

# The right to political participation of persons with disabilities ahead of the 2024 European Parliament elections

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## **Disclaimer**

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# 1. Data on persons with disabilities exercising their right to political participation

**Table 1**

Indicator	Answer (Choose one of the answers provided below)	Source and brief description/assessment
Do national disability strategies include political participation?	National disability strategies specifically address political participation	In Luxembourg, the National Action Plan for the Implementation of the Convention on the Rights of Persons with Disabilities 2019 - 2024 ( <i>Plan d'action national de mise en œuvre de la Convention relative aux droits des personnes handicapées 2019 – 2024</i> ) includes a chapter specifically dedicated to the political participation of persons with disabilities. <sup>1</sup> Under the title "Participation in political and public life (Art. 29 of the CRPD)", it foresees several actions, in particular the removal of the prohibition on voting by adults under guardianship; accessible information campaigns about the elections; information sessions on political programmes for persons with disabilities; distribution of information on politics in different formats; and making the

<sup>1</sup> Luxembourg, Ministry of Family Affairs, Solidarity, Living Together and Reception of Refugees (*Ministère de la Famille, des Solidarités, du Vivre ensemble et de l'Accueil*), National Action Plan for the Implementation of the Convention on the Rights of Persons with Disabilities 2019 - 2024 (*Plan d'action national de mise en œuvre de la Convention relative aux droits des personnes handicapées 2019 – 2024*), January 2020, pp. 140-152. To access the National Action Plan, see the webpage of the Ministry of Family Affairs, Solidarity, Living Together and Reception of Refugees (*Ministère de la Famille, des Solidarités, du Vivre ensemble et de l'Accueil*) on <https://mfsva.gouvernement.lu/fr/publications/plan-strategie/handicap.html>.

Indicator	Answer (Choose one of the answers provided below)	Source and brief description/assessment
		voting process accessible to persons with mental/intellectual impairments. The Government published a mid-term evaluation of the measures announced in the National Action Plan in October 2022, which includes a detailed implementation status of the above-mentioned actions relating to participation in political and public life. <sup>2</sup>
Can persons deprived of legal capacity vote?	Full Participation	In Luxembourg, the rule enshrined in Article 53 of the Constitution whereby adults under guardianship were automatically excluded from the right to vote was repealed in July 2023. <sup>3</sup> Furthermore, the Electoral Act of 18 February 2003 ( <i>Loi électorale du 18 février 2003</i> ) was pre-emptively modified in June 2023 to introduce the right to vote in local, national and European elections for adults placed under guardianship. <sup>4</sup> In light of the fact that voting is mandatory in Luxembourg, this was achieved by amending the list of those excluded from the electorate, which no

<sup>2</sup> Luxembourg, Ministry of Family Affairs, Solidarity, Living Together and Reception of Refugees (*Ministère de la Famille, des Solidarités, du Vivre ensemble et de l'Accueil*), Mid-term evaluation of the measures announced in the National Action Plan for the Implementation of the Convention on the Rights of Persons with Disabilities 2019-2024 (*Évaluation à mi-parcours de l'implémentation des mesures annoncées dans le plan d'action national de la mise en œuvre de la Convention relative aux droits des personnes handicapées 2019-2024*), October 2022, pp. 85-88.

<sup>3</sup> Luxembourg, Act of 17 January 2023 revising Chapters IV and Vbis of the Constitution (*Loi du 17 janvier 2023 portant révision des chapitres IV et Vbis de la Constitution*), 18 January 2023, Art. 1.

<sup>4</sup> Luxembourg, Bill N° 8150 amending the amended Electoral Act of 18 February 2003, Summary of the file (*Projet de loi N° 8150 portant modification de la loi électorale modifiée du 18 février 2003, Résumé du dossier*). To access the Summary of the file, see the webpage of the Chamber of Deputies (*Chambre des Députés*) on <https://www.chd.lu/fr/dossier/8150>.

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		longer includes adults under guardianship. <sup>5 6</sup> The overall objective was to insure conformity with article 29 of the CRPD. <sup>7</sup> As a result of this amendment, adults under guardianship have also been granted the right to vote in national referendums. <sup>8</sup>
Is there a requirement under law to register to vote?	Yes, for non-nationals	In Luxembourg, there are three different electoral rolls – one for Luxembourg citizens, who are voters in national, European and municipal elections; one for foreign nationals (including nationals of other Member States of the EU), who are voters in municipal elections; and one for nationals of other Member States of the EU alone, who are eligible to vote in European elections. <sup>9</sup> Luxembourg nationals – including those with disabilities - are automatically entered on the electoral roll as soon as they fulfil

<sup>5</sup> Luxembourg, Electoral Act of 18 February 2003 (*Loi électorale du 18 février 2003*), 21 February 2003, Art. 6 and 89. To access the consolidated version of the Electoral Act of 18 February 2003 as applicable on 24 October 2023, see the webpage of the Official Journal of the Grand Duchy of Luxembourg (*Journal officiel du Grand-Duché de Luxembourg*) on <https://legilux.public.lu/eli/etat/leg/recueil/elections/20231024>.

<sup>6</sup> Luxembourg, Bill N° 8150 amending the amended Electoral Act of 18 February 2003, Explanatory Memorandum (*Projet de loi N° 8150 portant modification de la loi électorale modifiée du 18 février 2003, Exposé des Motifs*), 9 February 2023, p. 3.

<sup>7</sup> Luxembourg, Bill N° 8150 amending the amended Electoral Act of 18 February 2003, Explanatory Memorandum (*Projet de loi N° 8150 portant modification de la loi électorale modifiée du 18 février 2003, Exposé des Motifs*), 9 February 2023, p. 2.

<sup>8</sup> Luxembourg, Act of 4 February 2005 on national referendums (*Loi du 4 février 2005 relative au référendum au niveau national*), 3 March 2005, Art. 2(3) and Art. 12.

