

The Limits of Legal and Material Implementation of the Convention on the Rights of Persons With Disabilities in Light of a Comparative Analysis of Measures Ensuring Digital Political Participation

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Abstract

From a legal perspective, the Convention on the Rights of Persons with Disabilities (CRPD) mandates states to create inclusive political environments, recognizing that participation extends beyond voting procedures to broader engagement in democratic processes. For persons with disabilities, political participation remains a complex challenge. Emerging digital technologies, particularly AI-driven assistive tools, can assist people in their daily lives and foster political participation. However, digital technologies also raise concerns related to surveillance and disinformation, and they contribute to the digital divide. Through a comparative analysis of South Africa, Brazil, and Switzerland, this paper explores how different state actors incorporate CRPD provisions and leverage technology to promote political inclusiveness. Analysing comparatively legislative frameworks, public policies, and administrative and material measures, the paper argues that there are advancements and persistent barriers to the discussion on the use of and access to technologies for fostering political participation of persons with disabilities.

Practitioner Points

- The comparative analysis of data shows that the states struggle to ensure political participation for persons with disabilities.

- The fulfilment of the right to political participation entails opening up opportunities for persons with disabilities to have meaningful involvement not only in the voting procedures but also in the broader political debate.
- Leveraging inclusive technologies can bridge participation gaps and empower persons with disabilities to participate in both the political process and the creation of enabling tools.

Keywords: assistive technologies; comparative perspective; persons with disability; political rights; the political participation of persons with disabilities; three-dimensional approach of new governance theory

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1. Introduction

The provision of opportunities for the participation of persons with disabilities¹ in the political process has been an ongoing challenge for modern democracies (Lord et al. 2014). In 2006, the adoption of the United Nations (UN) Convention on the Rights of Persons with Disabilities (CRPD) set up an important legal milestone in the pursuit of this goal (United Nations 2006). The CRPD adopts a comprehensive approach to political rights, in line with the approach adopted by previous human rights treaties, notably the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). Such an approach extends the political rights far beyond the right to vote, encompassing the right to fully participate in public and political life (De Beco 2021). Despite the advances made, studies in political science have shown that persons with disabilities report a lower level of political empowerment. They often perceive the political system as unresponsive to their specific needs and circumstances, leading to feelings of inadequacy or inability to participate actively in the political process (Mattila and Papageorgiou 2017).

The emerging information technologies can have the potential to offer solutions by providing persons with disabilities with new tools that would enhance accessibility, improve inclusion, and, in some cases, even automate accessibility processes (de Freitas et al. 2022). Since 2000, the Internet, information technology, and the progress of AI models have generated hope for a renewed commitment to citizen participation. While not all these hopes have been realized, information technologies have facilitated democratic processes, particularly in terms of participation in elections. In this regard, online voting systems, voter education platforms, and tools to make public websites accessible are examples of solutions that facilitate political participation. Despite such advancements, they may have a perverse effect, particularly through disinformation and the manipulation of public opinion (Johansson et al. 2021). This could deepen inequalities and the digital divide for persons with disabilities, ultimately hindering their full and equal participation in society (Pettersson et al. 2023). The benefits and risks of information technologies for strengthening democracy are a complex issue.

As sociotechnical artefacts, the deployment and use of information technologies without consideration of the individuals can also generate new barriers. In this regard, adopting the social model of disabilities, the CRPD acknowledges that social settings can represent barriers that hinder the possibilities for people with impairments to participate and be fully

¹ A preliminary note on the choice of language: we acknowledge that the expression *person with disability* is not without its critics, which are indeed legitimate. Nonetheless, we choose to adopt the *UN Disability-Inclusive Language Guidelines* as a facilitator for the intercultural context of this paper. Indeed, the paper addresses three distinct national cultures and several different languages, and the reference to persons with disabilities carries different sensitivities in each cultural and linguistic domain. Therefore, we choose to adopt the language of the UN treaty (CRPD) as the most neutral possible. Check: <https://www.ungeneva.org/sites/default/files/2021-01/Disability-Inclusive-Language-Guidelines.pdf>.

integrated into social life (Ferri 2024). It asserts positive obligations on states to remove environmental and attitudinal barriers that hinder persons with disabilities from fully participating in social life, including political processes. In this context, states should avoid erecting new barriers in the digital society and also investigate the solutions that emerging technologies can provide to persons with disabilities, in order to address persistent barriers.

From a legal studies perspective, the question of political participation of persons with disabilities in the digital age remains relatively under-investigated.² Some authors have analysed the whole implementation of the CRPD in specific countries, while others have added a comparative perspective to this analysis (Lang et al. 2011; Kirakosyan 2013; Priestley et al. 2016; Najafi et al. 2019; Grigoryan 2023). A last group also delved into implementing specific rights or obligations of the CRPD (Hussey et al. 2016). Furthermore, if international bodies and the literature call for the CRPD to bring about a paradigmatic change, it remains unclear whether such a paradigmatic shift actually occurs at the national level.

In this context, this paper aims to adopt an explanatory approach by investigating whether the digital transformation offers new paths for guaranteeing the political participation of persons with disabilities and how different countries are working toward a more inclusive political system. Indeed, exploratory research serves either to provide an initial analysis of an unknown topic or to explore an existing topic to generate new ideas or hypotheses (Swedberg 2020, p. 18). For this purpose, the research follows a comparative analysis of laws, policies, and administrative measures implemented in South Africa, Brazil, and Switzerland. Conducting an international comparative analysis of the CRPD raises numerous methodological questions regarding data collection and in-depth comparison, particularly in terms of how political rights function in the three distinct geographical and social contexts. For this, the paper employs an analytical lens that considers the three-dimensional approach of new governance theory. Against this background, the general aim of this paper is thus to pave the way for further comparative research on disability rights and to deepen our understanding of the opportunities and limitations involved in using digital technologies as a policy strategy to enhance the political participation of persons with disabilities. In this regard, the paper contributes to the literature on disability rights by highlighting the different regulatory choices deployed by each country to enhance political inclusivity and leverage technological solutions to support this goal. It also offers valuable insight into how the three distinct legal systems approach the implementation of political rights. It furthermore illustrates that, regardless of the varying levels of access to technological resources in the three countries, challenges persist in leveraging assistive technologies to enhance the political participation of persons with disabilities.

The paper is structured as follows: Section 2 sets out the normative and theoretical backgrounds on which the paper is anchored, namely the CRPD, and the new governance approach. Section 3 describes the data collection process and methodology. The main findings are presented in Section 4, and based on their analysis, explanatory hypotheses regarding the implementation issues faced by the three countries will be discussed in Section 5. Finally, this paper states the potential avenues for future research in Section 6.

2. The CRPD in the light of the three-dimensional approach of the 'new governance' theory

This section aims to provide a brief outline of the theoretical and normative context on which the comparative analysis undertaken in this project is based. In this respect, it (2.1) highlights the key features of the CRPD and its right to political participation and (2.2) presents the three-dimensional approach of the new governance theory.

² We must mention here that Priestley and colleagues conducted an important analysis of the political participation of persons with disabilities in a comparative study of different European countries through the lens of political science (Priestley et al. 2016).

2.1 The CRPD

The CRPD is one of the UN international treaties that constitute the core of international human rights law. Inspired by previous treaties, such as the Convention on the Rights of Children (United Nations 1989), which provides for the interrelation of human rights (De Beco 2021), it recognizes the indivisibility and interdependence of all human rights. The CRPD acknowledges that generally speaking, the reality of the experiences of persons with disabilities does not fit in the frame of a simple outright rights denial (although this can still be the case in some specific situations) (Mégret 2008). It also acknowledges that overcoming the challenges faced by persons with disabilities will depend not only on simple hard command-and-control law, but also on a continuous effort that involves a plurality of actors and multi-level governmental coordination. In this sense, the literature has already noticed that ‘one of the specificities of the Convention, therefore, lies in the extent to which it anticipates almost every sort of policy initiative that might improve the condition of persons with disabilities’ (Megret 2008, p. 273).

The CRPD advances the concept of inclusive equality (Article 5), through which all individuals can enjoy equal rights. For this, removing the barriers that prevent persons with disabilities from participating in society is necessary. With the adoption of the CRPD, removing environmental and attitudinal barriers to full and active participation and inclusion in society becomes not only a goal but also an obligation for state members (CRPD, Preamble, paragraphs (e) and (k), Articles 2, 3, 4, and 9). In this sense, the right to be included in society, being broad and directed to all aspects of society, is hardly divided into specific rights or policies, making the realization of all rights co-dependent. In this respect, for Skarstad, ‘rights are achieved through supportive relations’ throughout diverse aspects of social life (Skarstad 2018). The author emphasizes the importance of inclusion in society and preserving just relations between individuals. Fostering just relations between individuals is the foundation of autonomy and freedom of choice.

An inclusive society is, therefore, the key to achieving the fulfilment of the rights of persons with disabilities. For that, the CRPD requires an effort entailing a range of actions that go from negative to positive rights, from immediate to progressive obligations. By articulating the states’ obligation as a continuous effort to remove barriers, the CRPD innovates its approach to human rights law as an empowerment tool. In the view of authors such as Mégret, this perspective of an ongoing effort introduced by the CRPD challenges some of the traditional dichotomies of human rights law, such as the classic theoretical categories, including Positive/Negative Rights, Civil and Political/Economic, Social and Cultural Rights, Public/Private Spheres, Immediate/Progressive Obligation, Absolute/Relative Rights, Individual Rights/State Obligation and Law Adoption/Policy Implementation (Megret 2008). Therefore, the specificity of the CRPD lies in the fact that it contains these different categories of obligations for the same rights. In this sense, it is worth mentioning Mégret’s example: ‘the right to education includes both an immediate dimension (persons with disabilities must not be excluded from education) and various more gradual ones (enabling persons with disabilities to learn life and social development skills)’ (2008).

