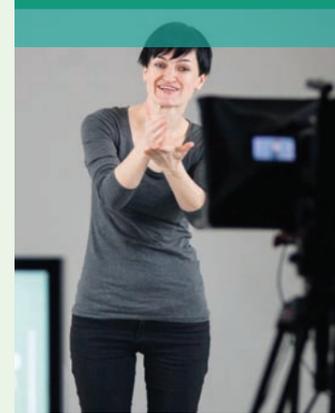


# Political Participation for Everyone: Disabled People's Rights and the Political Process



## Recommendations

The Human Rights Commission has identified the following issues to progress in order to ensure compliance with article 29 of the Disability Convention to promote and ensure full exercise of the right to vote and participate in political life:

- a. relevant bodies provide election information, candidate profiles and party information in accessible formats for both local body and national elections
- b. the Electoral Commission continues to provide and enhance accessibility of election information and voting materials
- c. the Electoral Commission considers improving data collection relating to disabled people including the consideration of collecting information on voters with disabilities on the electoral enrolment form
- d. introduction of electronic and telephone voting in the 2013 local body elections and the 2014 general election to allow disabled people access to an independent, secret ballot.

The right to vote and the broader right to participate in political and public life are integral to a functioning democracy. By exercising the right to vote, disabled people assert individual autonomy, which includes the freedom to make one's own choices, and the right to be recognised as persons before the law. Through involvement in political activity, law and policy reform, disabled people and their representative organisations can influence improvements in the areas of health, rehabilitation, education, employment and access to goods and services.

New Zealand's voting and political systems are not designed for everyone. Disabled people experience barriers to exercising their rights to vote and participate politically such as inaccessible information and voting papers, limited voting methods, and a lack of physical facilities enabling engagement with politicians.

## Convention on the Rights of Persons with Disabilities (Disability Convention)

The Disability Convention is the defining international standard for disabled people's rights, which New Zealand ratified in 2008. It does not create new rights, but explains government obligations and provides guidance on how to ensure disabled people's rights can be realised.

Article 29 of the Disability Convention relates to participation in political and public life, including the right to vote and be elected. It requires governments to take measures to ensure voting procedures and facilities are accessible, to protect the right to vote by secret ballot and to promote participation in political parties.

## Human Rights Commission InfoLine

If you have a human rights enquiry or discrimination complaint, call:

0800 496 877 (toll free)

Fax 09 377 3593 (attn: InfoLine)

Email [infoline@hrc.co.nz](mailto:infoline@hrc.co.nz)

TXT 0210 236 4253

[www.hrc.co.nz](http://www.hrc.co.nz)

Language Line and NZ Sign Language interpreter available. If you have a hearing or speech impairment, you can contact the Commission using the New Zealand Relay Service. NZ Relay is a telecommunications service and all calls are confidential. [www.nzrelay.co.nz](http://www.nzrelay.co.nz)

This summary report is last in a three part series on disabled people's rights. To read the other two on the accessibility of the built environment and access to information, or access the full reports, please contact the Commission (see opposite).

## Relevant New Zealand legal framework

Under the New Zealand Bill of Rights Act 1990, a disabled person has the same right to vote by “equal suffrage and by secret ballot” as any other adult person. However, in some contexts and for different reasons, disabled people can be denied this right. The 1993 Electoral Act, for example, disqualifies people with mental health conditions who have been detained for three years or more due to criminal offending. The right to a secret ballot can also be compromised for voters who are wholly or partially blind, those unfamiliar with the English language and those who are unable to read or write, or who have serious difficulty doing so. Current law provisions mean these voters can only vote with the assistance of a Deputy Returning Officer, or person of their choice, which means they have to disclose their voting preference to another party and cannot vote independently.

## Information about political parties

Exercising the right to vote is linked to the ability to access information about those standing for election. This includes campaign information, party policies and priorities, candidate information and websites.

There is a need to raise the awareness for political parties that disabled people comprise a significant population of potential voters and to encourage the use of accessible information formats such as Easy Read and plain language. It is also important that political parties and politicians ensure that they are accessible to disabled people, for example, by ensuring their offices are accessible and that arrangements are made for deaf people to access NZSL for meetings.

## The right of disabled people to stand for elections and effectively hold office

In December 2011, a profoundly deaf Green Party member was elected to Parliament and her request for electronic note-taking services resulted in a debate about how this should be funded. Depending on the particular circumstances of a Member of Parliament, mechanisms to address the funding of reasonable accommodation obligations may appear to need further clarification.

## Statistics and data collection

The current electoral roll enrolment form does not collect information on voters with disabilities. The Commission recommends that the Government should commit to improved data collection relating to disabled people in order to help identify where barriers to political participation for disabled people lie.

## International good practice

Overseas a range of voting options has been implemented to ensure disabled people can vote secretly and independently. In both the United States and Australia, touch screen kiosks have been used in recent elections. These kiosks guide the voter through the voting process with enlarged print on the touch screen or by synthetic speech instructions listened to through earphones. Once the voter has cast their vote, a ballot paper is printed and counted in the usual way.

However, concerns were expressed about the potential for users to become flustered and confused by unfamiliar equipment.

Telephone voting and Internet voting are other options which have been made available to disabled voters in overseas elections. Both these options can be carried out at a place of the voter's choosing using equipment already familiar to them. Internet voting is the only technology option for deaf-blind voters who can access the Internet with Braille computers but are unable to use a telephone. Internet voting has been successfully used overseas to ensure accessible and secret voting for disabled people, as well as to improve voter turnout and make voting more convenient.

In Australia, the United Kingdom, Canada, South Africa and Japan tactile voting templates are available for blind and vision-impaired people. This ensures their right to a secret and independent vote where they do not have to disclose their vote to another person to mark their ballot paper. Another option is the use of Braille transparent overlays for ballot papers. These clear overlays have slots in them which line up with the spaces where the ballot papers are to be marked.

## The way ahead

There is a need for New Zealand to continue to implement initiatives to address barriers to disabled people's rights to vote and participate in political processes and public affairs. Lessons can be drawn from overseas and can build on promising New Zealand examples such as those following.

The Electoral Commission has taken a number of steps to improve accessibility for disabled voters, such as providing information in alternative formats and offering advance, postal and assisted voting. It has advised that it is planning to continue work on e-voting options before the next election but that this is dependent on funding. The Commission also understands that online voting may be trialled for the Auckland Council elections in 2013.

Political parties may be becoming increasingly aware of the need to take steps to ensure their campaign information and events are accessible to disabled people. Submitters highlighted how, for example, during the 2011 election, the Green Party translated some of their campaign information into NZSL video clips, used captioning and took steps to enable accessibility to meetings with candidates.



*Graham Innes, Australia's Disability Discrimination Commissioner and Race Discrimination Commissioner, voting independently by telephone at the 2010 Australian Federal Elections. Photo: Australian Electoral Commission.*