<sup>9</sup> Luxembourg, Electoral Act of 18 February 2003 (*Loi électorale du 18 février 2003*), 21 February 2003, Art. 7. To access the consolidated version of the Electoral Act of 18 February 2003 as applicable on 24 October 2023, see the webpage of the Official Journal of the Grand Duchy of Luxembourg (*Journal officiel du Grand-Duché de Luxembourg*) on <https://legilux.public.lu/eli/etat/leg/recueil/elections/20231024>.

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		<p>the conditions required by law to be eligible to vote.<sup>10</sup> Furthermore, no additional registration is needed to vote in national referendums as the same electoral role is used.<sup>11</sup> Foreign nationals, including nationals of other Member States of the EU, who intend to vote in municipal or European elections for the first time are required to register in the corresponding electoral roll. This also applies to persons with disabilities.<sup>12</sup> Upon registration, they are maintained on the electoral roll until they request to be struck off or until they are struck off automatically for not meeting the conditions required for exercising the right to vote.<sup>13</sup></p>

<sup>10</sup> Luxembourg, Electoral Act of 18 February 2003 (*Loi électorale du 18 février 2003*), 21 February 2003, Art. 8 (1). To access the consolidated version of the Electoral Act of 18 February 2003 as applicable on 24 October 2023, see the webpage of the Official Journal of the Grand Duchy of Luxembourg (*Journal officiel du Grand-Duché de Luxembourg*) on <https://legilux.public.lu/eli/etat/leg/recueil/elections/20231024>.

<sup>11</sup> Luxembourg, Act of 4 February 2005 on national referendums (*Loi du 4 février 2005 relative au référendum au niveau national*), 3 March 2005, Art. 2 (3) and Art. 12.

<sup>12</sup> Luxembourg, Electoral Act of 18 February 2003 (*Loi électorale du 18 février 2003*), 21 February 2003, Art. 8 (2) and (3). To access the consolidated version of the Electoral Act of 18 February 2003 as applicable on 24 October 2023, see the webpage of the Official Journal of the Grand Duchy of Luxembourg (*Journal officiel du Grand-Duché de Luxembourg*) on <https://legilux.public.lu/eli/etat/leg/recueil/elections/20231024>.

<sup>13</sup> Luxembourg, Electoral Act of 18 February 2003 (*Loi électorale du 18 février 2003*), 21 February 2003, Art. 8 (4). To access the consolidated version of the Electoral Act of 18 February 2003 as applicable on 24 October 2023, see the webpage of the Official Journal of the Grand Duchy of Luxembourg (*Journal officiel du Grand-Duché de Luxembourg*) on <https://legilux.public.lu/eli/etat/leg/recueil/elections/20231024>.

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		Additionally, all voters on the electoral rolls – including those with disabilities - need to apply beforehand to their municipality of residency if they wish to vote by post. <sup>14 15</sup> Finally, provision of available support or assistance on polling day for persons with disabilities (i.e., assistance from a guide and/or the use of a tactile voting model) does not require any prior request. <sup>16</sup>
Are alternative ways of voting available to persons with disabilities?	Yes, available to all voters	In Luxembourg, all voters on the electoral roll are free to apply beforehand for postal voting in all types of elections. <sup>17 18</sup>
Is there legislation regulating how people living in long-term institutions may vote?	Yes, as part of legislation on alternative forms of voting	In Luxembourg, there is no specific legislation regulating how people living in long-term institutions may vote. However, legislation on alternative ways of voting entitles persons with

<sup>14</sup> Luxembourg, Electoral Act of 18 February 2003 (*Loi électorale du 18 février 2003*), 21 February 2003, Art. 169-171, 263-265 and 329-331. To access the consolidated version of the Electoral Act of 18 February 2003 as applicable on 24 October 2023, see the webpage of the Official Journal of the Grand Duchy of Luxembourg (*Journal officiel du Grand-Duché de Luxembourg*) on <https://legilux.public.lu/eli/etat/leg/recueil/elections/20231024>.

<sup>15</sup> Luxembourg, Act of 4 February 2005 on national referendums (*Loi du 4 février 2005 relative au référendum au niveau national*), 3 March 2005, Art. 48.

<sup>16</sup> Luxembourg, Electoral Act of 18 February 2003 (*Loi électorale du 18 février 2003*), 21 February 2003, Art. 79 (1) and (2). To access the consolidated version of the Electoral Act of 18 February 2003 as applicable on 24 October 2023, see the webpage of the Official Journal of the Grand Duchy of Luxembourg (*Journal officiel du Grand-Duché de Luxembourg*) on <https://legilux.public.lu/eli/etat/leg/recueil/elections/20231024>.

<sup>17</sup> Luxembourg, Electoral Act of 18 February 2003 (*Loi électorale du 18 février 2003*), 21 February 2003, Art. 168, 262 and 328. To access the consolidated version of the Electoral Act of 18 February 2003 as applicable on 24 October 2023, see the webpage of the Official Journal of the Grand Duchy of Luxembourg (*Journal officiel du Grand-Duché de Luxembourg*) on <https://legilux.public.lu/eli/etat/leg/recueil/elections/20231024>.

<sup>18</sup> Luxembourg, Act of 4 February 2005 on national referendums (*Loi du 4 février 2005 relative au référendum au niveau national*), 3 March 2005, Art. 46.

Indicator	Answer (Choose one of the answers provided below)	Source and brief description/assessment
		disabilities, including people living in long-term institutions, to resort to postal voting in all types of elections (see previous indicator).
Is there a legal duty to provide assistance in voting to persons with disabilities?	Yes, for all persons with disabilities	<p>In Luxembourg, there is a legal duty to provide for multiple types of assistance in voting to persons with disabilities. These consist of the following:</p> <p>i) the right of persons with a long-term visual, physical, mental, intellectual, or sensory disability or under guardianship to be accompanied by a guide or support person during the vote, as well as to have the guide or support person formulate the vote if they are unable to do it themselves<sup>19 20</sup>;</p> <p>ii) the right of persons with a visual impairment to cast their vote using a tactile voting model provided to them at the polling station or prior to polling day, as well as to receive help from a member of the polling station to insert the ballot paper into the tactile voting model<sup>21 22</sup>;</p>

<sup>19</sup> Luxembourg, Electoral Act of 18 February 2003 (*Loi électorale du 18 février 2003*), 21 February 2003, Art. 79 (1). To access the consolidated version of the Electoral Act of 18 February 2003 as applicable on 24 October 2023, see the webpage of the Official Journal of the Grand Duchy of Luxembourg (*Journal officiel du Grand-Duché de Luxembourg*) on <https://legilux.public.lu/eli/etat/leg/recueil/elections/20231024>.