Against this background, the content, scope and implementation of the political rights of persons with disabilities are illustrative of such a holistic perspective. Political rights have been incorporated into various human rights frameworks worldwide.³ From a historical perspective, Article 21 of the Universal Declaration of Human Rights (UDHR) laid the foundation for political rights, which was later expanded and formalized in the International Covenant on Civil and Political Rights (ICCPR) (United Nations 1948, 1966). The ICCPR recognizes and protects every citizen’s right to participate in the conduct of public affairs,

³ In Europe, they are protected under the European Convention for the Protection of Human Rights and Fundamental Freedoms. The American Convention on Human Rights guarantees the right of political and public participation to individuals throughout the Americas. In Asia, the political rights outlined in the Universal Declaration of Human Rights are reaffirmed in the Asian Human Rights Declaration.

the right to vote and be elected, and the right to access public services. Adopted forty years later, the CRPD provides broader protection of the right to participate in political and public life compared with other regional and international human rights instruments (Art. 29 CRPD). It requires State parties to guarantee the ‘effective and full participation’ of persons with disabilities in public affairs within their societies, ensuring their inclusion in all aspects of political life (Grobelaar-du Plessis and Njau 2018). The CRPD qualifies the right to political participation as effective and full participation. This qualification is complemented by the provision of an obligation towards State parties to ensure the ‘opportunity to enjoy’ these rights.⁴ This phrase thus creates a duty for States to implement positive measures actively, ensuring that all eligible individuals have a meaningful opportunity to exercise their political rights. Finally, achieving full political participation goes beyond guaranteeing the right to vote or be elected. It depends on realizing other obligations, such as the States taking measures to guarantee accessibility to persons with disabilities and the right of persons with disabilities to reasonable accommodation and minimization of barriers (Art. 4 CRPD) (UN CRPD 2014). Political rights are also entangled with other rights. In this regard, the right to inclusive education (Art. 24 CRPD) is considered necessary for full participation in political and public life (CRPD 2016). Equally, the exercise of freedom of expression and opinion and access to information (Art. 21 CRPD) is a condition *sine qua non* for the fulfilment of political rights since, without them, it is not possible for citizens to be well-informed about societal and governmental matters and to make informed decisions concerning political issues.

This broad view of the political rights and their links with participation in public life extends to the digital sphere. Indeed, as the digital sphere has become an increasingly important space for political and public debate, the question of accessibility to this new social space has also become a challenge. The scope of accessibility rights in the digital space can be inferred from the articulation of Articles 4 and 9 of the CRPD. In this context, it is also essential to mention that the link between access to the digital space and the fulfilment of the freedom of information and access to information is perceived as well established (Goggin 2014). Nonetheless, the exact contours of these rights remain to be defined (Goggin 2014). In this matter, a recent decision of the African Commission on Human and Peoples’ Rights is illustrative. In this decision, the African Commission recognized the importance of internet access to the respect of the freedom of expression and access to information, especially in the context of elections, emphasizing the importance of states ensuring open and secure internet access before, during and after elections (African Commission on Human and Peoples’ Rights 2024). In a similar vein, in the realm of the United Nations, in 2023, the Conference of States Parties to the CRPD addressed the question of digital accessibility for persons with disabilities (United Nations 2023). In the note prepared by the Secretariat, the UN notes ‘the vast potential of digital technology to improve the lives of persons with disabilities and to contribute to the implementation of the Convention’ (p. 10) and urged States Parties to ensure accessibility in the digital environment.

In conclusion, a combination of provisions of the CRPD requires States to take action to ensure the right to political participation in the digital society. By recognizing at the forefront the complexity of challenges faced by persons with disabilities, the CRPD also adopts a broad view of what its implementation entails. Measures can thus take different forms from command-and-control rules to the adoption of broader public policies. In this regard, the philosophy and drafting of the CRPD’s provisions reflect a turning point in government studies, for the governance approach.

2.2 The new governance theory

The new governance theory emerged in political science as a framework to describe the shift from government to governance in state governments and international organisations.⁵ Indeed, since the 2000s, the literature has highlighted the increasing

⁴ Similar to Art 25 ICCPR, Art 29 CRPD recognizes and protects the political rights of persons with disabilities. Also see ‘UN Doc CCPR/C/21/Rev.1/Add.7’ (n 21) para 1.

fragmentation of power and the expanding complexity of issues at hand, putting extra pressure on governmental authority (Scott and Trubek 2002). It also emphasizes changes in the way in which regulation is carried out, with the diminished importance of ‘command-and-control’ mechanisms in favour of a new model of governance, which aims to steer action more than to control it. Therefore, the literature underlines the involvement of a plurality of governmental departments or spheres, as well as external actors, in order to achieve policy goals. As a result, the modes of action of governments are increasingly integrating coordination efforts among multi-levels of government and different spheres of public power. Finally, the theory recognizes the limitations of top-down (or simple command-and-control) regulations and perceives the advantage of deploying an approach to policy-making that is more focused on problem-solving with the collaboration and involvement of different actors (O’Brien 2023).

The shift to governance has also infused international human rights standards and practices, particularly in the field of Business and Human Rights, where the importance of business actors is so significant that the plurality of actors involved in governance efforts has become a distinctive characteristic of the field (O’Brien 2023). The drafting of international provisions of conventions has also progressively evolved to emphasize the multidimensional actions of states instead of the recognition of individual rights. When closely examining the work of international human rights bodies, several features can also be identified that indicate a shift away from the command-and-control logic to a more coordinated approach among different spheres of government, involving private stakeholders as well. The work of the UN Office of the United Nations High Commissioner for Human Rights (OHCHR) is also illustrative. The OHCHR developed the typology of human rights indicators to measure the implementation of human rights, which considers structure, process, and outcomes as analytical frames (UN Office of the High Commissioner for Human Rights 2012). In the OHCHR framework, structural indicators ‘reflect the ratification and adoption of legal instruments and the existence as well as the creation of basic institutional mechanisms deemed necessary for the promotion and protection of human rights’ (p.34). Process indicators link ‘State policy measures with milestones that over time could consolidate and result in the desired human rights outcomes’ (p.36). Hence, this category of indicators looks at all kinds of policy measures taken (or not taken) by states to fulfil a given Human Right and to comply with their international obligations. Finally, the outcome indicators regard the enjoyment of Human Rights as the result of the structural and process indicators. Examples of outcome indicators mentioned by the OHCHR are: ‘per capita availability of food grains, anthropometric measures for schoolchildren or the number of persons reported to be arbitrarily deprived of their liberty at the end of the reference period’ (p.38).

In this context, human rights law scholars have proposed to apply a three-dimensional approach, analysing principles, practices, and policies, to investigate human rights progress (Landman 2004).⁶ More recently, Priestley and colleagues adopted a similar approach to measuring the effective participation of persons with disabilities in political processes in European Countries (Priestley et al. 2016). The three-dimensional approach adopted as an indicator of human rights fulfilment emphasizes the need to go beyond command-and-control regulation to comply with human rights state obligations. States do not only need to adopt the law or rule in itself (first dimension), but they also need to implement policies that involve a plurality of actors at different levels of government and spheres of public power (second dimension) to obtain concrete results (third dimension). From a theoretical point of view, these

5 The theory of new governance is an evolving field of scholarship, with different layers of evolution being added through the years. Here, we employ the general concept of ‘new governance,’ which places an important emphasis on the coordination effort that the regulatory endeavour entails. This emphasis on the coordination aspect could also be part of the ‘Network Governance’ approach, which can be seen as an additional layer to the ‘new governance’. In this sense, see Rhodes (2021).

6 Landman ‘Measuring Human Rights: Principle, Practice and Policy.’ (2004) 4 *Human Rights Quarterly* 26, 906–931. <https://dx.doi.org/10.1353/hrq.2004.0049>.

three dimensions provide an analytical framework for a comparative and critical exploration of the implementation of the right to political participation for persons with disabilities.⁷

3. Methods

This explanatory research adopted a comparative socio-legal method, focusing on two legal systems from the Global South (Brazil and South Africa) and one legal system from the Global North (Switzerland). Each legal system was investigated by a national research team, analysing the role of information and communication technologies in realizing the political rights of persons with disabilities. Given the differences in data collection and research methods, this exploratory approach also ensures the respect of the unique contexts of the three countries. In this regard, this paper does not propose a precise and uniform comparison across countries. Instead, it seeks to highlight the similarities and differences between challenges faced in each jurisdiction.

The data collection followed a two-stage approach in each country. First, each team collected the official legal and policy instruments adopted by the public authorities in their jurisdiction that address the rights of persons with disabilities. Regarding this legal review process, the first step focused on the analysis of the national legal frameworks following the ratification of the CRPD, with a focus on political rights. The second step involved evaluation of the policymaking levels of government, investigating how public authorities address the political participation of persons with disabilities. We adopted a policy assessment and analysis study and reviewed various policy documents produced by different spheres of government addressing the issue at stake. We paid particular attention to the discursive features of these documents and the evolution of various policies from the adoption of CRPD to present day. At the second stage, we collected data from stakeholders. Each research team here deployed a specific methodological approach deemed adequate to each country's context and specificities. In this sense, besides conducting document analysis and research through official websites, the Swiss team conducted interviews with actors involved in the federal administration and the federal parliament. The Brazilian team conducted field research using three approaches: (1) three different semi-structured questionnaires applied to: (a) persons with disabilities, (b) technology developers, and (c) public servants from the federal legislative; (2) a focus group with persons with disabilities; and (3) semi-structured interviews with persons with disabilities. The results were analysed by comparing the protection of persons with disabilities rights in the legislation, the objectives of the National Plan as a policy tool, and the real-life impact—whether these rights and goals were actually reaching persons with disabilities on the ground. Finally, the South African team performed an analysis through the data collection from official websites and illustrated the overall situation of persons with disabilities concerning political participation by assessing the accessibility of political parties and official governmental websites.⁸ This distinctive approach generated a substantial amount of data illustrating the national responses put in place by public authorities to implement the CRPD.

Data collection was discussed in two seminars, which were dedicated to the development of a framework inspired by the OHCHR three-dimensional approach and the legal scholarship in which the approach is anchored. In this way, the analysis focuses on the adoption and

7 The use of indicators to measure the fulfilment of human rights obligations is not without its critics. Indeed, the work of McGrogan indicates that the adoption of such an approach to human rights serves as an instrument of governability of states towards populations (McGrogan 2018).

