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REPORT ON THE MONITORING OF ELECTORAL RIGHTS OF PERSONS WITH DISABILITIES

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INTRODUCTION

This *Report* intends to show the degree of respect, or oposite, the violation of the rights of persons with disabilities in the electoral process, through **monitoring conducted during the extraordinary parliamentary elections**, held on June 11, 2023, in Montenegro.

The *Report* consists of several segments, namely:

1. *The content of the pre-election campaign and activities before the election*, which will include an overview of:

- *Programs of political parties and coalitions* that participated in the elections, the position of persons with disabilities on *Electoral Lists*, accessibility of campaign content for persons with disabilities, etc.;

- *Public advocacy activities carried out by the **Association of Youth with Disabilities of Montenegro (AYDM)***, with the aim of complying with legal provisions and standards by the election enforcement authorities;

2. *Respect for the rights of persons with disabilities on Election Day*, Sunday, June 11, 2023, with a special focus on: standards of accessibility in access, entry and stay at polling stations, voting procedure and accessibility of election materials.

3. *Conclusions and recommendations.*

PRELECTION CAMPAIGN I ACTIVITIES BEFORE MAINTENANCE ELECTIONS

In May and June, before the elections, especially after determining the electoral lists, i.e. the coalitions and parties that participated in the elections, we carried out activities to *monitor the representation of the rights of persons with disabilities*, both in formal programs and in statements during the campaign.

Also, with the aim of providing additional information to people with disabilities as potential voters, we offered *an interview to all parties and coalitions for the Portal DISABILITYinfo*, but only two coalitions and one movement submitted answers, namely: **Coalition Zajedno**, **Coalition Hrabro se broji** and **Movement Preokret**.

The others did not provide an answer to the questions, nor an answer as to why they did not take advantage of the opportunity for an interview, that is, to inform persons with disabilities.

The interview in Montenegrin language is available [here](#).

Regardless of the above, **AYDM** followed the campaign, especially the segment represented in the media and on social networks.

The Campaign for the parliamentary elections lasted relatively short, but like every one so far, it was marked by inaccessibility for people with disabilities. Namely, although it is the obligation of the **Public Service RTCG** to provide **sign language interpretation** during duels, i.e. face-to-face, this was not the case during all face-to-faces, i.e. during the entire broadcasts, but the sign language translation was interrupted, we assume, due to the fact that only one interpreter was hired, who, like every translator, needs a break and rest.

In this sense, the translation lasted continuously for a maximum of 10 minutes, with a break of approximately the same duration, which is why at least half of the hour-long shows or 1:30 a.m. did not have a sign language interpretation. When the translation is like that or inadequate, for any other reason, then it is better not to have it at all because it is just a waste of resources, without the essential and complete information of people with hearing impairments, who are anyway the most neglected group in Montenegrin society.

Additionally, the parties, for the most part, and some at all, **did not subtitle the video content**, nor was there a single case of **a description of the content accompanying the video or image**. Also, no examples of **short, simple and easy-to-understand messages** were recorded. There were no **printed materials in Braille** or **other alternative forms of information**.

All of the above are different segments of accessibility, for different categories of people with disabilities, and they are the responsibility of Montenegro, as a country that ratified the *UN Convention on the Rights of Persons with Disabilities* back in 2009, and therefore of the political parties and

coalitions that participate in the elections because they receive funds from the budget of all citizens of Montenegro.

On the other hand, and this time as always so far, **examples of hate speech against persons with disabilities and examples of using incorrect terminology in relation to them were recorded, either during studio guest appearances or in video content broadcast in the media or on social networks and other channels communication.**

There was no mention, in the media, about the representation of persons with disabilities on the lists. The lists included persons with disabilities, perhaps to a greater extent than before, which is logical considering the number of parties and coalitions that participated in the elections. However, **on no list of persons with disabilities, which is publicly declared, did she occupy a position that ensures entry into the Parliament.** A person with a disability, from one list, is among those who enter the **Parliament**, however, it is a person who does **not publicly declare himself as a person with a disability.**

On the other hand, the first position on the list was occupied by a declared person with a disability, who was in ninth place, but that party did not receive parliamentary status. And for the mentioned party to get parliamentary status, after repeated elections in several polling stations, a person with a disability from the abovementioned position cannot enter the **Parliament.**

Certainly, careful conclusions should be drawn here, because it is possible that there are (other) persons with disabilities who do not speak about it publicly, and whose status, that is, the fact that they belong to persons with disabilities, is not known due to a physically invisible impairment/s. However, **we point out the necessity of public declaration, given that politicians, dominantly and to a large extent, influence the awareness of disability issues and the acceptance of persons with disabilities.**

On the contrary, the very fact that, quite often, people with disabilities are discriminated against by parties and politicians, indicates the prejudices that people with disabilities, themselves, sometimes have about disability, i.e. the fear of non-acceptance, which makes them prefer to "hide" the fact that they are persons with disabilities.