<sup>20</sup> Luxembourg, Act of 4 February 2005 on national referendums (*Loi du 4 février 2005 relative au référendum au niveau national*), 3 March 2005, Art. 39.

<sup>21</sup> Luxembourg, Electoral Act of 18 February 2003 (*Loi électorale du 18 février 2003*), 21 February 2003, Art. 79 (2). To access the consolidated version of the Electoral Act of 18 February 2003 as applicable on 24 October 2023, see the webpage of the Official Journal of the Grand Duchy of Luxembourg (*Journal officiel du Grand-Duché de Luxembourg*) on <https://legilux.public.lu/eli/etat/leg/recueil/elections/20231024>.

<sup>22</sup> Luxembourg, Act of 4 February 2005 on national referendums (*Loi du 4 février 2005 relative au référendum au niveau national*), 3 March 2005, Art. 39.



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		<p>iii) the mandatory inclusion of (national) party logos in ballot papers for the national and European elections<sup>23</sup>, to make it easier for persons with physical or mental disabilities to read and complete the ballot paper<sup>24</sup>; and</p> <p>iv) the right of persons with disabilities to be admitted to the polling station with an assistance dog.<sup>25</sup></p>
Are all persons with disabilities legally able to access complaints mechanisms if they have not been able to exercise the right to political participation?	No, only persons with legal capacity	<p>In Luxembourg, complaints mechanisms are subject to varying accessibility rules for persons with disabilities deprived of legal capacity.</p> <p>In accordance with the Electoral Act of 18 February 2003 (<i>Loi électorale du 18 février 2003</i>), any citizen may submit a complaint to the college of mayors and aldermen regarding the electoral rolls.<sup>26</sup> Furthermore, the person who has been wrongly omitted or struck off the electoral roll may apply to the Administrative Court (<i>Court Administrative</i>) for the decision of the college of mayors</p>

<sup>23</sup> Luxembourg, Electoral Act of 18 February 2003 (*Loi électorale du 18 février 2003*), 21 February 2003, Art. 140 and 296. To access the consolidated version of the Electoral Act of 18 February 2003 as applicable on 24 October 2023, see the webpage of the Official Journal of the Grand Duchy of Luxembourg (*Journal officiel du Grand-Duché de Luxembourg*) on <https://legilux.public.lu/eli/etat/leg/recueil/elections/20231024>.

<sup>24</sup> Luxembourg, Bill N° 8150 amending the amended Electoral Act of 18 February 2003, Explanatory Memorandum (*Projet de loi N° 8150 portant modification de la loi électorale modifiée du 18 février 2003, Exposé des Motifs*), 9 February 2023, p. 4.

<sup>25</sup> Luxembourg, Act of 22 July 2008 on the accessibility of places open to the public to persons with disabilities accompanied by assistance dogs (*Loi du 22 juillet 2008 relative à l'accessibilité des lieux ouverts au public aux personnes handicapées accompagnées de chiens d'assistance*), 8 September 2008, Art. 5.

<sup>26</sup> Luxembourg, Electoral Act of 18 February 2003 (*Loi électorale du 18 février 2003*), 21 February 2003, Art. 12 (3). To access the consolidated version of the Electoral Act of 18 February 2003 as applicable on 24 October 2023, see the webpage of the Official Journal of the Grand Duchy of Luxembourg (*Journal officiel du Grand-Duché de Luxembourg*) on <https://legilux.public.lu/eli/etat/leg/recueil/elections/20231024>.

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		<p>and aldermen to be varied.<sup>27</sup> To that effect, prior submission of a complaint to the college of mayors and aldermen regarding the electoral rolls is required.<sup>28</sup></p> <p>However, given the lack of special provisions for persons with disabilities, adults under guardianship can only submit such complaint, or bring such an appeal before the Administrative Court (<i>Court Administrative</i>), through their guardian.<sup>29</sup></p> <p>Alternatively, any person with disabilities who considers that his or her rights and freedoms guaranteed under the UN Convention on the Rights of Persons with Disabilities are not being respected may independently submit a complaint to the Ombudsman.<sup>30</sup></p>

<sup>27</sup> Luxembourg, Electoral Act of 18 February 2003 (*Loi électorale du 18 février 2003*), 21 February 2003, Art. 21 (1) and (2). To access the consolidated version of the Electoral Act of 18 February 2003 as applicable on 24 October 2023, see the webpage of the Official Journal of the Grand Duchy of Luxembourg (*Journal officiel du Grand-Duché de Luxembourg*) on <https://legilux.public.lu/eli/etat/leg/recueil/elections/20231024>.

<sup>28</sup> Luxembourg, Electoral Act of 18 February 2003 (*Loi électorale du 18 février 2003*), 21 February 2003, Art. 12 (3). To access the consolidated version of the Electoral Act of 18 February 2003 as applicable on 24 October 2023, see the webpage of the Official Journal of the Grand Duchy of Luxembourg (*Journal officiel du Grand-Duché de Luxembourg*) on <https://legilux.public.lu/eli/etat/leg/recueil/elections/20231024>.

<sup>29</sup> Luxembourg, Civil Code (*Code Civil*), Art. 492, 495 and 450.