8 At the time of the research in 2024, South Africa was preparing for its national elections, held on 29 May 2024, [IGd1] after which the Seventh Administration (coalition government) was established. Conducting interviews during this period of governmental reconstitution, as in the methodologies applied in Brazil and Switzerland, would have inevitably affected and delayed the research timeline. In addition, South Africa was undertaking an extensive consultation process in 2024 on the incorporation of the CRPD into its legal system, during which key governmental and civil society actors were occupied with developing their positions on the incorporation plan. These circumstances made it impractical and impossible to conduct interviews within the timeframe originally stipulated for the research project.

changes of national legal frameworks, the adoption of public policies to implement the legal principles, and, finally, the adoption of on-the-ground administrative material measures to implement these policies. In this sense, we have replaced the indicator outcome with the indicator *administrative material measures* to better highlight the concrete solutions implemented to removing barriers to political participation of persons with disabilities. By doing so, the aim is to highlight if and how public authorities consider assistive technology as an enabling tool to political participation and what the existing safeguards are to ensure that this technology is used in a safe and reliable manner. Such an analysis of the three layers (law, policy and material measures) in three diversified countries provides a broad view and a better understanding of what has been called the implementation gap, the gap between legal compliance and real-life implementation of rights and obligations.

4. The implementation on the ground in light of the three-dimensional analysis

This section aims to compare how states are implementing the right to political participation in the context of a digital society, and whether there is a common approach or if they share common difficulties. For this analysis, the three dimensions of state interventions are examined: legislative acts (4.3), policy documents (4.4), and on-the-ground measures (4.5). Before delving into these different aspects, it is worth noting the status of the CRPD (4.1) and to clarify the personal and material scope of the right to political participation (4.3) in the three legal systems.

4.1 CRPD pre-adoption context

In the three compared systems, the adoption of CRPD and its ratification process at the national level did not occur in a vacuum; rather, it took place at a time when the rights of persons with disabilities were already prominent on the political agenda. For Switzerland and Brazil, the first general law promoting the rights of persons with disabilities was in place before the CRPD ratification, while in South Africa, although broad statements of government policy regarding persons with disabilities were adopted, the national legislature (Parliament) has yet to pass disability-specific legislation. In the following paragraphs, we describe the context of CRPD adoption in each of the three countries.

The Brazilian Federal Constitution, adopted in 1988, establishes the general legal framework for protecting persons with disabilities (Brazil 1988). Notably, it mandates the shared competence of all federal entities (federal, state, and municipalities) to promote the health, assistance and protection of persons with disabilities. It also prohibits workplace discrimination, ensuring that job vacancies in the public sector are available to persons with disabilities (articles 7, XXX and XXXI, and 23, II). Constitutional principles concerning disability rights were incorporated into national legislation through a series of legal measures.⁹ Among these, Federal Law n. 7.853/1989 established general guidelines for supporting persons with disabilities and promoting their social integration; Federal Law n. 8.742/1993 introduced a framework for social assistance for those who are unable to support themselves or have their support provided by their family, and Federal Law 10.098/2000 addressed barriers to urban mobility and communication infrastructure. Brazil ratified the CRPD through Legislative Decree No. 186/2008, which officially came into force on 31 August 2008.¹⁰

⁹ The protection of persons with disability is, for instance, reflected in the Civil Code (Lei Federal n. 10.098 (2000)), the Consumer Protection Law (Lei Federal n. 8.078 (2000), article 6, sole paragraph), the Civil Process Law (Lei Federal n. 13.105 (2015), articles 162, III and 199)

¹⁰ In line with Brazilian legal tradition, international treaties that address human rights and are approved by a qualified quorum in two rounds in both chambers of parliament acquire the status of a constitutional amendment, holding the same legal weight and normative authority as the Constitution itself (Brazil, *supra* n 44, articles 5, §3), this is the case for the CRPD.

South Africa ratified the CRPD and its Optional Protocol in 2007. Before this, and following the first democratic elections on 27 April 1994, a disability program was established within the Reconstruction and Development Program (RDP) in 1995 (South Africa 1997), which represented a turning point for South Africa's approach to disability rights (Grobbelaar-du Plessis 2025). In 1997, the creation of the Office on the Status of Disabled Persons (OSDP) further institutionalized these efforts. The guiding framework for the OSDP's activities was the White Paper on the Integrated National Disability Strategy (INDS). However, the formal approval of the National Disability Policy Framework did not occur until 2008, after the ratification of the CRPD. Later, in 2015, the South African government aimed to revitalize these efforts with the adoption of the White Paper on the Rights of Persons with Disabilities, in 2015 (South Africa 2015b). Despite these steps towards the protection of persons with disabilities, it remains that, under the South African legal system (South African Constitution, Section 231(4)), the CRPD still must be incorporated by national legislation (Act of Parliament), which is currently under discussion (South Africa 2024), as discussed below.

In Switzerland, the Federal Constitution establishes a general non-discrimination principle that explicitly extends to persons with disabilities (Switzerland 1999, Article 8, 2). In addition, a federal law was adopted in 2002, the Disabled Equality Act (LHand), with the ambition of lowering the barriers of movement and ensuring an urban infrastructure adapted to the needs of persons with disabilities. This federal Act also created the *Bureau Federal de l'égalité pour les personnes handicapées* (Federal Bureau for the Equality of Persons with Disabilities). Switzerland's ratification process for the CRPD started with a consultation conducted by the Federal Council (Federal government) (Switzerland 2012). According to the report, the consultation led to most parties agreeing with and endorsing the proposal to adopt the CRPD. However, a minority viewed the Convention's adoption as unnecessary, believing that the national legal framework was already sufficient to address these issues. In the report that led to the CRPD's ratification process, the Federal Council states that the Swiss legal system is, in principle, compatible with the Convention. However, it was considered that the Swiss legal framework was fragmented and complex and that the Convention would provide Swiss law with a unified framework for interpreting, defining, and implementing Swiss disability equality law. On 13 December 2013, the Federal Assembly adopted the CRPD and instructed the Federal Council to proceed with ratification. The Convention was signed on 9 April 2014 and entered into force on 15 April 2014.

These national legal contexts already highlight the diversity of perspectives on disability rights and legal implementation. In Switzerland, the legal framework was primarily concerned with mobility issues. In Brazil, the scope of this first legislation was also broader than in Switzerland, with provisions also concerning accessibility in the fields of education, health, work and human resources (Brazil 1989a, Article 2). Another important aspect concerns the general regime of international law. While Switzerland adopts the monist approach, Brazil adopts a moderate dualistic approach, and South Africa employs a hybrid dualist and monist approach.¹¹ In the case of Switzerland, the monist approach entails a prior assessment of the legal system that takes place before the ratification of the international instrument. Therefore, the ratification process only moves forward if the legal framework is compatible with the international obligation. South Africa, in contrast, followed the opposite approach, where the legal analysis was conducted after the ratification process. Consequently, although South Africa was the first among the three studied countries to ratify

11 South Africa, Constitution of the Republic of South Africa, 1996, Sections 231(3) provides that some international agreements such as those of a technical, administrative or executive nature, or those which do not require either ratification or accession, binds South Africa without approval by the National Assembly and the National Council of Provinces (the two houses of Parliament). However, Section 231(4) stipulates that any international agreement, such as the CRPD, acquires legal force in the Republic if it is enacted into law by national legislation (Act of Parliament). The effect of this is that international obligations that bind State parties at international level in relation to the Convention, are only reflected in the national legal framework and related policy when they are enacted as Acts of Parliament. *Glenister v President of the Republic of South Africa and Others (Helen Suzman Foundation as Amicus Curiae)* 2011 (3) SA 347 (CC), 2011 (7) BCLR 651 (CC) para 92.

the CRPD (in November 2007), the instrument is not yet incorporated into the South African legal system. In 2018, the South African Department of Justice and Constitutional Development tasked the South African Law Reform Commission (SALRC) with investigating the CRPD's incorporation. On 1 October 2024, the SALRC published their Discussion Paper and a concept Draft Bill for public comment ([South Africa 2024](#)).

4.2 Political rights baseline

The recognition of the right to political participation for persons with disabilities has not been straightforward in the three legal systems. Moreover, its foundation is anchored in the right to vote and to be elected. However, depending on the democratic tradition of each country, the scope of this right also varies.

In this regard, the South African case offers the most straightforward guarantee. Under the Constitution, every adult citizen, including citizens with disabilities, has the right to vote and the right to free, fair and regular elections for any legislative body (Sections 1, 19, 46(1)(c)). Citizens with disabilities who are registered voters are entitled to participate in the electoral process and are not disqualified from voting. In circumstances where they are unable to vote at a designated voting station due to a 'physical infirmity or disability,' they may apply for a special vote in terms of Section 33 of the Electoral Act of 1998. Brazil provides a more complex legal framework. In Brazil, the Brazilian Constitution permits the suspension of political rights for individuals placed under guardianship in case of absolute civil incapacity (Article 15, II). However, the enactment, in 2015, of the Statute of Persons with Disabilities significantly restructured the legal framework of guardianship, limiting its effects exclusively to acts of a patrimonial nature (Article 85). In practice, this reform effectively eliminated the possibility of suspending the political rights of persons with disabilities, as absolute civil incapacity was abolished from the legal system. At the same time, the Electoral Code of 1965 states that voting is non-obligatory for persons with disabilities, even though voting is mandatory for all citizens aged 18 to 70. A somewhat similar situation is found in Switzerland, where, despite the constitutional commitment to fight discrimination against persons with disabilities, people lacking legal capacity due to 'mental illness or mental incapacity' are restricted from their right to vote. Such a restriction also affects the right to be elected ([Switzerland 1999](#), Articles 136 and 143).

