**COUNCIL OF EUROPE INPUT**

**ON RESOLUTION 27/24 OF THE HUMAN RIGHTS COUNCIL**

**ON “EQUAL PARTICIPATION IN POLITICAL AND PUBLIC AFFAIRS”**

1. **GENDER EQUALITY**

The Council of Europe was established to protect and promote human rights, the rule of law, democratic values and social justice. Balanced participation of women and men in all levels of society is part and parcel of human rights, essential to social justice and a necessary condition for the functioning of a democratic and pluralist society. The Council of Europe works to make gender equality a reality, by recommending different measures, including positive action, to enable women and men to reconcile their working and public lives with family and private life. Throughout the years, guidelines have been drafted to help member states promote and increase the participation of women in decision-making in political and public life.

The mechanisms established by the Council of Europe also seek to help combat stereotyping and sexism at all levels of society, since the latter reinforce the view that women are unable or unwilling to participate as much as men in public life and politics. Since the first ministerial conference organised by the Council of Europe in 1986 on "Equality between women and men in political life", balanced participation of women and men in the public and political life of its member states has been a key pillar of the Organisation's gender equality work.

In 2003, the Committee of Ministers of the Council of Europe adopted [Recommendation (2003)3 on “Balanced participation of women and men in political and public decision-making](https://wcd.coe.int/ViewDoc.jsp?Ref=Rec(2003)3&Language=lanEnglish&Ver=original&Site=CM&BackColorInternet=C3C3C3&BackColorIntranet=EDB021&BackColorLogged=F5D383)”. This Recommendation provides the framework and sets out clear objectives, guidelines and measures aimed at remedying inequalities of representation in political life and ensuring the balanced participation of women and men. The recommendation proposes two types of measures:

-  legislative and administrative measures (concerning elected offices and appointments and targeting various political and social players) and

- support measures (covering a range of sectors and organisations and a number of means of action: awareness-raising, research activities, capacity-building for social players, etc.)

Two monitoring rounds have been carried out to evaluate the implementation of this the Recommendation. The findings and results were published in [2006](http://www.coe.int/t/dghl/standardsetting/equality/03themes/women-decisionmaking/CDEG(2006)15_en.pdf)  and [2009](http://www.coe.int/t/dghl/standardsetting/equality/03themes/women-decisionmaking/CDEG(2009)1final_en.pdf), along with [a comparative study](http://www.coe.int/t/dghl/standardsetting/equality/03themes/women-decisionmaking/CDEG%20(2009)17_en_corrected.pdf), also published in 2009. The main conclusion was that despite some positive developments, the democratic deficit as regards equal rights to participation and representation subsisted. The Council of Europe’s Gender Equality Commission is preparing to launch a third round of monitoring the implementation of Recommendation (2003)3 by member states. The results will be published in early 2016.

The [Gender Equality Strategy of the Council of Europe (2014-2017)](http://www.coe.int/t/dghl/standardsetting/equality/02_GenderEqualityProgramme/Council%20of%20Europe%20Gender%20Equality%20Strategy%202014-2017.pdf) builds upon the solid framework of norms and standards on gender equality developed by the Council over the years. Its overall goal is to promote and achieve the advancement and empowering of women through five strategic objectives, one of which is “to achieve balanced participation of women and men in political and public decision-making”. The Strategy recalls that Council of Europe standards provide clear guidance to reach this objective, and that action and activities under this objective will seek to:

* achieve balanced participation of women and men in political or public life in any decision-making body (the representation of women or men should not fall below 40%);
* monitor progress on women’s participation in decision-making, ensure the visibility of data and good practices in member States;
* identify measures aiming to empower candidate and elected women, to facilitate and encourage their participation in elections at the national, regional and local levels;
* achieve balanced participation in Council of Europe bodies, institutions and decision-making processes as well as in senior and middle management within the Secretariat.

The Strategy also stresses the need to empower women and abolish negative traditional gender stereotypes which hinder gender equality and equal opportunities for men and women, including their equal participation in political and public life. The Strategy recalls that equal participation of women and men in decision-making contributes to positive transformative processes for societies and is one of the fundamental components of a democratic society.

1. **PARTICIPATION OF PERSONS WITH DISABILITIES IN POLITICAL AND PUBLIC LIFE**

Participation of persons with disabilities in political and public life represents, according to the Council of Europe human rights standards, part of the general social inclusion process for persons with disabilities as a disadvantaged group. Full citizenship for all is a criterion for a truly democratic society where not only majority groups fully enjoy their rights but also disadvantaged persons are equal participants in all key areas of life.

The Council of Europe disability policy and approaches are consolidated in the Council of Europe Disability Action Plan 2006-2015 (DAP - Recommendation Rec(2006)5 - <https://wcd.coe.int/ViewDoc.jsp?id=986865> ), a comprehensive soft-law instrument for a better quality of life of citizens with disabilities. Under each of its 15 Action lines, the Plan suggests measures that should be taken by the 47 member states.

The Action line No. 1: “Participation in political and public life” holds the first place purposefully since it is key for democratic development. The Action Plan stresses that no person should be excluded from the right to vote or stand for elections on the grounds of a disability and insists on the importance of accessibility of voting facilities and availability of information in a range of formats, as well as on participation of people with disabilities and their organisations in the decision-making process. The Committee of Ministers Recommendation CM/Rec(2011)14 (<https://wcd.coe.int/ViewDoc.jsp?id=1871285&Site=CM>) on the participation of persons with disabilities in political and public life proposes concrete measures to increase the participation of persons with disabilities in political and public life at all levels in accordance with the following principles:

1. equal rights and opportunities

2. accessibility

3. non-discrimination in the exercise of legal capacity

4. assistance in decision making and free choice by persons with disabilities

5. education and training in democratic participation

6. including persons with disabilities in decision-making processes

In 2010 and 2011, the Council of Europe gathered information on the promotion and implementation of the DAP Action Line No 1 and the UN CRPD article 29. Out of 47 member states, 32 have provided the required information. All respondent member states have a national body responsible for the management of elections and independence of the regulations, with responsibility delegated to different levels.  These bodies are supposed to encourage participation by all citizens in pre-electoral, electoral and post-electoral processes and concentrated on inclusion of more people from all disadvantaged groups and on overcoming social barriers.

