

**REPUBLIC OF ALBANIA**

**THE CENTRAL ELECTION COMMISSION**

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**DOCUMENT OF RECOMMENDATION**

Findings of the round table on

“Exercise of the right to vote by persons with disabilities”

The Central Election Commission, with the support of the OSCE Presence in Albania brought in a round table, representatives of institutions, international organizations and groups of interest, who have responsibility, cooperate, or contribute in enabling and facilitating the exercise of the right to vote by persons with disabilities in an electoral process.

This round table, which was organised in two sessions, had the objective to i. express the interest and stances of all actors and factors that have an impact in taking joint responsibilities; and ii. Identifying means, tools and techniques to guarantee, in the near future, the conditions for the exercise of the right to vote by persons with disabilities.

This document lists, in a summarised and articulated manner and in compliance with the constitutional obligation of guaranteeing the application of the right to vote, a number of findings and proposals, which we hope will receive the attention of the Assembly and Albanian Government in the amendments that need to be done to the Electoral Code.

More concretely, these recommendations consist of the above-listed points:

* It is indispensable for the Electoral Code to strengthen the provisions which refer to measures that must be taken to ensure adapted polling stations and guaranteeing that the right to vote is exercised for persons who cannot vote by themselves;
* This attention must start with the obligation to establish an “*Ad-hoc”* Committee with representatives of all responsible institutions and groups of interest - so that the solution of every problem related to exercise the right to vote by any category of persons with disabilities and its monitoring, realization and the success of this process become a joint challenge, commitment and will of all responsible institutions. The time period pertaining to the establishment and the duration of this Committee can have several options: i. With the initiation of the electoral reform in Parliament, ii. With the decree pronunciation of the election date or iii. Both previous options taken together.
* The Electoral Code shall reflect legal changes and amendments within the spirit of the UN Convention on the Rights of Persons with Disabilities;
* The Electoral Code shall determine sanctions against local government, in case of not obeying the law and obligations to guarantee the conditions of exercising the right to vote by Persons with Disabilities;
* The reestablishment of mobile polling stations shall be taken into consideration in the cases where identified persons cannot vote by themselves. Voting in a mobile ballot box is applicable in many countries around the world. We are of the opinion that it is about time to implement this way of voting in our country. We consider this as the fulfilment of one of the standards to achieve A free, fair, secret and equal electoral process.

From the procedural viewpoint, voting in a mobile ballot box can be solved in different ways. Referring to the experiences of other countries, we can list the followings as the most common used procedures.

To avoid tension, irregularities or abuses in implementing the mobile voting centre, the Electoral Code shall determine accurate procedures which consist of:

1. The administration of voting process by using the mobile ballot box, can be done in the election day by establishing a committee in every electoral zone which following the end of voting process shall deliver the ballot box at the CEAZ. Establishing such a committee in the CEAZ level shall be taken into consideration, as well, in case it seems difficult to administer this process in a regional level. All the details of legal procedures to be followed shall be provided for such a procedure.
2. The list of voters who cannot vote on their own and cannot leave their houses, shall be compiled by the local authorities and should have the cooperation of State Social Service; This list shall serve to CEAZ/VCC to verify the requests of persons with disabilities who cannot leave their houses, hospitals and prisons, as well.
3. Every VCC shall have as part of its materials a box for mobile ballot casting and by a decision shall establish a representative group, which in order to guarantee the right to vote of those persons, in conformity with Voters’ List, during the election day is obliged to go to these voters with the mobile ballot box.
* The Electoral Code shall determine as an imperative provision and not as an alternative solution the obligation of local authority to provide the supporting infrastructure at any voting centre where persons with disabilities and who need the assistance of another person are registered. This obligation shall be monitored by the CEC which must have at its disposal the legal mechanisms which enable it to take administrative measures against local government heads who do not fulfil the legal requirements and those of the monitoring authority;
* The Electoral Code shall envisage the right to vote for persons with intellectual disabilities, which still remains a problem that has been left aside and which, in fact, has not had any cases of restrictions. From this viewpoint, the Electoral Code shall specify the ways and needs for adaptability referring to notions/type of disability and not in a generalizing them.
* Moreover, the Electoral Code shall not determine procedures which deal with division of institutional responsibilities in preparing the list of persons who cannot vote on their own, since this fact, not only distributes and mostly avoids the institutional responsibilities, but it also creates vacuum for procedural abuses. In improving this provision, the Electoral Code shall envisage that when public institutions (especially local authority) responsible for the issue of persons with disabilities, propose and take decisions, the associations of persons with disabilities shall be represented;
* The Parliament of Albania shall take into consideration and include as a part of the changing process of the Electoral Code, the representatives of Group of Interest of persons with disabilities who, due to their experience and expertise, can offer more efficient legal and technical solutions;
* Apart from the recommendations to change the electoral legislation, which is only one aspect of solving the problem, the Groups of Interest can address publicly to the Albanian Government to initiate a monitoring project all over the country to establish the supporting infrastructure for persons with disabilities in all premises that offer public and social services.