The difference in treatment of persons with disabilities in political rights in Switzerland and Brazil is entangled with the question of equal recognition before the law (Art. 12 CRPD). The UN Human Rights Council's thematic study on participation in political and public life by persons with disabilities, published in December 2011, understands that the majority of restrictions on political rights based on psychosocial or intellectual disabilities can be considered a form of discrimination in the sense of Article 12 CRPD ([UN 2011](#)). The Committee on the Rights of Persons with Disabilities (CRPD Committee) reinforces this interpretation in its reports for the reviews of Switzerland ([UN CRPD, 2015, 2022](#)). Notably, the Committee has recommended to Switzerland to 'Repeal all legal provisions at the federal and cantonal levels that result in persons with disabilities, in particular those with intellectual or psychosocial disabilities, being denied their right to vote' ([UN CRPD 2022](#), §56). However, in Brazil and Switzerland, the question of the restriction of political and civil rights of people with specific mental impairments has raised political debate. The Brazilian Senate recently established a commission of legal experts tasked with proposing amendments to the Civil Code that concern the establishment of guardianship. The report resulted in a bill proposal that faced severe criticism for adopting a view of disability that contradicts the biopsychosocial model of disability reflected in both the CRPD and the Statute for Persons with disability in Brazil ([Menezes 2024](#)). In Switzerland, the Federal government produced a detailed report examining the compatibility of the current legislative framework with international law. While the report suggests that certain aspects of Swiss law may indeed be in tension with international standards, it concludes that the exclusion

of certain individuals from the right to vote is not, in principle, inadmissible. The Federal Council justifies this conclusion by noting that any restriction on voting rights is applied very narrowly and is only applicable in cases of general guardianship (*curatelle de portée générale*). Consequently, the Federal Council considers the current legislative approach to be both cautious and limited in scope, and it concludes by deeming that no further measure is necessary and that, in the current legal framework, the exclusion of voting rights is based on legitimate reasons (Switzerland 2023a). However, because in Switzerland, political rights are also the competency of regional governments (Cantons), it is possible to see how the restriction of political rights is not a pacified issue. Indeed, some Cantons have been adopting a more progressive view on the matter. For instance, citizens of Geneva Canton voted to modify the Cantonal Constitution and repeal the exclusion of the right to vote for people placed under guardianship (as is still the case at the federal level). The question has also been addressed in Cantons such as Vaud and Neuchâtel, and it is currently being discussed in several others such as Berne, Bâle-Campagne, Bâle-Ville, Zoug or Zurich.

Another nuance regarding the right to political participation is the material scope of application of this right. Indeed, alongside the rights to vote and be elected, active citizenship entails the right to participate in political life in a broader sense (UN, 1996). This includes a series of derived rights, such as the right to access information or the right to assembly, as well as specific democratic rights. While states are responsible for structuring the mechanisms of political participation, these opportunities must remain accessible to all citizens without exclusion or restriction. In this sense, it is worth reviewing the possibilities for political participation.

In South Africa, in addition to the role of elected representatives, through the principle of representative democracy, in ensuring governance by the people through legislative bodies (national, provincial and local spheres of government), the constitutional framework establishes a clear requirement for public participation and involvement, through the principle of participatory democracy, in legislative and other processes conducted by these bodies and their committees (Constitution of the Republic of South Africa, 1996, Sections 59(1)(a), 72(1)(a)).¹² The Constitution also establishes that in Parliament, neither of the two houses may exclude the public (including the media) from sittings of its committees, unless it is reasonable and justifiable in an open and democratic society to do so (Sections 59(2), 72(2)). Both houses must conduct their activities in an open and transparent manner and hold their meetings and those of their committees in public. Similarly, provisions are made for the provincial legislatures in the Constitution and municipal councils (Section 118). Legislative bodies are required to facilitate public involvement in their legislative and other processes, while also maintaining control over their own proceedings (Sections 57, 70, 116, 160). In *Doctors for Life International v Speaker of the National Assembly* (2006 (6) SA 416 (CC), 2006 12 BCLR 1399 (CC) at para 205), the Constitutional Court affirmed that the obligation to facilitate public involvement is a core requirement of the legislative process under the Constitution. For legislation to be constitutionally valid, it must conform to both its content and the manner in which it was adopted. The obligation to facilitate public involvement is therefore a material part of the law-making process, a requirement of both manner and form. The Constitution, furthermore, provides for direct participation through direct citizen action by guaranteeing everyone's right to assemble, demonstrate, picket and present petitions peacefully and unarmed (Section 17). Another expression of direct democracy identified in the Constitution is to be found in the provision(s) that allow for the executive (President at the national and Premier in the provincial sphere) to seek citizens' views on a particular issue or set of issues directly through ballot by way of referendum.¹³ However, there are no mechanisms in the Constitution by which the citizenry can initiate or demand that a referendum be held.

¹² *Doctors for Life International v Speaker of the National Assembly* 2006 (6) SA 416 (CC), 2006 12 BCLR 1399 (CC).

Beyond taking part in the electoral process, Swiss political rights also include the right to direct participation in public decision-making. This is materialized in the Federal Constitution through the right to initiative and the right to referendum (Switzerland 1999). The right to initiative concerns the possibility of citizens demanding Constitutional revision (partial or total) (Article 139); while referendum concerns the submission to popular vote of legal acts that were already enacted by the legislative bodies, and such procedures are mandatory in some specific hypotheses (such as in the case of constitutional reviews, emergency federal acts lacking a constitutional basis, and certain types of international treaties) (Article 140), and facultative in other hypotheses and under specific conditions (such as federal law, federal decrees, adhesion to international treaties) (Article 141). While these mechanisms entail different forms of direct democracy, political participation is also important in the context of the ordinary law-making process. Indeed, the proposal of constitutional provisions, federal laws or important executive orders is subject to consultation governed by the Consultation Procedure Law.¹⁴ This phase assesses the proposal draft's accuracy, enforceability, and acceptability, inviting feedback from various stakeholders, including cantons, political parties represented in the Federal Assembly, communal and municipal umbrella organisations, representatives of mountain regions, business sectors, and other relevant interest groups. If citizens are not formally invited, they may also submit their opinions (Switzerland 2005). The department responsible for the proposal will then evaluate the consultation results and adapt the legislative proposal accordingly.

In Brazil, the Federal Constitution also establishes some instruments of direct democracy, such as the plebiscite—popular consultation on a matter of national relevance before the enactment of any administrative or legal act, referendum—popular consultation on an enacted legal or administrative act concerning a matter of national relevancy; and popular initiative—as the possibility of initiating a legislative proposal, observed some specific requirements (Article 14). Despite the provision of such possibilities, Brazil does not have the same tradition of direct democracy as that known in Switzerland, and these instruments are rarely used in practice. Concerning the ordinary law-making process, there is no uniform procedure of consultation by which political participation could occur, but both legislative bodies (the Chamber of Deputies and the Senate) have internal regimental rules concerning participation (Brazil 1970, 1989b). Both houses have a commission devoted to *participative legislation* that is charged with organizing consultation and receiving opinions. Both houses have web portals where citizens can learn about the legislative work and submit their views on proposals.

In this respect, the three legal systems offer various avenues for their citizens to participate in politics. Considering Article 29 CRPD, these *avenues* must also be open and accessible for persons with disabilities. When considering removing barriers to the political participation of persons with disabilities, states have to contemplate the broad scope of the right. By examining the legal, policy, and concrete measures taken in each system, the following sections analyse how the three countries addressed the question of political participation of persons with disabilities in the context of the digital transformation of society.

4.3 Legal framework adaptation

The adoption and adaptation of the national legislative framework is usually the first step towards the implementation and fulfilment of international human rights obligations. It provides the legal basis on which further policy and administrative measures will be anchored.

On this point, the Brazilian legislative measures emphasize the importance of accessibility. The first key document is the Statute of Persons with Disabilities (the Statute), enacted a few

¹³ To date no referendum has been called in the post-democratic era, supra n 55, Sections 84(2)(g) and 127(2)(f) of the South African Constitution provides for the calling of a referendum at the discretion of the President or Premier.

¹⁴ Switzerland, Loi fédérale sur la procédure de consultation (Loi sur la consultation, LCo).

years after the CRPD ratification (Brazil 2015). The Statute adopts the Convention's definition of disability, viewing it as the result of the interaction between individuals with impairments and environmental barriers (Article 2, § 1). It also introduces the idea of supported decision-making and reaffirms the recognition of persons with disabilities' legal capacity, with guardianship being an exceptional measure (Article 6). The Statute addresses the right to political participation (Article 76). It amended the Electoral Code to establish that 'the Regional Electoral Courts must issue instructions to the Electoral Judges for each election to guide them in selecting polling places, ensuring accessibility for voters with disabilities or reduced mobility, including in the surrounding areas and in the transportation systems that provide access' (Article 135, § 6-A). It also establishes a positive obligation towards the state to promote the political participation of persons with disabilities by directly facilitating their access to political and public positions or through their participation in associations and social organisations (Article 76).

This Statute defines accessibility as the right that ensures individuals with disabilities can live independently while exercising their citizenship rights and social participation, and it establishes the general guiding principles for a national plan on enabling access to assistive technologies (Brazil 2021a).¹⁵ Another significant piece of legislation regarding accessible technology is Federal Law No. 14.129/2021, which establishes the principles, rules and tools for the implementation of the Digital Government. Among the guiding principles is the accessibility of digital government to persons with disabilities (Article 3).

In South Africa, as mentioned above, the CRPD remains to be incorporated into the national legal system. Following the Department of Justice and Constitutional Development's 2018 request, which tasked the SALRC with assessing the CRPD's incorporation into national law, a comprehensive legal review was conducted (South Africa 2021). Subsequently, the SALRC published a Discussion Paper and concept Draft Bill, inviting public deliberation and comment on the proposed concept (South Africa 2024). The SALRC proposed a framework Act aiming to provide a comprehensive solution to the implementation of the CRPD. However, the SALRC also anticipates that further sector-specific legal reforms will be necessary to implement further specific obligations of the CRPD. The Draft Bill, titled 'Protection and Promotion of Persons with Disabilities,' provides a legal framework for implementing and establishing legal protection for persons with disabilities, ensuring that their rights are upheld and that discrimination is prevented across all sectors of society. The Draft Bill is structured around four chapters, each addressing different aspects of disability rights. It provides for the establishment of government focal points and independent monitoring bodies, as required by the CRPD. It also mandates that all sectors of society, including healthcare, education, and employment, provide reasonable accommodations for persons with disabilities. The Draft Bill emphasizes the importance of equality, dignity, accessibility, and inclusion. With regard to the right to political participation, the Draft Bill affirms the right to vote by secret ballot without intimidation, run for public office, and hold such positions using assistive technologies as needed. An important addition to the right to freely express their will as voters is the recognition of the option to receive assistance from a person of their choice. Additionally, they have the right to participate in public affairs, join Non-Governmental Organisations (NGOs) and political parties, and engage in the activities and administration thereof. Furthermore, the Draft Bill provides that persons with disabilities should be able to form and join organisations representing them at the international, national, regional and local levels. The Draft Bill further provides that voting procedures, facilities, and materials must be accessible, user-friendly, and easy to understand.