However, some representatives of parties, movements and coalitions mentioned persons with disabilities during the campaign, we will conclude, nevertheless, because they **targeted them as a potential electorate.**

This is due to the fact that some of them already occupy positions and functions that enable or obligate them to guarantee and respect the rights of persons with disabilities, but they did not work on this, to an adequate extent, in the previous period, neither on their own initiative, nor through a response to the initiatives sent. and suggestions.

In the *Statement* that we sent to the public, two days before the elections (the version on Montenegrin language is available [here](#)), we pointed out the obligations of the authorities for the implementation of the elections, in the part that refers to the regulation of the PPs and called for compliance with accessibility standards and other legal provisions in order for persons with enabled independent, dignified and secret voting.

We talked about the same during media appearances and statements for the media, and in the period from the announcement of the election to the sending of the announcement to the media.

THE ELECTION DAY

On *Election Day*, Sunday, June 11, **AYDM**, as during the previous two election cycles (local elections in Podgorica, held in October 2022 and during the first round of presidential elections, held in March 2023), **had accredited observers who monitored compliance rights of persons with disabilities.**

This time, unlike previous elections, the focus was to a greater extent on the experiences of people with disabilities at polling stations (PP), which is why people with disabilities told us about their positive and negative experiences.

Namely, **nine accredited observers**, who functioned as **Mobile Teams** - which means that they visited different PPs during the day - this time, as in the first round of the presidential elections, they were deployed in four Montenegrin municipalities, namely: in Podgorica, Nikšić, Bijelo Polje and Bar.

Due to the coverage of the same cities, it is possible to compare the situation compared to March. Apart from these cities, we were also familiar with the conditions in Danilovgrad, Budva, Tivat and Cetinje, because people with disabilities approached us from those municipalities as well.

Therefore, in March 2023, after the end of the first round of elections, we pointed out key violations of the rights of persons with disabilities, asking **the election enforcement authorities to take all necessary measures, as soon as possible, so that discrimination during the Parliamentary Elections would not be repeated.**

In the *Statement* (the Montenegrin language version is available [here](#)), we pointed out examples of violations of the rights of persons with disabilities, and **the worrying relationship between the Municipal Election Commissions (MEC) and the Electoral Committees (EC)**, bearing in mind that the **State Election Commission (SEC)** had provided the material and equipment that, if used, would ensure accessibility and independence for persons with disabilities, at the PP, during the election process.

Let's clarify before the key findings - the current provisions prescribe the obligation of accessibility of the (public) facility where the elections are held, in such a way that the **access and entry into the facility should be barrier-free for persons with disabilities, and the PP is organized in such a way that the independence and secrecy of voting is ensured.**

The above means that, the access to the PP should be flat, without height differences, and if there are stairs, then there must also be a ramp, which has adequate dimensions and slope, so that it is possible for use and safe for use. Also, in accordance with the regulations, it is **mandatory to have a parking space for people with disabilities**, in the immediate vicinity of the entrance to the facility.

Furthermore, when we talk about the PP itself, this means that each PP should have: **at least one shelf, in one voting booth, at a height of no more than 85 cm, a ballot box whose upper edge is no more than 85 cm, two templates for the ballot (for people with visual impairments), two Braille brochures, ethison tapes for the orientation of people with visual impairments, while the recommendation, in earlier election cycles, was to enable people with disabilities, who request it, to sign an Excerpt from the Voter's List with facsimile, so that they do not leave a fingerprint because it is a synonym for illiteracy.**

Also, it is important to emphasize that the *Law* prescribes that persons with disabilities can vote **independently** (like all other citizens), then **with the help of an assistant** they choose who cannot be a member of the **EC, with the**

help of a ballot template or by **means of a letter** (as well as other citizens due to illness and/or old age).

During the *Local Elections in Podgorica*, observers visited a total of 98 PPs, in the first round of the presidential elections they visited 264 PPs in four municipalities, and during the extraordinary parliamentary elections the situation was observed at 112 PPs.