<sup>30</sup> Luxembourg, Act of 28 July 2011 on 1. the approval of the Convention on the Rights of Persons with Disabilities, done in New York on 13 December 2006; 2. the approval of the Optional Protocol to the Convention on the Rights of Persons with Disabilities pertaining to the Committee on the Rights of Persons with Disabilities, done in New York on 13 December 2006; 3. The designation of independent mechanisms to promote, protect and monitor implementation of the Convention on the Rights of Persons with Disabilities (*Loi du 28 juillet 2011 portant 1. approbation de la Convention relative aux droits des personnes handicapées, faite à New York, le 13 décembre 2006 ; 2. approbation du Protocole facultatif à la Convention relative aux droits des personnes handicapées relatif au Comité des droits des personnes handicapées, fait à New York, le 13 décembre 2006; 3. désignation des mécanismes indépendants de promotion, de protection et de suivi de l'application de la Convention relative aux droits des personnes handicapées*), 9 August 2011, Art. 4.

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Is information on complaints mechanisms regarding political participation accessible to persons with disabilities?	No data	No development.
Have national courts considered cases related to the right to political participation of persons with disabilities?	No, no cases identified	No development.
Have non-judicial complaints mechanisms considered cases related to the right to political participation of persons with disabilities?	No, no cases identified	No development.
Are persons with disabilities members of the current national parliament?	No MPs identify as having a disability (official data)	For the Chamber of Deputies elected in 2023, no MPs identify as having a disability. <sup>31</sup>
Is data available on the number of members of municipal/regional	No data available	No public data available. <sup>32</sup>

<sup>31</sup> Luxembourg, response received from the personnel from the Chamber of Deputies (via e-mail), 27 November 2023.

<sup>32</sup> Luxembourg, information provided by the Centre for Equal Treatment (*Centre pour l'égalité de traitement*) during an online interview on 05 February 2024, and by the NGO Info-Handicap during a telephone interview on 16 January 2024..

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governments who have a disability?		
Is training for election authorities and officials on non-discrimination on the grounds of disability, accessibility and accommodation required by law?	Training not required by law, but some relevant training or guidance available	<p>In Luxembourg, there is currently no legal requirement to provide training for election authorities and officials on non-discrimination on the grounds of disability, accessibility, or accommodation. However, in order to raise awareness of the issue of accessibility of elections, the Ministry of Interior shared a circular with municipalities ahead of the municipal and national elections of 2023. The circulars, which were sent out respectively in April 2023<sup>33</sup> and July 2023<sup>34</sup>, included information regarding the following:</p> <p>i) the brochure "Accessibility of polling stations for the 2023 legislative and municipal elections" (<i>Accessibilité des bureaux de vote en vue des élections législatives et communales 2023</i>), published by Info-Handicap in collaboration with the "Klaro"</p>

<sup>33</sup> Luxembourg, Ministry of Family Affairs, Solidarity, Living Together and Reception of Refugees (*Ministère de la Famille, des Solidarités, du Vivre ensemble et de l'Accueil*) (2023), Circular n° 2023-054 to municipal authorities (*Circulaire n° 2023-054 aux administrations communales*), 27 April 2023. To access Circular n° 2023-054, see the webpage of the Ministry of Home Affairs (*Ministère des Affaires intérieures*) on <https://maint.gouvernement.lu/fr/circulaires/circulaires2023/circulaire-2023-054.html>.

<sup>34</sup> Luxembourg, Ministry of Home Affairs (*Ministère des Affaires intérieures*) and Ministry of State (*Ministère d'État*) (2023), Circular n° 2023-087 to municipal authorities (*Circulaire n° 2023-087 aux administrations communales*), 12 July 2023. To access Circular n° 2023-087, see the webpage of the Ministry of Home Affairs (*Ministère des Affaires intérieures*) on <https://maint.gouvernement.lu/fr/circulaires/circulaires2023/circulaire-2023-087.html>.

Indicator	Answer (Choose one of the answers provided below)	Source and brief description/assessment
		Centre of Competence for accessible communication ( <i>Centre de compétence pour la communication accessible</i> ) of APEHM <sup>35</sup> ; ii) the "Walschabloun" tactile stencil ( <i>pochoir tactile « Walschabloun »</i> ) <sup>36</sup> ; and iii) the right to vote for adults under guardianship.
Are there mechanisms in place to ensure consultation and involvement of DPOs in the development of laws and policies which affect them?	Yes, mechanisms established by law	In Luxembourg, there is a High Council of Persons with Disabilities ( <i>Le Conseil supérieur des personnes handicapées- CSPH</i> ) whose mandate and activities are fixed by the Act of 12 September 2003. <sup>37</sup> The High Council of Persons with Disabilities is a consultative body under the Ministry of Family Affairs, Solidarity, Living Together and Reception of Refugees ( <i>Ministère de la</i>

<sup>35</sup> Luxembourg, Info-Handicap and the "Klaro" Centre of Competence for accessible communication (*Centre de compétence pour la communication accessible*) of APEHM (2023), Accessibility of polling stations for the 2023 legislative and municipal elections (*Accessibilité des bureaux de vote en vue des élections législatives et communales 2023*). To access the brochure, see the webpage of the Government of the Grand-Duchy of Luxembourg (*Gouvernement du Grand-Duché de Luxembourg*) on <https://elections.public.lu/fr/accessibilite.html> under "Accessibility of polling stations" (*"Accessibilité des bureaux de vote"*).

<sup>36</sup> Luxembourg, Centre for the development of sight-related skills (*Centre pour le développement des compétences relatives à la vue*) (2023), Election stencil (*Pochoir d'élection*).

<sup>37</sup> Luxembourg, Act of 12 September 2003 on persons with disabilities (*Loi du 12 septembre 2003 relative aux personnes handicapées*), 7 November 2022.