Finally, in Switzerland, the legal framework was considered compatible with the CRPD before its ratification. Therefore, the adaptation of the legal system is less evident. Nonetheless, it is worth mentioning that at the legislative level, Swiss law provides legal basis

15 The plan was enacted by the Federal Decree No. 10.645/2021, adopted on 6 July 2021.

for ensuring accommodations for exercising the political rights of persons with disabilities. In this sense, the Political Rights Act (Switzerland 1976) provides that an elector who cannot write may have his ballot paper or election ballot completed per his instructions by an elector of his choice; the same Act provides the same for signing popular initiatives and demands of referendum (Article 61, 1). A possibility also exists to vote by mail or from home. Concerning the difficulties of access to voting, it is up to Cantons to ensure that persons with disabilities do not find obstacles to exercising their right to vote and sign referendums and popular initiatives (article 6). Additionally, in what concerns the access to information needed to make informed political decisions, the Disable Equality Act already requires authorities to take into account the specific needs of individuals with speech, hearing, and visual disabilities in their interactions with the public. Consequently, information essential for the exercise of political rights must be prepared in an appropriate and accessible format for voters with disabilities (Switzerland 2002, articles 11 and 14). More specifically, with regard to sign language, the lack of recognition of it as an official language has been pointed out by the CRPD Committee as a concern. To address this concern, a proposal for revising the Disabled Equality Act (LHand) is currently under discussion in Parliament and includes a provision to formalize this recognition (Switzerland 2023c).

In conclusion, while the three countries have made strides in aligning their legislation with the obligations of the CRPD, challenges remain. Ongoing efforts are still essential to fully realize the rights of persons with disabilities. However, among the legislative measures adopted or forthcoming, the idea of guaranteeing conditions—through material means or communication tools—is emphasized. In some of them, this question of accessibility is also considered in the context of a digital society, such as Brazil. However, to ensure effectiveness, legislative measures require implementation in real life, which depends on a multitude of public policies, and it involves different authorities. Therefore, the following sections analyse how the legal provisions are translated into public policy in various areas.

4.4 Public policy adoption

The political participation of persons with disabilities and digital technology crosscuts several areas of public policy; however, the analysis reveals that the issue is still approached in isolated policy silos rather than through an integrated framework.

In this regard, Brazil has adopted a multi-pillar approach with some limitations. In this regard, its third National Program of Human Rights (PNDH-3) has several priorities aimed at protecting the rights of persons with disabilities and promoting their inclusion in society. Concerning political rights, the plan only mentions the promotion of access to persons with disabilities to the right to vote and be elected. There is no provision for promoting the broader participation of persons with disabilities in political life or for access to other mechanisms of political participation beyond electoral processes (Brazil 2009). In addition to the general framework provided by the National Program of Human Rights, a more specific plan addresses the challenges faced by persons with disabilities. The Brazilian National Plan on the Rights of Persons with Disabilities, titled ‘New Living Without Limits,’ was first enacted in 2001 and renewed in 2023 (Brazil 2023b). This plan is organized around four key pillars: management and social participation; addressing ableism and violence; accessibility and assistive technology; and promoting rights to education, social assistance, health, and other economic, social, cultural, and environmental rights. Under the pillar ‘Accessibility and Assistive Technology,’ various actions are envisioned, primarily focusing on educational resources, such as school buses, multifunctional classrooms, and assistive technology for children. One of its significant actions involves creating the National Sign Language Interpretation Centre (CONECTE LIBRAS BRASIL) to enhance communication accessibility for deaf and hard-of-hearing individuals. However, the plan does not explicitly address the question of political participation.

The Federal Government also adopted a National Plan for Assistive Technology through Inter-Ministerial Ordinance No. 5,366 on 2 December 2021 (Brazil 2021b). This plan outlines strategies for promoting access to assistive technologies, including developing, producing, and distributing such technologies to support individuals with disabilities. It emphasizes the need for Coordination among federal agencies and includes obligations for the government to ensure effective implementation, regulation, and support for assistive technology initiatives across various sectors. Key points include the creation of specialized credit lines to help individuals acquire assistive technologies, the simplification and prioritization of import processes, research encouragement and the domestic production of assistive technologies, providing mechanisms for funding, reduction of taxes related to the production and importation of assistive devices, the inclusion of new assistive technology resources in the Unified Health System (SUS) and other governmental programs, the establishment of an Inter-Ministerial Committee on Assistive Technology to oversee the implementation and regulation of the plan. Overall, the plan emphasizes collaboration among various governmental agencies to ensure effective implementation and to promote the rights and inclusion.

It is also important to mention the Brazilian Federal Program of Affirmative Action, adopted in 2023. This program promotes the equalization of opportunities in the scope of the direct federal administration through affirmative actions aimed at black, quilombola, and Indigenous populations, persons with disabilities, and women, taking into account their specificities and diversities (Brazil 2023a). The program goals include promoting policies focused on redress, empowerment, and accessibility; fostering the participation of persons with disabilities in decision-making groups; and encouraging practices of inclusion and accessibility for persons with disabilities, such as self-audio description, description of static images, interpretation of Brazilian Sign Language (Libras), and the use of plain language (Article 4).

Finally, the Digital Government Strategy also addresses important issues concerning the accessibility of new technological solutions adopted by the government. There is an Accessibility Model in E-Government (*Modelo de Acessibilidade em Governo Eletrônico-eMAG*) that incorporates standardized recommendations to ensure accessible government websites and portals, an automated validator that helps developers ensure website accessibility for all users, guidelines on digital identity and standards for enhancing communication (such as tutorials, documents, and translations), access to software translator and dictionaries for signed languages, and best practice recommendations for usability, coding, and information architecture to improve public service delivery online (Brazil 2024).

On the side of South Africa, both policies regarding persons with disabilities and digital transformation also suffer from limitations. The South African public policy landscape does not reveal a clear path to fully realizing the right to political participation with persons with disabilities. The first South African policy addressing the issue of the rights of persons with disabilities was adopted in 1997, with the publication of the White Paper on the INDS. However, this strategy was only formally approved a decade later, in 2008, as a National Disability Policy Framework. Subsequently, in 2015, the South African government sought to reinvigorate these efforts with its White Paper on the Rights of Persons with Disabilities (South Africa 2015b). Its primary goal was to accelerate the transformation toward full inclusion and equal treatment of persons with disabilities. The White Paper emphasized the importance of aligning South Africa's national development plans with the United Nations' Sustainable Development Goals (South Africa 2015a), particularly aiming to integrate disability-inclusive development strategies into all aspects of policy-making and national planning (South Africa 2012).

Another relevant policy effort emerged in the area of new technologies. In November 2022, the Department of Communications and Digital Technologies (DCDT) established the Artificial Intelligence Institute of South Africa (AIISA) to promote the adoption of AI and the development of localized AI solutions (South Africa 2023). In August 2024, the

DCDT released the South Africa National Artificial Intelligence Policy Framework (draft National AI Policy Framework) for public comment. This first phase in developing national AI policy aims to establish a framework for what will serve as the foundation for future AI regulations and potential legislation on AI to ensure responsible and ethical advancement of the use of AI across all sectors. The draft National AI Policy Framework articulates the DCDT's ambition for South Africa to be a leader in AI within the African continent and a significant player on the global stage that could influence global AI ethics and governance framework. However, the draft National AI Policy Framework acknowledges that South Africa faces challenges such as historical inequalities, digital divides, and an outdated regulatory framework that hinder widespread AI adoption. This means that the draft policy considers that current regulatory and legislative frameworks may be ill-equipped to address the rapid evolution of technology, making it essential to revise and reform these structures to create a favourable environment for AI advancement.

Besides the broad concern with the digital divide, the draft policy does not tackle the specific issues relating to persons with disabilities in terms of emerging technologies. This raises a specific concern regarding equality and the exercise of political rights of persons with disabilities relating to assistive technologies and AI.

Lastly, in Switzerland, policy efforts also offer a contrasting view on how governments intend to articulate digital technologies and political participation for persons with disabilities. From a disability policy, the Swiss government implemented a comprehensive approach focusing on three key areas: a targeted policy addressing the challenges faced by persons with disabilities due to digitalization, a broader policy tackling general challenges across various aspects of life, and a comprehensive initiative to enhance digital technologies. Concerning the first policy area, the 'E-Accessibility Plan (2015–2017)' was launched in 2015. It addressed the specific challenges digitalization poses to persons with disabilities and identified solutions to bridge the digital divide (Switzerland 2015b). It sought to improve access to digital technologies and create a more inclusive online environment. The foreseen measures were designed to ensure that persons with disabilities can access and participate in the digital world on equal terms with others.

Moreover, a broader policy regarding the challenges faced by persons with disabilities across various aspects of life was enacted only in 2018. This policy is anchored in the legal evaluation procedure in which the implementation and the results of the Disabled Equality Act (LHand) were assessed, as well as in Switzerland's initial report on the implementation of the CRPD (Switzerland 2015a). This policy laid down the basis of the disability policy for the following years (2018–2021) (Switzerland 2018a). The axes of action at that point were mainly concerned with management and alignment of action. In addition to such measures, the report establishes priority domains of action. One of the priorities was to improve the autonomy of persons with disabilities; participation in political decision-making is considered one of the five elements of autonomy. The improvement of accessibility in the digital sphere is also a priority established by the report. Following the first period, the Disability policy was renewed in 2023 for the period 2023–2026 (Switzerland 2023b). The policy establishes three axes of action: Equity and protection against inequalities of right and fact, autonomy, and participation. Among the proposed policy measures is the revision of the Disabled Equality Act (discussed above). Again, the question of fostering accessibility in the digital sphere is considered a priority. Within the axes 'participation', the policy proposes the following goals: To effectively implement the participation of persons with disabilities in all areas of federal disability policy; to identify and promote practical opportunities for participation; to encourage the political engagement of persons with disabilities; to explore and test options for assisted decision-making.