Before the key conclusions of the *Election Day Monitoring* (June 11, 2023), it was noted that the first **procedures for protection against discrimination based on disability, due to the impossibility or limitation of exercising the right to vote, were initiated after the parliamentary elections in 2020.**

All final verdicts, according to those procedures, were concluded in favor of persons with disabilities. This means that, **in addition to the discrimination that has been established, the owners of the facilities and the bodies for the implementation of elections were ordered to take certain actions, such as: removing the consequences of discrimination and prohibiting the repetition of the action.**

The above implies the fact that **inaccessible PPs should not have been re-designated for the holding of elections, but had to either be replaced by new, accessible places or made accessible for persons with disabilities until the next elections are held.**

However, despite this, numerous irregularities and violations of the electoral rights of persons with disabilities (PWDs) and their impossibility to vote on an equal basis with others were recorded during this Election Day, as well as every one so far. **No polling station was changed, due to inaccessibility. The same violations of rights, (repeated) discrimination or conditioning of PWDs on how to vote were recorded at numerous PPs, this time as well.**

Most PPs are located in public facilities or facilities in public use, so the prescribed obligation of accessibility has been in force since 2008. However, this is not the case in practice, in a large number of cases.

It can be safely concluded **that between 65% and 70% of PPs are not accessible at all or are not accessible to an adequate extent**, which ensures independent and secret voting, if we take into account all segments of accessibility, including the width of the entrance area and corridor. This is because, in many BM, whose entrance is, for example, flat, the width of the door

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is inadequate at only 73 cm, while the standard is 110 cm of useful space, and the door must be at least 85 cm wide. However, even the specified dimensions of 85 cm are not a guarantee that all persons using a wheelchair or scooter will be able to access the polling station without hindrance.



In the same way, **on some PPs, especially in Podgorica, there are hydraulic stair platforms that are not in operation**, even though they are buildings that were adapted or reconstructed just a few years ago.

At some PPs, **after being pointed out by AYDM observers or voters with disabilities, ECs placed the shelf at a lower height** - even though the shelf is mobile and it should have been placed during the arrangement of the polling station - **or they lowered the ballot box, at a lower height**. The aforementioned means that the ECs was not adequately organized at the time of editing, but also during the election day, from 7:00 a.m. until the arrival of the **Mobile Teams**.



At some PPs **ECs**, they were allegedly not informed of the purpose of the table, which was delivered to them to place the ballot box, so that the upper

edge of the box does not exceed 85 cm, so the box was not even placed on a lower table, but it was removed from the side, and a box placed on the table where the EC members are sitting, which can be seen in some photos (including this one below, with a package on the lower white table), including during the voting of paper holders or other public figures. This means that the **upper edge of the box was at least 125 cm high.**



In this sense, the grossest, but by no means isolated, **violations refer to repeated cases of discrimination when entering the PPs, due to physical inaccessibility, and in one such case, which happened in Nikšić, it is discrimination that, against the same person, is repeated three times this year - as many election cycles as there have been, which represents a more severe form of discrimination, according to the Law.**



At the same time, that PWD has already initiated the procedure for protection against discrimination, after the elections in August 2020, and in addition to the confirmed discrimination, it was ordered to eliminate the consequences of discrimination, as well as a ban on repeating the act of discrimination.

In addition to the above, in Bijelo Polje, the **EC initially did not allow a person with visual impairment to vote with the help of an assistant, but insisted that he vote with the help of a template for the ballot**, while not putting the ballot in the template, which is an explicit obligation of the **EC**, but instead added to the voter, so that the voter can set it up correctly.

Here we are pointing out a gross violation of the *Law on the Election of Councilors and Members of Parliament*, because the *Law*, as we stated, guarantees PWDs to vote independently, with the help of an assistant, with the help of a template or by letter, at the choice of a person with a disability, including a person with visual impairments. At the same time, the **EC** is obliged to insert the ballot into the template, which follows the appearance and shape of the ballot, so that the person using it can vote smoothly and correctly.

In some situations, the **ECs** excuse was that they were not provided with material by the competent **Municipal Election Commission (MEC)**, which was, in most cases, incorrect because they had the material, as well as during the local elections in Podgorica and the presidential elections, but they did not use it as it should have, while some **ECs** said that they would set it up, at an adequate height, if a person with a disability came.