Indicator	Answer (Choose one of the answers provided below)	Source and brief description/assessment
		<i>Famille, des Solidarités, du Vivre ensemble et de l'Accueil</i> ). <sup>38 39</sup> It consists of representatives of Disabled Persons Organisations, and representatives of the State; The Council is chaired by a representative of a Disabled Persons Organisation. According to the law <sup>40</sup> , its missions comprise advising the Ministry in policy making; as well as advising on bills (Avis) (Art. 34)
Do national authorities provide guidelines on how to make polling stations accessible?	Yes, detailed guidance available	Organisations Info-Handicap and the Centre of Competence for accessible communication "Klaro" ( <i>le Centre de compétence pour la communication accessible</i> ) developed guidelines <sup>41</sup> for municipalities to help take necessary initiatives to improve accessibility to voting for everyone.
Does the website which provides instructions for voting and information on	Partially, some accessibility measures are in place	The results of European, municipal and national elections, including the most recent national and municipal elections of

<sup>38</sup> Luxembourg, Grand-Ducal Regulation of 25 January 2006 on the organisation and operation of the High Council for the Persons with Disabilities (*Règlement grand-ducal du 25 janvier 2006 concernant l'organisation et le fonctionnement du Conseil supérieur des personnes handicapées*), 25 January 2006.

<sup>39</sup> Luxembourg, Ministry of Family Affairs, Solidarity, Living Together and Reception of Refugees (*Ministère de la Famille, des Solidarités, du Vivre ensemble et de l'Accueil*), High Council for the Persons with Disabilities (*Conseil supérieur des personnes handicapées - CSPH*), 27 November 2023.

<sup>40</sup> Luxembourg, Act of 12 September 2003 on persons with disabilities (*Loi du 12 septembre 2003 relative aux personnes handicapées*), 7 November 2022.

<sup>41</sup> Luxembourg, Info- Handicap, Centre national d'information et de rencontre du handicap, Conseil national des personnes handicapées (2023), Accessibility of polling stations for national and municipal elections (*Accessibilité des bureaux de vote en vue des élections législatives et communales*).

Indicator	Answer (Choose one of the answers provided below)	Source and brief description/assessment
candidates meet accessibility standards?		2023, are published on the official national webpage. <sup>42</sup> It is a public webpage <sup>43</sup> guided by the Act of 28 May 2019 (regarding the transposition of the EU Directive 2016/2120). <sup>44</sup> According to the official statement of 27 April 2023, the national elections website is <b>partially compliant</b> with the European Standard <u>EN 301 549</u> and the RGAA version 4.1. <sup>45</sup>
Are some television programmes providing instructions for voting and information on candidates subtitled?	Yes, some key programmes are subtitled	According with the Guiding principles regarding elections, political parties are obliged to provide their television spots with subtitles in German and French. <sup>46 47</sup>  <i>The Zentrum fir politesch Bildung</i> and <i>Klaro</i> developed videos for municipal elections on various topics in several official languages,

<sup>42</sup> Luxembourg, Government of the Grand-Duchy of Luxembourg (*Gouvernement du Grand-Duché de Luxembourg*), Official website of the elections in the Grand Duchy of Luxembourg (*Site officiel des élections au Grand-Duché de Luxembourg*).

<sup>43</sup> Luxembourg, Government of the Grand-Duchy of Luxembourg (*Gouvernement du Grand-Duché de Luxembourg*), Official website of the elections in the Grand Duchy of Luxembourg (*Site officiel des élections au Grand-Duché de Luxembourg*), *About this site*.

<sup>44</sup> Luxembourg, Act of 28 May 2019 on the accessibility of websites and mobile applications of public sector institutions (*Loi du 28 mai 2019 relative à l'accessibilité des sites internet et des applications mobiles des organismes du secteur public*), 28 May 2019.

<sup>45</sup> Luxembourg, Government of the Grand-Duchy of Luxembourg (*Gouvernement du Grand-Duché de Luxembourg*), Official website of the elections in the Grand Duchy of Luxembourg (*Site officiel des élections au Grand-Duché de Luxembourg*), *Declaration of accessibility*, 19 September 2023.

<sup>46</sup> Luxembourg's Independent Broadcasting Authority (*Autorité luxembourgeoise indépendante de l'audiovisuel*) (2023), Guiding Principles for National Elections on 08 October 2023 (*Principes directeurs pour les élections législatives du 8 octobre 2023*), 07 July 2023.

<sup>47</sup> Luxembourg's Independent Broadcasting Authority (*Autorité luxembourgeoise indépendante de l'audiovisuel*) (2023), Guiding Principles for Municipal Elections on 11 June 2023 (*Principes directeurs pour les élections communales du 11 juin 2023*), 10 February 2023.

Indicator	Answer (Choose one of the answers provided below)	Source and brief description/assessment
		including subtitles. <sup>48 49</sup> These videos were shared on various social and media platforms during the elections period.
Do some television programmes providing instructions for voting and information on candidates have national sign language interpretation?	Yes, some key programmes have sign language interpretation	For instance, prior to national elections in autumn 2023, at least one round table with political candidates was broadcast with a sign language interpretation. <sup>50</sup>
Are some television programmes providing instructions for voting and information on candidates audio described?	No, key programmes do not have audio description.	No, political parties providing election material are not obliged to provide audio description. <sup>51</sup>
Were some political party manifestos provided in	Some political parties provided accessible manifestos	Some political parties provided accessible manifestos / election programmes; three out of twelve political parties provided their

<sup>48</sup> Luxembourg, Klaro, Easy language center (Centre officiel du langage facile Klaro, Information about all elections (*Infos pour toutes les élections*)).

<sup>49</sup> Luxembourg, Center for Political Education (*Zentrum für politisch Bildung*), Why vote? How to vote? Who should vote? (*Pourquoi voter ? Comment voter ? Qui voter ?*).

<sup>50</sup> Luxembourg, Info-Handicap *Newsflash* N°36, 29 September 2023.

<sup>51</sup> Luxembourg, Luxembourg's Independent Broadcasting Authority (*Autorité luxembourgeoise indépendante de l'audiovisuel*) (2023), Guidelines published as part of the media election campaign for the national election on 8 October 2023 - Recommendations for the accessibility of election spots (*Principes directeurs publiés dans le cadre de la campagne électorale médiatique pour les élections législatives du 8 octobre 2023 - Recommandations par rapport à l'accessibilité des spots électoraux*).



