



Intellectual Disabilities



Inclusion Europe

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2014 Election Manifesto Voting for All

Rights of People with Intellectual Disabilities

There are more than 7 million people with intellectual disabilities in Europe. They face many barriers when they want to participate in society, be included in the community and make their voices heard.

These barriers include legal barriers such as deprivation of legal capacity which prevents people with intellectual disabilities from making decisions about their own life. They are denied equal access to justice; they cannot take part in elections; they cannot sign a contract or open a bank account; they cannot make health-related or reproductive decisions and they cannot get married.

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They also face a lack of reasonable accommodation measures. This includes lack of accessible information, which results in people with intellectual disabilities not being able to participate in elections, lodge complaints of discrimination, or use everyday items and services that we so often take for granted, like online-shopping, ATMs, and emails.

Family members of people with intellectual disabilities are often expected and required to provide all support themselves. They also face discrimination. This ranges from being denied access to public places, such as playgrounds and restaurants, the economic discrimination of being excluded from the labour market because of the need to care for the family member who has a disability, or restricted mobility because of exclusion from transportation or denial of visas.

But this situation can be changed, and the European Parliament has the means to support people with intellectual disabilities and their families in multiple ways.

Accessibility

Background

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Inclusion Europe's Demands:

- Information and services be made available in formats such as Easy-to-read and to understand and can be easily used. It also includes the European
- The European Union to enact legislation which furthers the rights to access information and services of people with disabilities including those with intellectual disabilities.

Recent developments

Inclusion Europe has been advocating for the adoption of the European Accessibility Act in the past years, and answered the Commission's online public consultation in 2012. During the year-long review of the EU in front of the CRPD Committee, Inclusion Europe's advocacy campaign has persistently called for the adoption of the European Accessibility Act.

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The proposed Accessibility Act takes the form of a **Directive**, which is legally binding, meaning that the EU Member States have an **obligation to apply** what the Act mentions. The proposal foresees that only certain products and services need to be **accessible**. These are mainly:

- Smartphones, tablets and computers
- Ticketing machines and check-in machines
- Televisions and TV programmes
- Banking and ATMs

- E-books
- Online shopping websites and mobile applications

However, European Parliament's Internal Market Committee (IMCO Committee) adopted a very disappointing report on the Accessibility Act on 25 April 2017. The report is **watering down** the European Commission's proposal to such an extent that there is a risk that the Accessibility Act may be meaningless for millions of people in Europe.

EDF in a [press release](#) about the IMCO committee report said:

"Accessibility Act **does not impose new commitments** on Member States, but it reinforces their existing commitment to promote accessibility in line with the CRPD"

The Press Release also highlights the many ways that the report **does not fulfill the potential** of the act including:

- Millions of people in Europe, including persons with disabilities, will continue being **excluded** from buying things online or reading e-books.
- Millions of people in Europe will continue facing **barriers** to enter a bank, a school, a train station etc.
- Entering a school will continue being **impossible** for many children with disabilities in Europe.
- A "small" company of up to 250 employees can continue making **inaccessible products** without having to notify the authorities, if they consider that making their products and services accessible would be too much of a burden for them.

In May 2017 in response to this report, EDF adopted an [emergency resolution](#) on the European Accessibility Act. Now EDF is calling upon the European Parliament to properly amend the IMCO report. On 14 September, the European Parliament will vote to determine its position on the European Accessibility Act (EAA).

What still needs to be done

MEPs adopt a strong European Accessibility Act to ensure that people with disabilities can access product it services:

- To define a wider scope, including a compulsory clause on the accessibility of the built environment.
- The obligation for all businesses, regardless of their size to deliver accessible services and products.

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- To define a wider scope, including a compulsory clause on the accessibility of the built environment.
- The obligation for all businesses, regardless of their size to deliver accessible services and products.
- To strengthen the accessibility requirements set out by the Act in order to respond to the specificities of the different products and services while allowing for innovative solutions.

The needs of people with intellectual disabilities are better considered throughout the Act

- The needs of people with intellectual disabilities are better considered throughout the Act in the annex I. The criteria on understandability and adequate sizing should appear in each session to make sure that all products and services have the obligation to be accessible for people with intellectual disabilities
- Pictograms' are important requirements to fulfil the accessibility needs of persons with intellectual disabilities and should appear in the annex 1.

For more information about what need to be done for people with intellectual disabilities with the EAA, Inclusion Europe published a [policy paper including specific recommendations about the Act](#).

Legal capacity

Background

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For many people with intellectual disabilities, the existence of a partial/full guardianship represents an obstacle to many aspects of life such as employment, health, political life, family life, affective life.

The UN Convention on the Rights of Persons with Disabilities introduced the legal recognition of universal legal capacity in its **Article 12**: it means **right to full legal capacity** (the capacity to have rights and the capacity to act) by **all persons without discrimination on the basis of their disability**.

Historically people can have their legal capacity restricted and then a guardian is appointed to make decisions instead of the person. This is called **Substituted Decision-Making**.