However, on the digital policy side, concerns about accessibility and political participation have progressively faded. In the 2016 'Digital Switzerland' Strategy, the government expressed a concern that the digital divide affects persons with disabilities (Switzerland 2016). One of the questions raised in the document also concerns the new forms of political

participation enabled by digital means. The document emphasizes the need to promote digital tools for exercising political rights by persons with disabilities, but it does not set any specific goal or measure. In 2018, the Swiss government renewed its ‘Digital Switzerland’ strategy (2018–2023), emphasizing the development of innovative technologies and services that foster greater societal participation and enhance the integration of persons with disabilities into the labour market (Switzerland 2018b). The strategic goal of this initiative is to ensure that all residents of Switzerland, regardless of their abilities, have access to technologies and services in a way that is non-discriminatory and barrier-free. Under the vision of Digital Switzerland, technology is seen as an opportunity for democracy since it enables the envisioning of new forms of participation that could include consultation procedures and other forms and opportunities of political participation. It also expressly mentions how technologies can be used to assist persons with disabilities in overcoming obstacles to political participation. However, the Digital Switzerland 2024 strategy, published in December 2023, no longer mentions political participation or accessibility. This new version of the strategy covers five domains of action (education, trust and security, framework, infrastructure and public digital services). It proposes concrete measures with measurable goals. Additionally, the strategy proposes an Action Plan with 97 projects that are embraced in the strategy. Among the 97 projects, none of them addresses the question of political participation and its intersection with accessibility.

As can be seen, the management instruments, such as strategies and action plans, implemented by governments to promote political participation through digital tools, present a fragmented landscape. Brazilian policies emphasize the importance of accessibility without tackling this issue in terms of political participation. South African policies do not seem to connect the two areas, and, finally, if Swiss policies looked promising, the fading of the issue of digital inclusion and political participation in the last strategies should be a source of concern in the case of a lack of improvement for persons with disabilities. Hence, it is hard to identify and measure how effectively these policies address the issue. To capture how these policies are translated into on-the-ground measures, the last section highlights the material actions taken to tackle this issue.

4.5 Administrative on-the-ground measures

Beyond legislative and public policy, public administration takes practical steps that effectively implement the Convention. This final section highlights the various measures that have been introduced in the three countries.

In Brazil, considering access to the right to vote, for instance, the Superior Electoral Court mandates the establishment of voting stations in accessible locations (i.e. near parking lots that offer an appropriate basic structure, such as accessible bathrooms). It also requires that electronic voting machines be equipped for individuals with visual impairments through Braille and sound, as well as that campaign materials include Brazilian Sign Language (LIBRAS) translators. Voters may use either the regular alphabet or Braille to sign the voting register or mark the ballots, if applicable. They are also allowed to use any mechanical device they have or that the polling station provides. While they are permitted to use any devices that assist them in voting, the Electoral Court is not obligated to provide these tools. Voters with disabilities can request an accessible polling station up to 151 days before the election or notify the election judge of their needs up to 90 days prior. On election day, they can inform the poll worker of any limitations. Voters who need it can be assisted by a trusted person, who, if authorized by the head of the polling station, may accompany them into the voting booth and even enter the numbers into the voting machine (the chosen assistant must not be working for the Electoral Court, a political party, or a coalition). All these practical measures are part of the Electoral Court’s Accessibility Program, which aims to gradually implement measures to remove physical, architectural, communication, and attitudinal barriers, promoting broad and unrestricted access, with safety and autonomy, for persons with disabilities or reduced mobility

in the electoral process (Brazil 2012). Despite these advancements, the report titled ‘The 1st Joint Submission to the Committee on the Convention on the Rights of Persons with Disabilities: An Overview from Brazilian Civil Society’, submitted to the CRPD Committee on the Brazilian review of the Convention implementation, concludes that significant barriers to full political participation for persons with disabilities remain. These included inadequate access to information about candidates and their proposals, especially in accessible formats. Moreover, access to voting booths posed particular challenges in rural areas, which hindered participation for individuals with reduced mobility.

Concerning participation in the broader political debate, the Chamber of Deputies, at the federal level, has a dedicated Coordination of Accessibility alongside various institutional initiatives.¹⁶ The Chamber of Deputies has an accessibility policy focused on universal design and assistive technologies to address architectural, attitudinal, technological, urban, and communication barriers. The accessibility management in this institution adopts the ‘*invisible accessibility*’ approach, aiming to make the inclusion of all people in the environments, products, services, and information provided by the Chamber of Deputies a natural part of daily operations’. Some of the actions to implement this vision include sign language interpretation, automatic captions, tactile alert signals, and other assistive technologies for public events.

Concerning the functioning of the Federal Government, the VLibras Suite, a collaboration between the Ministry of Human Rights and Citizenship (MDHC), the Ministry of Management and Innovation in Public Services (MGI), and the Federal University of Paraíba (UFPB), was developed to make computers, mobile devices, and web platforms accessible for deaf individuals. This technology has increasingly been integrated into websites to assist in translating the vast amount of content posted online daily. While users have criticized the avatar’s accuracy, particularly regarding the lack of facial expressions, the development of technology enabling access to Libras through artificial intelligence represents a notable inclusive innovation.¹⁷

In South Africa, the Independent Electoral Commission (IEC)¹⁸ is worth mentioning. The IEC is an independent constitutional body that aims to foster electoral democracy through active engagement with citizens, political parties, and civil society. The IEC ensures that comprehensive and transparent electoral information is accessible to all voters, including those with disabilities. Its website¹⁹ is designed with accessibility in mind, featuring clear labels, meaningful alternative text for images, contrasting colours, readable fonts, and descriptive links. The site is also compatible with screen reader technologies like JAWS and NDVA, enabling visually impaired users to access the content effectively.²⁰ The IEC is also tasked with facilitating special vote applications for citizens with disabilities, including conducting home visits where necessary to ensure their participation in the electoral process. To safeguard the secrecy and integrity of the vote, the IEC provides clear guidelines, detailed on

16 Chamber of Deputies, Coordination of Accessibility institutional video: <https://www2.camara.leg.br/a-camara/estruturaadm/gestao-na-camara-dos-deputados/responsabilidade-social-e-ambiental/acessibilidade#:~:text=Desde%202004%2C%20a%20C%3%A2mara%20dos,assiste%20%20C%3%A0%20programa%20C%3%A3o%20da%20TV>.

17 According to the results of the conducted focus group.

18 Chapter 9 institutions supporting democracy. The IEC is one of the institutions established by Section 181 of the Constitution, which was designed to provide and support constitutional democracy and open government. Section 190 of the Constitution mandates the IEC to manage elections of the national, provincial and municipal legislative bodies in accordance with national legislation; ensure that elections are free and fair; and declare the results of election within a period that prescribed by national legislation.

19 Electoral Commission of South Africa Ensuring Free and Fair Elections available at: <https://www.elections.org.za/pw/> (last accessed 25 March 2025).

20 Despite the IEC website’s accessibility features, its accompanying PDF documents pose challenges for users relying on AI-based assistive technologies like text-to-speech applications. The layout of these documents is not optimized for seamless reading, causing disjointed navigation, and alternative versions for persons with disabilities are unavailable. This discrepancy between the accessible website and less accessible documents highlights the need for ongoing improvements to ensure all users can fully engage with the IEC’s electoral information.

its website, outlining the procedures for casting a special vote during home visits.²¹ These measures are designed to ensure that voters with disabilities can exercise their democratic right to vote independently and confidentially, in accordance with the principles of equality and non-discrimination enshrined in the Constitution (Sections 9, 19). To further ensure that individuals with physical disabilities were able to fully exercise their right to vote, specific accommodations were implemented during the May 2024 elections. Among others, the IEC, together with the South African National Council for the Blind (SANCB), developed a voting aid, the Universal Ballot Template (UBT), to enable all citizens too confidently and confidentially exercise their vote. The UBT can be used by blind and partially-sighted people, low-vision users, people with unsteady hands, the elderly, and people with low literacy. Additionally, the IEC held a conference in Cape Town, South Africa, in March 2025 to consider the feasibility, sustainability, and policy considerations of e-voting. The conference aimed to explore the potential of e-voting to enhance political participation by potentially improving accessibility and efficiency in the voting process. The conference specifically aimed, amongst others, to bring civil society organisations, disability sector representatives, international election management experts, technology specialists and researchers, and political leaders together. This initiative of the IEC marks a positive step towards enhancing the political participation of persons with disabilities.

Similar measures were adopted in Switzerland. Indeed, videos in sign language were made available for the 2015 elections and the 2017 federal referendums to ensure better accessibility. In addition, for the 2023 elections, voting materials were provided in easy-to-read formats, ensuring that voters with disabilities had clear and accessible information regarding the voting process. The electronic vote could play an important role, enabling a more easily accessible and autonomous way of participating in political life. However, the project of implementing a widespread electronic voting system remains to be put into practice, with several technical challenges for its realization. At the parliamentary level, the Swiss Parliament has created a dedicated webpage that explains the functioning of the legislature in simple language, making the process more comprehensible to a broader audience. Furthermore, discussions are ongoing about using modern technologies, such as subtitles, to enhance accessibility to parliamentary debates further, thus ensuring that the legislative process is more inclusive for persons with disabilities. Finally, regarding accessibility to public information, particularly access to political information, the Federal Council has recently accessed the matter in response to a Parliamentary postulate requiring information on measures taken to improve the political participation of persons with disabilities. Among the concerns raised was the demand for simple language information about political issues subject to popular vote. The Federal Council concluded that additional legislation is not required. The Council believes that the information provided to voters is already accessible and effective and that further simplification could compromise the quality and depth of content. In the Council's view, simplifying political information too much could endanger the essential principles of exhaustivity and objectivity that must be maintained when communicating with the public on complex political matters.

The mapping of practical measures implemented at the intersection of political participation and digital technologies reveals a limited and fragmented landscape, considering the challenges faced by democracies such as South Africa and Brazil. Measures related to digital information for ensuring political participation focused on websites, hearing and visual aids. They also seem poorly connected to digital or policy strategies.

21 'Your Guide to Special Votes 2024 National & Provincial Elections' <<https://www.elections.org.za/pw/Documents/Outreach/Factsheets/Special%20Votes/IEC%20-%20Special%20Vote%20NPE2024.pdf>> accessed 7 October 2024.

5. Discussion

Considering the exploratory dimension of this paper, this section aims first to summarize the key points regarding the limited legal and material implementation of the CRPD in relation to political rights and the digital transformation, and then to discuss potential explanatory hypotheses that could pave the way for further research.