The above should not be the case because it is contrary to the *Law*, which stipulates that there must be a shelf up to 85 cm high in one booth, no matter how long the booth is at the polling station. We point out that most PPs have two or even three cabins, and that if there is only one, it must have a shelf at a lower height.

We were, also, informed that, during the voting of several persons with disabilities, the **EC** edited the PP at the time of his/her stay at the polling station. Therefore, only then did the **EC** members lower the shelf to a lower diameter, and some **ECs** adjusted the ballot box by tilting it towards the disabled person (wheelchair users and people of short stature), while it was placed on the **EC** table. Also, some **ECs** offer and provide assistance, which is contrary to the provisions of the *Law*.

The polling station must be adequately prepared for all voters, without the assumption and belief that persons with disabilities will not appear "because they vote by letter", as stated by the **EC**.

It is important to note here that, **there are voting booths in which it is impossible to place a shelf at a lower height because the height of the**

diameter on which the shelf stands is above 120 cm, and on three sides, below that height, there is no screen that ensures the secrecy of voting.

At the same time, those voting booths are narrow, without enough space for the unhindered access of wheelchair users, so they would have to be replaced with a new one, that is, at every polling station **in Montenegro there would have to be at least one recent booth with a shelf up to 85 cm high.**

In addition to this, **examples of improperly parked cars that prevent or limit the smooth movement of PWDs, as well as narrow gates, closed one-leaf doors, inadequate slopes of inclined ramps and uneven, too rough, steep or surfaces were again recorded.**

A polling station that cannot be entered by some categories of PWDs cannot be rated as accessible, or mostly accessible, even if inside all the elements are up to standards.

CONCLUSIONS AND RECOMMENDATIONS

People with disabilities in Montenegro do not have unhindered conditions for exercising their voting rights, although the legal regulations are, to a significant extent, appropriate in that segment. However, the electoral processes are characterized by the **passivity of the authorities for the implementation of elections, especially those at the local levels (MEC and EC) and the complete absence of activity between election cycles.**

Namely, the activities that are undertaken relate only to the period immediately before the election day, and it is obvious that **ECs** are either untrained, uninterested, or simply irresponsible because they are bodies that are formed at the suggestion of political parties, that is, those that participate in elections.

The aforementioned implies that apart from the fact that the facilities where elections are held and polling stations are designated, and in some of them there are up to seven (different) polling stations, are not reconstructed in order to make them accessible, nor are other polling stations designated, in the communication of the **Ministry of Interior** and municipal election commissions (**MECs**).

Also, although significant material was provided during the last election cycles, which implies compliance with accessibility standards for PWDs, on election day itself, it is not used adequately by all ECs.

Finally, to conclude before making recommendations, until the percentage of accessibility, independent and dignified voting is many times higher than cases of discrimination and other violations of rights, we, at AYDM, cannot and will not be satisfied, and we will only communicate positive examples with the authorities for conducting elections, one day we hope they will be professional and not composed of party representatives, as is still the case in Montenegro, but we will not publicly praise anyone who, at the same time, has the responsibility and obligation to respect the rights of every citizen of this country.

With public praise, we do not want to create the impression that elections for PWDs are really a *celebration of democracy*, because they are not. **The examples we are reporting on are not isolated, but systemic examples of violations of the independent and secret voting of persons with disabilities, which is why we expect electoral reform to finally take place both in law and in practice.**

As part of the improvement of legal provisions, it is also necessary to implement a number of significant reforms, which AYDM will advocate in the coming period.

In order to achieve a more adequate level of respect for the valid electoral rights of PWDs, it is necessary to:

- **Undertaking continuous actions to make all public facilities and facilities in public use accessible for persons with disabilities, in accordance with legal provisions;**
- **In the transitional period, until all facilities are accessible, it is necessary to monitor the regular situation on the ground, and at the moment of determining the polling stations, select only those facilities that are accessible for PWDs;**
- **All polling stations, at the time of editing, should be arranged in a way that enables PWDs to vote independently and secretly, using all elements of accessibility for all categories of PWDs and, if necessary, for better understanding, with voting simulations in which different categories of PWDs (wheelchair users, persons with a small stature, persons with visual**

impairments, and persons that vote with a help of an assistant) would participate;

- **To conduct training and educations of the authorities for the implementation of elections on the human rights of persons with disabilities, including (the ways of proper) communication with PWDs.**

The Album with some photos can be found at the [following link](#).



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