

Voting matters

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Propositions belonging to the PhD dissertation

*“Voting Matters:
An Analysis of the Use of Electoral-Assistive Devices through the Lens of the United Nations
Convention on the Rights of Persons with Disabilities”*

Adriana Caballero-Pérez

1. The exclusion of persons with disabilities from voting results directly from legislation and accessibility barriers which hamper the exercise of active participation in democratic societies, and indirectly through other discriminatory practices. States' actions to overcome these barriers and counter low voter turnout among persons with disabilities cannot be reduced to addressing single elements.
2. The development and implementation of voting technological solutions will not always result in *de facto* realisation of the right to vote for every person with a disability. States Parties to the CRPD must also adopt other positive measures to ensure that all persons with disabilities can exercise their right to vote on an equal basis with others, including complying with the obligation to provide reasonable accommodations to individual voters (Article 5 CRPD).
3. Consultation with persons with disabilities to develop suitable electoral-assistive devices to address individual needs of people cannot be focused on specific groups of persons with disabilities, while ignoring the needs of other people with disabilities.
4. Both security and accessibility are relevant principles and necessary elements for maintaining integrity of elections. States should consider that holding accessible voting methods which integrate technology to a higher standard regarding security than current paper ballots might limit the possibilities for some persons with disabilities to vote.
5. International human rights law can be rendered more effective if States promote legal and policy changes, as well as changes in social practices of individuals in both the public and private spheres. These practices include people's understanding of disability itself.
6. International human rights instruments should be developed in harmony with one another to provide clear guidance to States Parties on how to fulfil their obligations. It is in the interest of the regional human rights courts, the Committee on the Rights of Persons with Disabilities, persons with disabilities themselves, and international law in general, that international human rights standards on disability rights are developed in harmony with one another.
7. One way of advancing legal disability scholarship is to move from legal formalism to legal realism entailing the use of empirical research methods and interdisciplinary approaches.
8. The added value of a study of the 'law in action' consists in mapping the voids in law, policy, and social practices, and making recommendations for change based on the contributions of key stakeholders directly.