The comparative analysis of data shows that the three state parties struggle to ensure political participation for persons with disabilities, and this topic remains under-investigated in digital transformation of states' tasks. Considering this common point among the three countries, the socio-economic context or the democratic tradition cannot explain such a situation. The existing legal, administrative and practical measures form an incomplete and unstructured set, revealing the lack of a comprehensive perspective to realize a real inclusive society. In this respect, governments could take actions such as providing accessible voting stations, venues, and materials for political meetings, ensuring that elected officials with disabilities can fully carry out their mandates, and providing meaningful opportunities for political participation beyond voting procedures (Lord et al. 2014).

Several arguments can explain this lack of implementation regarding political rights for persons with disabilities. In this regard, the diverse nature of disabilities can complicate the development of comprehensive policies for using technology as an inclusion tool. This diversity of needs was pointed out in our interviews as a complicating factor, even considering the diverse socio-economic contexts of Switzerland, Brazil, and South Africa. Indeed, different groups within the disability community face unique barriers that necessitate specific modifications to assistive technologies. For instance, the deaf and hard-of-hearing community benefits from features like audio captions, transcripts, and sign language interpreters. In contrast, the blind and visually impaired require adjustable colour and text sizes, diverse fonts, text-to-speech synthesis, audio descriptions, and Braille translations. Additionally, individuals with cognitive disabilities need well-structured, labelled content enhanced with images and graphs, while those with physical disabilities require modifications that facilitate automated mobility and voice command usage. A defining feature of emergent information technologies, such as AI, as a general-purpose technology is its inherent adaptability, allowing for customized solutions rather than a standardized, one-size-fits-all approach. This flexibility enables individuals with disabilities to tailor technologies to effectively tackle specific challenges, both now and in the future (de Freitas et al. 2022). When combined with assistive technologies, AI can create innovative solutions that effectively tackle various disability-related challenges.

Another argument that could explain this lack of measures to fully implement political rights is the persistent medical model of disability's conception of persons with disabilities at the national level. In this respect, the comparative analysis highlighted the absence of a systematic and crosscutting discussion within the national political agenda on leveraging technology to enhance and expand the political participation of persons with disabilities. The discourse surrounding the use of information-assistive technologies to support persons with disabilities in political engagement also remains in its early stages. Moreover, conversations about more advanced technologies, such as AI tools, are even more absent from the current agenda. Therefore, the lack of comprehensive analysis regarding emergent information technologies' direct benefits and potential risks for persons with disabilities represents a significant gap that must be addressed by placing their rights at the forefront of AI development.

The narrow scope under which political participation is conceived can also illustrate the lack of reception of the social model of disability's approach towards persons with disabilities at the national level. In this sense, all current policies and legal initiatives primarily focus on ensuring access to the right to vote and to be elected. If it is undoubtedly a priority, it should not be the only one. The active participation of persons with disabilities in the design of policies and legal developments is also of key importance. Indeed, disability policies are often formulated by those without disabilities, leading to inadequate representation in designing and implementing measures that genuinely improve lives. There is a systematic

lack of channels to evaluate the effectiveness of these laws and policies. For example, in Brazil, perspectives from individuals without disabilities often come from a place of sympathy rather than proper understanding, resulting in policies that may offer superficial support without addressing the real barriers faced by persons with disabilities. Such an approach is astonishing in a political context that emphasizes the importance of inclusion and participation of stakeholders. To address this problem, technologies could be thought of as mediators of political reflection. Therefore, exploring technologies that could enable broader, and more inclusive participation is a potential pathway for addressing this gap and fostering a more open and representative political process. It is only through truly active engagement and participation that society can comprehend the diversity and amplitude of issues that affect persons with disabilities; this more diverse perspective on the world can only enrich, and it is the only pathway to construct together responsive solutions that would improve the lives of persons with disabilities and by doing so of the society as a whole.

Finally, an aspect that must be pointed out in the context of the use of technological tools in the democratic process is the question of how these technological tools are designed themselves. Such an issue did not appear in the three compared systems. It could illustrate a strict technical understanding of technologies. However, technological solutions are socio-technical artefacts. They are not neutral, and their design encapsulates political choices. The conceptualization, design, and development of such tools should also consider how persons with disabilities can actively contribute to and participate in these processes. This is even more crucial as the emerging information technologies (more specifically, the recent advances in artificial intelligence) are constructing the society of tomorrow. Having a say and actively participating in its conception, design, and development is deeply political (Valli Buttow and Weerts 2024). Therefore, technology development can also be considered a site of participation as well. To fully address the question of the involvement, including the political and technological aspects of our society, it is important to consider the idea of the entanglement of rights. In this sense, it is only by guaranteeing the meaningful participation of persons with disabilities in all areas of society that the fulfilment of their rights and, consequently, the state's obligation can be achieved.

6. Conclusion

This paper aimed to explore the topic of political rights for persons with disabilities in the digital age from a sociolegal perspective. For that, it adopted a comparative method and focused on three state parties to the CRPD with different socio-economic contexts: Brazil, South Africa and Switzerland. Inspired by the three-dimensional approach, it analysed their legal, policy and material measures for fostering political participation for persons with disabilities in the digital age.

At a first stage, the analysis showed that the political participation of persons with disabilities remains an ongoing challenge despite the provisions of the CRPD and its jurisprudence. A lack of systematic and cross-cutting policies continues to impede progress in each of the three jurisdictions' systems. Technology can serve as a shortcut to achieving greater accessibility. It can promote inclusion or perpetuate exclusion, depending on the policies governing its accessibility for persons with disabilities. Nonetheless, the use of these technologies as tools to improve and enhance the political participation of persons with disabilities remains an incipient subject in the compared systems, even though debates about digital strategies and the technological transformation of government are ongoing and prominent.

Considering the exploratory approach of this research, this paper intends to propose new ideas or hypotheses. In this regard, three arguments have been identified to explain the lack of effective implementation of political rights. First, it could be related to the varieties of disabilities that increase the diversity of measures that should be implemented to ensure equal access to political participation. The second argument, which is equally problematic in terms of the philosophy promoted by the Convention, is the persistence of the medical model of disabilities at the

national level. The last argument is another persistent conception regarding information technologies, which does not consider them as socio-technical artefacts that encapsulate political choices in themselves. Each of these arguments should be the subject of a specific and more in-depth analysis. Avenues could also be explored to contribute to the effective implementation of the political rights of persons with disabilities in the digital age. In this respect, and considering that the framework of the CRPD clearly serves as an important guide for the legislative, policy and material evolution in the compared systems, the agenda setting of the role of technological tools in improving lives and fostering the inclusion of persons with disabilities in political and social spheres by the CRPD Committee could likely energize and advance this discussion at a national level. Furthermore, considering that digital policies can profoundly alter government operations across all functions, including decision and law-making processes, it would be relevant to investigate how to guarantee active participation from the persons with disabilities community. Such an omission risks excluding persons with disabilities from fully benefiting from technological advancements and contributing to discussions that will shape their futures. The fulfilment of the right to political participation would thus entail advancing opportunities for persons with disabilities to have meaningful participation not only in the voting procedures but also in the broader political debate. This would mean having a say in the law-making process and actively contributing to the conception and implementation of public policies. Additionally, it would also enable the meaningful participation of persons with disabilities in the design and development of the technological tools that would enable this participation.

By broadening participation in the political process to persons with disabilities, governments would not only fulfil their international obligation but could also gain the legitimacy and the respect of their own citizens. With the lowering and removal of barriers to political participation, states could also adopt a more open and responsive approach that considers people in their own particularities and needs. By doing so, a renewed vision of accessibility could take place, in which it is not to people adapting themselves to the political systems, but it is to the political systems ‘meeting people where they are’. Such an approach to participation in political life could also be an achievement for society, which faces ongoing political legitimacy and trust crises.

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References

- African Commission on Human and Peoples’ Rights. 2024. Resolution on Internet Shutdowns and Elections in Africa—ACHPR.Res.580 (LXXVIII). <https://achpr.au.int/en/adopted-resolutions/580-internet-shutdowns-elections-africa-achpres.580-lxxvii> (referenced 28 November 2025).
- Brazil. 1970. Senado Federal, Resolução 93, Regimento interno.
- Brazil. 1988. Constituição Federal.
- Brazil. 1989a. Lei Federal n. 7.853.
- Brazil. 1989b. Câmara dos Deputados, Resolução n° 17, Regimento interno da Câmara dos Deputados (1989), article 32, XII.
- Brazil. 2009. Decreto n° 7.037/2009. Aprova o Programa Nacional de Direitos Humanos—PNDH-3 e dá outras providências.
- Brazil. 2012. Superior Tribunal Eleitoral, Resolução n. 23.381/2012.
- Brazil. 2015. Lei Federal n. 13.146/2015, Estatuto da Pessoa com Deficiência.

