>
- SABE GoVoter Project. (2021). Experience survey results: “Power of the disability vote” [Report]. <https://www.sabeusa.org/wp-content/uploads/2021/10/SABE-GoVoter-2020-Survey-Report.pdf>
- Self Advocates Becoming Empowered. (2019). Voter education toolkit. <https://www.sabeusa.org/govoter/vote-toolkit/>
- United Nations Development Programme & Inclusion International. (November 2021). How governments and other organizations can help everyone to vote and take part in politics. <https://unprpd.org/sites/default/files/2022-02/Easy%20Read%20-%20web%20accessible%20version.pdf>



© European Easy-to-Read Logo: Inclusion Europe.  
More information at [www.inclusion-europe.eu/easy-to-read](http://www.inclusion-europe.eu/easy-to-read)