*Equal rights and opportunities*

In all Council of Europe member states the right to vote is universal, equal and direct for all citizens without any differentiation, while also in most of them there are circumstances where the right to vote can be restricted for people with disabilities. The reasons are deprivation of legal capacity by judicial decision due to disability (“mental disorder”), or internment in closed institutions and incapacitation only during the internment. The deprivation of the right to vote is permanent when the mental disorder is not of a temporary character.

In some member states, steps are being taken, starting with the procedure to change the law, to develop supported decision-making capacity in decision-making processes, in voting and standing for election. In 2010-2011 13 member states electoral legislation has introduced the right of people with disabilities to vote, generally regulating assisted or alternative voting.

*Participation in elections, accessibility and prevention of abuse when voting*

The degree of participation in elections by persons with disabilities as elected representatives in member states shows a lower degree of participation by persons with disabilities as voters, nominees and elected representatives compared to that of the general population.

Inaccessibility of polling stations and lack of ballots in alternative formats is cited as a practical restriction on the right to vote, because these items were not included in regulations governing electoral processes.

All member states stated that they had stringent regulations to prevent fraud and to ensure secret balloting for all citizens. These laws are uniform i.e. not disability-specific. Persons with disabilities ask for voting procedures to be simplified/improved, e.g. ensuring alternative ways of voting, ensuring the independence/confidentiality of voting for people with a sensory disability or avoiding complicated voting procedure for people with intellectual  disabilities, that are discriminatory situation compared to the general public.

The assistance which is permitted for voters with disabilities has a potential for abuse in any situation where people with disabilities depend on another person to help them exercising their rights, from assisted voting procedures to expression of the choice of voters. Redress procedures should be also simplified and respond to the needs of voters with disabilities.

*Participation in politics and decision-making*

In the majority of Council of Europe member states, there are regulations requiring participation of people with disabilities in decision-making processes on disability legislation, policy and action plans. Concerning participation in disability – specific issues, two models are used:

1. a separate government body responsible for the development and implementation of disability-related legislation and policy, or
2. a department within the general social policy body (ministry, national council, parliamentary council, etc.) involving an umbrella or network of organisations of people with disabilities, national administration and local or regional self-government bodies. Those bodies were usually named ‘Disability Council’ or similar.

In 17 member states, people with disabilities are empowered to participate in non-disability-specific issues through:

* 1. reinforcing the rights of people with disabilities by creating an environment enabling them to live independently (technical and personal assistance, legal framework),
  2. enabling appropriate education and employment (raising capacity and qualifications),
  3. supporting the family (supported and/or independent living) and social life like all other individuals, as well as participation in public activities such as the voting process.

Support is also provided for awareness-raising among society members about disability issues and ensuring full and equal participation of people with disabilities in mainstream society. It is done not only through public media or campaigns but also through a systematic approach by the government at all levels, from local to national, in collaboration with disabled organisations/groups.

*Obstacles to participation*

Obstacles identified by 23 member states are:

* lack of support and/or person-centred services,
* lack of accessibility (both physical and informational and communicational),
* low level of Design for All/Universal Design culture / curricula,
* low level of education and skills of electoral personnel and sometimes of persons with disabilities themselves,
* low level of awareness and high level of prejudices.

18 member states mentioned age, gender and minority communities as factors hampering participation of people with disabilities. The problems associated with obstacles faced are differentiated policies, and sometimes the lack of an intersectоral approach, where experts in one field are not involved in the framing of policy for another social group which also includes people with disabilities (like gender-oriented or minority policies). An extra obstacle is faced by people with disabilities in rural areas, where access to various support is restricted.

*Challenges and priorities in Council of Europe member states*

Participation by people with disabilities in political and public life depends primarily on action by government and public institutions to ensure participation of all people, including people with disabilities, providing them with equal opportunities by developing procedures and resources to enable them to vote and stand for election. This includes not only the legal framework, action plans, but also monitoring of the practical application/realization of those steps.

The following challenges are highlighted in the member states positions:

* accessibility issues through Design for All/Universal Design,
* enhancing the legal framework to allow people with intellectual and mental disabilities to vote (issues of legal capacity and compliance with the UN CRPD article 12), and
* implementation of good practices to make the electoral process easy to understand and to facilitate evaluation of the candidates/political parties in elections.

Consequently, member states express the need for:

* accessibility of information (through media, standardisation of sign language, audio-visual access, easy-to-read) in general, but particularly in public and political life such as political programmes, elections etc.
* implementation of Universal Design/Design for all –to be included in curricula in high education and vocational trainings for architects, IT specialists, teachers, electoral staff, etc.
* establishment of a political function of managing the legal issues of disabilities, reserved for persons with disabilities (ombudsperson, monitoring committee) also working to implement the UN CRPD.
* sustainable support services.

The Council of Europe Committee of experts on the rights of people with disabilities (DECS-RPD) is currently carrying out evaluation of the implementation of the Disability Action Plan 2006-2015. One of the components of the evaluation is to present illustrative examples of good practice from the member states, including under the Action line No. 1. The Evaluation Report will be finalised and published in autumn 2015. A new strategy to meet challenges ahead in member states is under preparation.