Indicator	Answer (Choose one of the answers provided below)	Source and brief description/assessment
accessible formats during the most recent elections?		election programmes in easy language for national elections in 2023. <sup>52 53 54</sup>
Are there legal accessibility standards for public and private providers of internet and web-based public information?	Yes, covering public only	In Luxembourg, there are mandatory accessibility standards for the websites and mobile applications of public sector bodies <sup>55</sup> , in line with EU law. <sup>56</sup> These are applicable, with few exceptions, to all the websites and mobile applications of public sector bodies. <sup>57</sup> The latter include, among others, the State and municipalities. <sup>58</sup>

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<sup>52</sup> Luxembourg, Democratic Party (*Demokratesch Partei*), Close to you. A short election program easy language (*No bei Dir. Kurzes Wahl-Programm Leichte Sprache*).

<sup>53</sup> Luxembourg, the Green party (*Dei Gréng*), Election program in easy language (*Wahl-Programm in Leichter Sprache*).

<sup>54</sup> Luxembourg, The Pirate party (*D’Piraterpartei Lëtzebuerg*), Election program in easy language (*Wahl-Programm in Leichter Sprache*).

<sup>55</sup> Luxembourg, Act of 28 May 2019 on the accessibility of the websites and mobile applications of public sector bodies (*Loi du 28 mai 2019 relative à l’accessibilité des sites internet et des applications mobiles des organismes du secteur public*), 31 May 2019.

<sup>56</sup> Directive (EU) 2016/2102 of the European Parliament and of the Council of 26 October 2016 on the accessibility of the websites and mobile applications of public sector bodies.

<sup>57</sup> Luxembourg, Act of 28 May 2019 on the accessibility of the websites and mobile applications of public sector bodies (*Loi du 28 mai 2019 relative à l’accessibilité des sites internet et des applications mobiles des organismes du secteur public*), 31 May 2019, Art. 1 (1) and (2).

<sup>58</sup> Luxembourg, Act of 28 May 2019 on the accessibility of the websites and mobile applications of public sector bodies (*Loi du 28 mai 2019 relative à l’accessibilité des sites internet et des applications mobiles des organismes du secteur public*), 31 May 2019, Art. 2 (1).

Indicator	Answer (Choose one of the answers provided below)	Source and brief description/assessment
		Such bodies have a duty to take the necessary measures to make their websites and mobile applications more accessible by making them perceivable, operable, understandable and robust. <sup>59</sup> The law provides for a presumption of conformity with these accessibility standards in case of alignment with relevant harmonized standards <sup>60</sup> , technical specifications (for mobile applications only) <sup>61</sup> or European standards (in particular, European standard EN 301 549 V1.1.2 (2015-04) or a more recent version of this European standard or a European standard replacing it) <sup>62</sup> .
Are there legal accessibility standards for public and private providers of media?	Yes, covering public and private	In Luxembourg, audiovisual media service providers are under the obligation to develop action plans for the continuous and progressive improvement of the accessibility of their services for

<sup>59</sup> Luxembourg, Act of 28 May 2019 on the accessibility of the websites and mobile applications of public sector bodies (*Loi du 28 mai 2019 relative à l'accessibilité des sites internet et des applications mobiles des organismes du secteur public*), 31 May 2019, Art. 3 (1).

<sup>60</sup> Luxembourg, Act of 28 May 2019 on the accessibility of the websites and mobile applications of public sector bodies (*Loi du 28 mai 2019 relative à l'accessibilité des sites internet et des applications mobiles des organismes du secteur public*), 31 May 2019, Art. 3 (2) point 1 and Art. 3 (3) point 1.

<sup>61</sup> Luxembourg, Act of 28 May 2019 on the accessibility of the websites and mobile applications of public sector bodies (*Loi du 28 mai 2019 relative à l'accessibilité des sites internet et des applications mobiles des organismes du secteur public*), 31 May 2019, Art. 3 (3) point 2.

<sup>62</sup> Luxembourg, Act of 28 May 2019 on the accessibility of the websites and mobile applications of public sector bodies (*Loi du 28 mai 2019 relative à l'accessibilité des sites internet et des applications mobiles des organismes du secteur public*), 31 May 2019, Art. 3 (2) point 2 and Art. 3 (3) point 3.

Indicator	Answer (Choose one of the answers provided below)	Source and brief description/assessment
		<p>persons with disabilities<sup>63</sup>, in line with Directive (EU) 2018/1808.<sup>64</sup></p> <p>Furthermore, Luxembourg's Independent Broadcasting Authority (<i>Autorité luxembourgeoise indépendante de l'audiovisuel</i>) is tasked with the duty to encourage audiovisual media service providers to make their services continuously and progressively more accessible to persons with disabilities.<sup>65</sup> In this framework, it published guidelines for the production, programming and broadcasting of election messages by audiovisual media service providers ahead of national<sup>66</sup> and municipal<sup>67</sup> elections in 2023. These included concrete recommendations on programme accessibility for persons with disabilities, notably the obligation of</p>

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<sup>63</sup> Luxembourg, Act of 27 July 1991 on electronic media (*Loi du 27 juillet 1991 sur les médias électroniques*), 30 July 1991, Art. 27c.

<sup>64</sup> [Directive \(EU\) 2018/1808 of the European Parliament and of the Council of 14 November 2018 amending Directive 2010/13/EU on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of audiovisual media services \(Audiovisual Media Services Directive\) in view of changing market realities](#), Art. 7.

<sup>65</sup> Luxembourg, Act of 27 July 1991 on electronic media (*Loi du 27 juillet 1991 sur les médias électroniques*), 30 July 1991, Art. 35 (2) c).