- Brazil. 2021a. Decreto Federal No. 10.645/2021, adopted on 6 July 2021.
- Brazil. 2021b. Portaria MCTI n° 5.366/2021. Torna público o Plano Nacional de Tecnologia Assistiva aprovado pelo Comitê Interministerial de Tecnologia Assistiva.
- Brazil. 2023a. Decreto n° 11.785, de 20 de novembro de 2023. Institui o Programa Federal de Ações Afirmativas.
- Brazil. 2023b. Decreto n° 11.793/2023. Plano Nacional dos Direitos da Pessoa com Deficiência—Novo Viver Sem Limite.
- Brazil. 2024. Decreto n° 12.069/2024. Dispõe sobre a Estratégia Nacional de Governo Digital e a Rede Nacional de Governo Digital—Rede Gov.br e institui a Estratégia Nacional de Governo Digital para o período de 2024 a 2027.
- de Beco, G. 2021. *Disability in international human rights law* (online ed.). Oxford: Oxford Academic. <https://doi.org/10.1093/oso/9780198824503.003.0009>
- de Freitas, M. P., V. A. Piai, R. H. Farias et al. 2022. Artificial Intelligence of Things Applied to Assistive Technology: A Systematic Literature Review. *Sensors* 22(21): 8531.
- Ferri, D. 2024. Advancing an Embodied Understanding of Accessibility for Persons with Disabilities. *Journal of Human Rights Practice* 17(2): huae049.
- Goggin, G. 2014. Communication Rights and Disability Online: Policy and Technology After the World Summit on the Information Society. *Information, Communication and Society* 18(3): 327–41.
- Grigoryan, L. 2023. *The UN convention on the rights of persons with disabilities: Multi-level comparative study of legal and political implementation in Germany, Austria and Denmark*. Baden-Baden: Nomos Verlagsgesellschaft mbH & Co. KG. <https://doi.org/10.5771/9783748941651>
- Grobbeelaar-du Plessis, I. 2025. Disability law: The South African position and historical course on the incorporation of the convention on the rights of persons with disabilities. *LitNet Akademies* 22(1): 657–82.
- Grobbeelaar-du Plessis, I., and J. Njau. 2018. Participation in Political and Public Life. In I. Bantekas, M. A. Stein, D. Anastasiou (eds), *The UN Convention on the Rights of Persons with Disabilities: A Commentary*, 834–62. Oxford: Oxford University Press.
- Hussey, M. M., M. Maclachlan, and G. Mji. 2016. Barriers to the Implementation of the Health and Rehabilitation Articles of the United Nations Convention on the Rights of Persons with Disabilities in South Africa. *International Journal of Health Policy and Management* 6(4): 207–18.
- Johansson, S., J. Gulliksen, and C. Gustavsson. 2021. Disability Digital Divide: The use of the Internet, Smartphones, Computers and Tablets among People with Disabilities in Sweden. *Universal Access in the Information Society* 20(1): 105–20.
- Kirakosyan, L. 2013. Linking Disability Rights and Democracy: Insights From Brazil. *Societies Without Borders* 8: 29–59.
- Landman, T. 2004. Measuring Human Rights: Principle, Practice, and Policy. *Human Rights Quarterly* 26(4): 906–31.
- Lang, R., M. Kett, N. Groce, and J.-F. Trani. 2011. Implementing the United Nations Convention on the Rights of Persons with Disabilities: Principles, Implications, Practice and Limitations. *Alter* 5(3): 206–20.
- Lord, J. E., M. A. Stein, and J. Fiala-Butora. 2014. Facilitating an Equal Right to Vote for Persons with Disabilities. *Journal of Human Rights Practice* 6(1): 115–39.
- Matila, M., and A. Papageorgiou. 2017. Disability, Perceived Discrimination and Political Participation. *International Political Science Review* 38(5): 505–19.
- McGrogan, D. 2018. The Population and the Individual: The Human Rights Audit as the Governmentalization of Global Human Rights Governance. *International Journal of Constitutional Law* 16(4): 1073–100.
- Megret, F. 2008. The Disabilities Convention: Human Rights of Persons with Disabilities or Disability Rights? *Human Rights Quarterly* 30(2): 494–516.
- Mégret, F. 2008. The Disabilities Convention: Towards a Holistic Concept of Rights. *The International Journal of Human Rights* 12(2): 261–78.
- Menezes, J. B. D. 2024. The Draft of the Civil Code and the Person with a Disability Under Guardianship as Absolutely Incapable. <https://www.migalhas.com.br/coluna/migalhas-de-vulnerabilidade/406865/anteprojeto-do-cc-e-a-pessoa-com-deficiencia-como-incapaz> (referenced 12 May 2025).
- Najafi, Z., K. Abdi, and M. S. Khanjani. 2019. Disability and the Convention on the Rights of Persons with Disabilities in Iran: What Can We Do? *Journal of Rehabilitation Sciences & Research* 6(2): 101–2. <https://doi.org/10.30476/jrsr.2019.81231>

- O'Brien, C. M. 2023. The Relevance of Governance and Multi-Level Governance to the Study of Human Rights: Insights from Business and Human Rights. In B. Andreassen (ed.), *Research Handbook on the Politics of Human Rights Law*, 145–65. Cheltenham, UK: Edward Elgar Publishing.
- Pettersson, L., S. Johansson, I. Demmelmaier, and C. Gustavsson. 2023. Disability Digital Divide: Survey of Accessibility of EHealth Services as Perceived by People with and Without Impairment. *BMC Public Health* 23(1): 181.
- Priestley, M., M. Stickings, E. Loja et al. 2016. The Political Participation of Disabled People in Europe: Rights, Accessibility and Activism. *Electoral Studies* 42: 1–9.
- Rhodes, R. A. W. 2021. Beyond the New Public Governance. In A. Podger, and C. Althaus (eds), *Politics, Policy and Public Administration in Theory and Practice: Essays in Honour of Professor John Wanna*, 235–61. Canberra: ANU Press.
- Scott, J., and D. M. Trubek. 2002. Mind the Gap: Law and New Approaches to Governance in the European Union. *European Law Journal* 8(1): 1–18.
- Skarstad, K. 2018. Human Rights Through the Lens of Disability. *Netherlands Quarterly of Human Rights* 36(1): 24–42.
- South Africa. Office on the Status of Disabled Persons. President, Integrated National Disability Strategy — White Paper 1997.
- South Africa. 2012. National Planning Commission in the Presidency's 'Our future—make it work. National Development Plan: Vision 2030' of March 2012.
- South Africa. 2015a. Transforming our world: the 2030 Agenda for Sustainable Development (SDGs) (adopted 25 September 2015) A/Res/70/1 (2030 SDGs).
- South Africa. 2015b. S. A. D. o. S. Development, White Paper on the Rights of Persons with Disabilities, 9 December 2015. https://www.gov.za/sites/default/files/gcis_document/201603/39792gon230.pdf (referenced 25 March 2025).
- South Africa. 2021. SALRC, Issue Paper No. 39: Project 148: Domestication of the United Nations Convention on the Rights of Persons with Disabilities (2021). <https://www.justice.gov.za/salrc/ipapers/ip39-prj148-UNCRPD.pdf> (referenced 25 March 2025).
- South Africa. 2023. South Africa's Artificial Intelligence (AI) Planning, 'AI National Government Summit Discussion Document' prepared by Mashishi A, Chief Director ICT Forecasting and Modelling on behalf of the Department of Communications and Digital Technologies (DCDT). https://www.dcdt.gov.za/images/phocodownload/AI_Government_Summit/National_AI_Government_Summit_Discussion_Document.pdf (referenced 28 November 2025).
- South Africa. 2024. SALR, Discussion Paper: No. 163, Project 148. Domestication of the United Nations Convention on the Rights of Persons with Disabilities, 1 October 2024. <https://www.justice.gov.za/salrc/dpapers/dp163-prj148-UNCRPD.pdf> (referenced 25 March 2025).
- Swedberg, R. 2020. Exploratory Research. In C. Elman, J. Gerring, and J. Mahoney (eds), *The Production of Knowledge: Enhancing Progress in Social Science*, 17–41. Cambridge: Cambridge University Press.
- Switzerland. 1976. Loi fédérale sur les droits politiques (LDP).
- Switzerland. 1999. Constitution Fédérale.
- Switzerland. 2002. Loi sur l'égalité pour les personnes handicapées.
- Switzerland. 2005. Loi fédérale sur la procédure de consultation (Loi sur la consultation, LCo).
- Switzerland. 2012. Conseil Fédéral, Message portant approbation de la Convention du 13 décembre 2006 relative aux droits des personnes handicapées
- Switzerland. 2015a. Département Fédéral de l'intérieur, Evaluation de la loi fédérale sur l'élimination des inégalités frappant les personnes handicapées—LHand (Rapport élaboré sur mandat du Secrétariat général du Département fédéral de l'intérieur SG-DFI/Bureau fédéral de l'égalité pour les personnes handicapées BFEH).
- Switzerland. 2015b. Département fédéral de l'intérieur, Plan d'action E-Accessibility 2015–2017.
- Switzerland. 2016. Conseil Fédéral, Stratégie « Suisse numérique », du 20.04.2016.
- Switzerland. 2018a. Conseil Fédéral, Politique en faveur des personnes handicapées Rapport du Conseil fédéral du 09.05.2018.
- Switzerland. 2018b. Conseil Fédéral, Stratégie « Suisse numérique », du 05.09.2018.
- Switzerland. 2023a. Conseil Fédéral, Participation politique des Suisses qui ont un handicap intellectuel—Rapport en exécution du postulat 21.3296 Carobbio Guscetti.
- Switzerland. 2023b. Conseil Fédéral, Politique en faveur des personnes handicapées. Aperçu des objectifs et des mesures, 10.03.2023.

- Switzerland. 2023c. Conseil Fédéral, Révision partielle de la loi fédérale sur l'élimination des inégalités frappant les personnes handicapées. Rapport explicatif relatif à l'ouverture de la procédure de consultation.
- UN. 1948. Universal Declaration of Human Rights (adopted 10 December 1948) A/RES/217 A (III) (UDHR).
- UN. 1966. International Covenant on Civil and Political Rights (adopted 16 December 1966, entered into force 23 March 1976) 999 UNTS 171 (ICCPR).
- UN. 1989. Convention on the Rights of the Child 1989, 1577 UNTS 3 (CRC).
- UN. 1996. General Comment adopted by the Committee under article 40, paragraph 4, of the International Covenant on Civil and Political Rights, Addendum General Comment n. 25 (27 August 1996), CCPR/C/21/Rev.1/Add.7.
- UN. 2006. Convention on the Rights of Persons with Disabilities (adopted 12 December 2006, entered into force 3 May 2008), A/RES/61/10624 (CRPD).
- UN. 2023. Conference of States Parties to the Convention on the Rights of Persons with Disabilities, Digital accessibility for persons with disabilities, CRPD/CSO/2023/3.
- UN CRPD. 2014. General Comment No. 2—Article 9: Accessibility (Adopted 11 April 2014), published on 22 May 2014, CRPD/C/GC/2, § 27.
- UN CRPD. 2015. Concluding observations on the initial report of Brazil (25 September 2015) CRPD/C/BRA/CO/1.
- UN CRPD. 2016. General Comment No. 4 on Article 24—the right to inclusive education, published on 15 November 2016, CRPD/C/GC/4.
- UN CRPD. 2022. Concluding observations on the initial report of Switzerland (13 April 2022) CRPD/C/CHE/CO/1.
- UN HRC. 2011. Thematic study by the Office of the United Nations High Commissioner for Human Rights on participation in political and public life by persons with disabilities (21 December 2011), A/HRC/19/36, §28.
- UN Office of the High Commissioner for Human Rights. 2012. Report on Indicators for Monitoring Compliance with International Human Rights Instruments. HR/PUB/12/5.
- Valli Buttow, C., and S. Weerts. 2024. Managing Public Sector Data: National Challenges in the Context of the European Union's new Data Governance Models. *Information Polity* 29(3): 261–76.