Inclusion Europe's Demands:

Inclusion Europe advocates for the promotion and support of the implementation of the human right model. This model implies a shift from Substituted Decision-Making towards Supported Decision-Making. EPSA, develop self-advocacy skills, raise awareness importance to include them in discussions. Therefore Inclusion Europe demands that:

- EU stands promotes supported decision-making and not substituted decision-making.
- EU influences member states to make sure that training is available for both support people and people with intellectual disabilities. This is to help ensure there is a proper understanding about the implementation of supported decision-making systems by support people. As well as to empower people with intellectual disabilities to make decisions about their own lives.

Recent developments

The European Union does not have a direct competence in the area of legal capacity, however, many legal binding documents including the European Disability Strategy 2010-2020 highlight the crucial importance of article 12 in the UN Convention of the Rights of Persons with Disabilities recognising that all people with disabilities are equal before the law. It means that they should enjoy as well as exercise their legal capacity.

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In recent years the EU has promoted an exchange of good practices on legal capacity:

1- Training provided by Academy of European Law (ERA) has regularly addressed issues related to Legal capacity under the UNCRPD.

2- Exchanges in the context of the Disability High Level Group

What still needs to be done

More action is needed, including more commitment and engagement of the Members States on issues such as access to justice, goods and services, including banking, employment and health care, as well as voting and consumer rights:

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- Implement the Concluding Observation of the UNCRPD by ensuring that all persons with disabilities who have been deprived of their legal capacity can exercise all the rights enshrined in European Union treaties and legislation,

such as access to justice, goods and services, including banking, employment and health care, as well as voting and consumer rights

- EU strongly stands against substitute decision-making and encourage more actively EU Member States to review all national laws in the light of Article 12 and to ensure that the right to self-determination and to equal recognition before the law by all persons without discrimination on the basis of disability is enshrined in the law.
- EU influences Member States to promote the human rights model and the paradigm shift from substituted decision making to supported decision making through trainings, webinar, exchange of good practices.
- EU pushes Member States to ensure that assistance and training for supporters is available, including about rules and principles to guide the practical implementation of supported decision-making systems
- EU ensures that training for people with intellectual disabilities to make decision is available and provided for by Member States.

Read more about our demands in our position paper: [Key Elements of a System for Supported Decision-Making](#)

Right to vote

Background

People with intellectual disabilities cannot equally participate as full citizens in Europe because of different factors. The first of is the deprivation of legal capacity that also prevent them from voting. The second is the lack of accessibility of the electoral process: from the campaign and the manifestos of candidates to registering to vote.

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In a [study](#) conducted by Inclusion Europe member organization Mencap, in the United Kingdom 60% of people with a learning disability surveyed stated

that they wanted to vote in the past, but registering to vote was too hard.

It is absolutely vital that information about elections as well as how to participate are in easy to read format.

The inability of people with intellectual disabilities to equally participate in elections by voting, represents a serious democratic deficit within Europe. Inclusion Europe offers a series of recommendations in order to improve accessibility in voting and how to facilitate the participation of people with intellectual disabilities in elections in this [position paper](#) and on this website entitled [Voting for All!](#)

Inclusion Europe's Demands:

- Accessible information in easy to read format should be produced on how to register for a vote, the different political parties, the national political system, different types of elections
- New technologies such as electronic voting booths should be formatted accessibly.
- Training for polling station officials to be made aware about the right to vote of people with intellectual disabilities and also how to help assist people with disabilities.
- Polling station accessibility for people with disabilities.
- Candidate at the European elections to produce easy-to-read manifestos.

Read More:

[European Disability Strategy 2010-2020](#) (p.5-6, priority n2 on participation): “address accessibility to voting in order to facilitate the exercise of EU citizens’ electoral rights.”

Recent developments

In 2015 the United Nations Committee on the Rights of People with Disabilities examined the European Union and its commitment to ensuring the rights of people with disabilities. Within the committee’s concluding observations they made these statements regarding the right to vote:

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“The Committee notes with deep concern that across the European Union, persons with disabilities, especially those deprived of their legal capacity or residing in institutions, cannot exercise their right to vote in elections and that participation in elections is not fully accessible.

The Committee recommends that the European Union take the necessary measures, in cooperation with its member States and representative organizations of persons with disabilities, to enable all persons with all types of disabilities, including those under guardianship, to enjoy their right to vote and stand for election, including by providing accessible communication and facilities.”(Observation 69 concluding observations)

Following the [progress report on the implementation of the European Disability Strategy](#), there was no main change. Therefore the European Union needs to do more to ensure the rights of people with intellectual disabilities by ensuring their right to vote.

What still needs to be done

- Gather more specific data in Europe on people who have been deprived from their voting rights, include those who live in institutions.
- Create a European guidelines on accessible elections to provide different actors involved in the electoral process

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- Create a European guidelines on accessible elections to provide different actors involved in the electoral process (see our demands in the 'background' section)
- EU strongly stands against substitute decision-making and encourage more actively EU Member States to review all national laws in the light of Article 12 and to ensure that the right to self-determination and to equal recognition

before the law by all persons without discrimination on the basis of disability is enshrined in the law.

Want to read more? Take a look at:

- [Position Paper about proposal on initial proposal for a European Accessibility Act](#)
 - [Guidelines for Involving People with Intellectual Disabilities in Policy Consultations](#)
 - [European disability strategy 2010-2020](#)
 - [Report on the implementation of the European Disability Strategy \(2010-2020\)](#)
 - [Concluding Observations of EU by the CRPD Committee](#)
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