<sup>66</sup> Luxembourg, Luxembourg's Independent Broadcasting Authority (*Autorité luxembourgeoise indépendante de l'audiovisuel*) (2023), Guiding Principles for National Elections on 08 October 2023 (*Principes directeurs pour les élections législatives du 8 octobre 2023*), 07 July 2023.

<sup>67</sup> Luxembourg, Luxembourg's Independent Broadcasting Authority (*Autorité luxembourgeoise indépendante de l'audiovisuel*) (2023), Guiding Principles for Municipal Elections on 08 October 2023 (*Principes directeurs pour les élections communales du 11 juin 2023*), 10 February 2023.

Indicator	Answer (Choose one of the answers provided below)	Source and brief description/assessment
		political parties to provide television spots with subtitles in German and French. <sup>68 69</sup>
Are there mandatory accessibility standards for national and local authority buildings in the election context?	Yes	In Luxembourg, the Act of 7 January 2022 on the accessibility for all of places open to the public, public roads and collective residential buildings <sup>70</sup> enshrines mandatory accessibility standards which apply to all places destined for collective use, either public or private. <sup>71</sup>

<sup>68</sup> Luxembourg, Luxembourg's Independent Broadcasting Authority (*Autorité luxembourgeoise indépendante de l'audiovisuel*)(2023), Guiding Principles for National Elections on 08 October 2023 (*Principes directeurs pour les élections législatives du 8 octobre 2023*), 07 July 2023, p. 5.

<sup>69</sup> Luxembourg, Luxembourg's Independent Broadcasting Authority (*Autorité luxembourgeoise indépendante de l'audiovisuel*) (2023), Guiding Principles for Municipal Elections on 08 October 2023 (*Principes directeurs pour les élections communales du 11 juin 2023*), 10 February 2023, p. 5.

<sup>70</sup> Luxembourg, Act of 7 January 2022 on the accessibility for all of places open to the public, public roads and collective residential buildings (*Loi du 7 janvier 2022 portant sur l'accessibilité à tous des lieux ouverts au public, des voies publiques et des bâtiments d'habitation collectifs*), 18 January 2022.

<sup>71</sup> Luxembourg, Bill N° 7346 on the accessibility for all of places open to the public, public roads and collective residential buildings, Explanatory Memorandum (*Projet de loi N° 7346 Loi du 7 janvier 2022 portant sur l'accessibilité à tous des lieux ouverts au public, des voies publiques et des bâtiments d'habitation collectifs, Exposé des Motifs*), 27 July 2018, p. 5.

Indicator	Answer (Choose one of the answers provided below)	Source and brief description/assessment
		<p>The areas bound by such accessibility standards are listed in the law and are different for new constructions<sup>72</sup> or pre-existing places open to the public<sup>73</sup>. These include:</p> <ul style="list-style-type: none"> <li>i) the access to the site and services offered;</li> <li>ii) the reception;</li> <li>iii) premises and equipment linked to the services provided;</li> <li>iv) vertical and horizontal circulation;</li> <li>v) toilets;</li> <li>vi) parking spaces; and</li> <li>vii) signage.</li> </ul> <p>The Grand-Ducal Regulation of 8 February 2023 relating to the accessibility for all of places open to the public and public roads specifies further these accessibility requirements.<sup>74</sup></p>
Are there legal accessibility standards for polling stations in place?	Yes, for all polling stations	In Luxembourg, the mandatory accessibility standards enshrined in the Act of 7 January 2022 on the accessibility for all of places open to the public, public roads and collective residential

<sup>72</sup> Luxembourg, Act of 7 January 2022 on the accessibility for all of places open to the public, public roads and collective residential buildings (*Loi du 7 janvier 2022 portant sur l'accessibilité à tous des lieux ouverts au public, des voies publiques et des bâtiments d'habitation collectifs*), 18 January 2022, Art. 2.

<sup>73</sup> Luxembourg, Act of 7 January 2022 on the accessibility for all of places open to the public, public roads and collective residential buildings (*Loi du 7 janvier 2022 portant sur l'accessibilité à tous des lieux ouverts au public, des voies publiques et des bâtiments d'habitation collectifs*), 18 January 2022, Art. 3.

<sup>74</sup> Luxembourg, Grand-Ducal Regulation of 8 February 2023 relating to the accessibility for all of places open to the public and public roads (*Règlement grand-ducal du 8 février 2023 relatif à l'accessibilité à tous des lieux ouverts au public et des voies publiques*), 14 February 2023.

Indicator	Answer (Choose one of the answers provided below)	Source and brief description/assessment
		buildings <sup>75</sup> , as well as in the Grand-Ducal Regulation of 8 February 2023 relating to the accessibility for all of places open to the public and public roads <sup>76</sup> , also apply to polling stations. However, the applicable legal framework does not include any information on the accessibility of the voting booth. <sup>77</sup>
Is data available on the proportion of polling stations that are accessible to persons with disabilities?	No data identified	No public data available. <sup>78</sup> <a href="#">Luxembourg, Parliamentary Elections, 8 October 2023: Needs Assessment Mission Report</a> by OSCE does not contain such data.
Is data available on the proportion of public buildings	No data identified	No public data available. <sup>79</sup>

<sup>75</sup> Luxembourg, Act of 7 January 2022 on the accessibility for all of places open to the public, public roads and collective residential buildings (*Loi du 7 janvier 2022 portant sur l'accessibilité à tous des lieux ouverts au public, des voies publiques et des bâtiments d'habitation collectifs*), 18 January 2022.

<sup>76</sup> Luxembourg, Grand-Ducal Regulation of 8 February 2023 relating to the accessibility for all of places open to the public and public roads (*Règlement grand-ducal du 8 février 2023 relatif à l'accessibilité à tous des lieux ouverts au public et des voies publiques*), 14 February 2023.

