IDA submission to the Human Rights Committee on the right to vote of persons with disabilities in Ukraine, 108th session

UKRAINE


Articles 2, 16, 25, 26 ICCPR

There is an exclusion from the right to vote inscribed in the Ukraine’s Constitution and elections laws which is directed at persons whose legal capacity has been removed or restricted (commonly persons with intellectual and psychosocial disabilities).

Constitution
(1996)
• Article 70 states, “Citizens of the Ukraine who have attained the age of eighteen on the day elections and referendums are held, have the right to vote at the elections and referendums. Citizens deemed by a court to be incompetent do not have the right to vote.”

Electoral Law
On Elections of People’s Deputies of Ukraine
(2005, as amended 2007)
• Article 2, section 9 states, “A citizen who has been declared incapable by a court decision shall not have the right to vote.”

On Elections of Deputies of Local Radas, and of Village, Settlement, City Chairmen
(1998, as amended 1999)
• Article 6, section 3 states, “Citizens of Ukraine found incompetent by a court shall have no right to vote on local elections..."
Proposed Recommendations to the Government:

- Take steps to remove provisions from the Constitution and election laws that exclude from the right to vote: persons with disabilities deemed incompetent by a court which is violation of Article 25, ICCPR and Article 29, CRPD and contrary to the latest international standards on political participation.

- Reform the law in accordance with Article 16, ICCPR and Article 12 of the Convention on the Rights of Persons with Disabilities (CRPD) to guarantee the equal recognition before the law of persons with disabilities, including the adoption of measures to ensure that having a disability does not directly or indirectly disqualify any person from exercising his or her legal capacity autonomously, and to ensure that persons with disabilities have access to support that they may need to exercise legal capacity on an equal basis with others, respecting the will and preferences of the person concerned.