<sup>77</sup> Luxembourg, Info-Handicap and the "Klaro" Centre of Competence for accessible communication (*Centre de compétence pour la communication accessible*) of APEHM (2023), Accessibility of polling stations for the 2023 legislative and municipal elections (*Accessibilité des bureaux de vote en vue des élections législatives et communales 2023*), p. 6. To access the brochure, see the webpage of the Government of the Grand-Duchy of Luxembourg (*Gouvernement du Grand-Duché de Luxembourg*) on <https://elections.public.lu/fr/accessibilite.html> under "Accessibility of polling stations" ("*Accessibilité des bureaux de vote*").

<sup>78</sup> Luxembourg, information provided by the Ministry of State (*Ministère d'État*), Legal Service (*Service Juridique*) by email on 6 February 2024.

<sup>79</sup> Luxembourg, information provided by the Ministry of Mobility and Public Works (*Ministère de la Mobilité et des Travaux publics*) by e-mail on 18 December 2023.

Indicator	Answer (Choose one of the answers provided below)	Source and brief description/assessment
that are accessible for persons with disabilities?		

## 2. Political participation of persons with disabilities in practice

### 2.1. Positive and negative key development as regards political participation of persons with disabilities

In Luxembourg, the rule enshrined in Article 53 of the Constitution whereby adults under guardianship were automatically excluded from the right to vote was repealed in July 2023.<sup>80</sup>

Along with this development, the Electoral Act of 18 February 2003 (*Loi électorale du 18 février 2003*) was pre-emptively amended in June 2023 to introduce the right to vote in local, national and European elections for adults placed under guardianship.<sup>81</sup> The overall objective was to insure conformity with article 29 of the CRPD.<sup>82</sup>

As a result of this amendment, adults under guardianship have also been granted the right to vote in national referendums.<sup>83</sup>

Furthermore, the above-mentioned amendment provided, firstly, for the mandatory inclusion of (national) party logos in ballot papers for the national and European elections<sup>84</sup>, in order to make it easier for persons with physical or mental disabilities

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<sup>80</sup> Luxembourg, Act of 17 January 2023 revising Chapters IV and Vbis of the Constitution (*Loi du 17 janvier 2023 portant révision des chapitres IV et Vbis de la Constitution*), 18 January 2023, Art. 1.

<sup>81</sup> Luxembourg, Bill N° 8150 amending the amended Electoral Act of 18 February 2003, Summary of the file (*Projet de loi N° 8150 portant modification de la loi électorale modifiée du 18 février 2003, Résumé du dossier*). To access the Summary of the file, see the webpage of the Chamber of Deputies (*Chambre des Députés*) on <https://www.chd.lu/fr/dossier/8150>.

<sup>82</sup> Luxembourg, Bill N° 8150 amending the amended Electoral Act of 18 February 2003, Explanatory Memorandum (*Projet de loi N° 8150 portant modification de la loi électorale modifiée du 18 février 2003, Exposé des Motifs*), 9 February 2023, p. 2.

<sup>83</sup> Luxembourg, Act of 4 February 2005 on national referendums (*Loi du 4 février 2005 relative au référendum au niveau national*), 3 March 2005, Art. 2(3) and Art. 12.

<sup>84</sup> Luxembourg, Electoral Act of 18 February 2003 (*Loi électorale du 18 février 2003*), 21 February 2003, Art. 140 and 296. To access the consolidated version of the Electoral Act of 18 February 2003 as applicable on 24 October 2023, see the webpage of the Official Journal of the Grand Duchy of Luxembourg (*Journal officiel du Grand-Duché de Luxembourg*) on <https://legilux.public.lu/eli/etat/leg/recueil/elections/20231024>.



to read and complete the ballot paper<sup>85</sup>; and secondly, for an extension of those with disabilities who are entitled to be accompanied by a guide or support person during the vote, as well as to have the guide or support person formulate the actual vote on their behalf.<sup>86 87</sup>

According to Centre for Equal Treatment (*Centre pour l'égalité de traitement*), there remain challenges regarding the political participation of persons with disabilities, in particular regarding data collection. However, it could not identify any negative developments in this area.<sup>88</sup>

## 2.2. Political participation: Promising practices

The Ministry of State (*Ministère d'État*) and the Ministry of Family Affairs, Solidarity, Living Together and Reception of Refugees (*Ministère de la Famille, des Solidarités, du Vivre ensemble et de l'Accueil*) launched a survey to assess and enhance the accessibility of elections at the municipal level for 2023. The survey results aimed to evaluate existing arrangements and improve electoral material, particularly for people with disabilities.

The survey results and proposed measures, categorised into areas like the right to vote for adults under guardianship, layout of the ballot paper, polling station accessibility, and information dissemination – have been analysed by relevant ministries and stakeholders to determine feasibility. Certain results were already implemented for national elections in October 2023.<sup>89</sup>

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<sup>85</sup> Luxembourg, Bill N° 8150 amending the amended Electoral Act of 18 February 2003, Explanatory Memorandum (*Projet de loi N° 8150 portant modification de la loi électorale modifiée du 18 février 2003, Exposé des Motifs*), 9 February 2023, p. 4.

<sup>86</sup> Luxembourg, Electoral Act of 18 February 2003 (*Loi électorale du 18 février 2003*), 21 February 2003, Art. 79 (1). To access the consolidated version of the Electoral Act of 18 February 2003 as applicable on 24 October 2023, see the webpage of the Official Journal of the Grand Duchy of Luxembourg (*Journal officiel du Grand-Duché de Luxembourg*) on <https://legilux.public.lu/eli/etat/leg/recueil/elections/20231024>.

<sup>87</sup> Luxembourg, Act of 4 February 2005 on national referendums (*Loi du 4 février 2005 relative au référendum au niveau national*), 3 March 2005, Art. 39.

<sup>88</sup> Luxembourg, information provided by the Centre for Equal Treatment (*Centre pour l'égalité de traitement*) during an online interview on 05 February 2024.

<sup>89</sup> Luxembourg, Let's simplify together (*Zesumme Vereinfachen*) (2023), Accessible elections for all (*Accessibilité des élections pour tous*), 24 February 2023.