



CENTRAL ELECTION COMMISSION

T.+355-4-2281650 E. luzi.l@cec.org.al, W. www.cec.org.al



INCLUSION OF PEOPLE WITH DISABILITIES IN THE ELECTORAL PROCESS - CHALLENGES AND ACHIEVEMENTS - ALBANIAN CASE

Electoral behavior of the electorate in Albania, due to the relatively new tradition of democratic elections, is a new element in these 25 years of democracy. Specific categories of voters such as persons with disabilities are conditioned in their electoral behavior from various factors, which reflect the problems of a developing democracy.

Despite the significant improvement of legal and institutional framework for protecting the rights of this category in the electoral process, the reality still requires challenges. These challenges do need not only legal guarantees but also willpower, dedication and institutional cooperation, and in certain respects improvements of the Electoral Law.

CEC of Albania, has not only been satisfied with the adaptation and implementation of special programs for this category of voters but has taken actions and initiatives for comprehensive discussion of issues, with concrete proposals in improving electoral law.

1. Voters with disabilities in inclusive voting

Constitution of Albania, ratification from the Albanian Parliament of the UN Convention "On the Rights of Persons with Disabilities" and other laws constitute a complete legal framework that sanction the implementation of the rights of People With Disabilities community, including the right to vote individually, freely and in a secret way.

In Albania, 4.2% of the population are persons with disabilities, who have the status of persons with speech and sight impairments, tetraplegia and paraplegic, physically injured and labor invalids. The voters with disabilities are increasingly aware that through the vote they can have their say and influence the changes that are directly related to social improvements. Electoral experiences show that there are still barriers which make difficult and to some extent impossible the involvement of this category in voting process.

The electoral law that ensured the voting of voters with disabilities through assistant was replaced with direct participation in the voting process for voters with mobility and visual disability.

But the law guarantees are not translated into guarantees "de facto". A voter with disabilities requires facilitating conditions as defined by law. They should make the request, with official documentation that proves disability and address to the mayor of the local government. The latter has the legal power to register them as voters who cannot vote themselves. Is it appropriate, why is this legal mechanism? Local government units,

administer all documentation of persons with disabilities, as they allocate economic assistance for them. Request for facilities on voting day, via this route defined by law, constitutes a reason to restrict even more ability of these persons.

First confronting of real problems for voters with disabilities I had when I was elected the chairwoman of CEC, a time which coincided with the preparation of the electoral process, 2013.

At the meeting with representatives of some of the associations that advocate their rights I was presented with their legitimate demands which at first sight were more than feasible. What I found later was that the creation of appropriate conditions for voting for people with disabilities, depended not only from work, dedication and commitment of the CEC.

1.The polls, where voters with disabilities would vote, had not been identified.

This was the first problem to predict and take the right steps for the creation of facilitating conditions for them. CEC for the first time in persistent communication with all local government bodies built a database on the quantity and the place where voters with disability vote especially two main categories: paraplegic/ tetraplegia and blind voters.

2.The second problem was the lack of adjustment of entrance in most public buildings where there were polling stations in which voters with disabilities would vote. Over 90% of the voting centers located in public buildings, such as schools or hospital centers were not provided with ramps and even parking places near them.

The inadequacy of public building entrance for voters with disability is the key for achieving equality of this category in the voting process. CEC has made efforts to its maximum to find the balance between institutional financial limited opportunities and current problems. Thanks to the support of many donors, using to the maximum human and financial resources available under the Cooperation Agreement signed with the National Council of Associations of Persons with Disabilities came to realization a significant part of the requirements of this category of voters:

- All chairmen of local government bodies were requested to locate the polling stations where registered voters who could not vote themselves, to be set on the ground floors of buildings - but unfortunately this obligation was not implemented in all cases.
- Thanks to donor assistance for the first time it was piloted the construction project for permanent ramps in public buildings of polling stations in three municipalities of the country. It was decided that the funds to be spent on long-term solutions by building permanent ramps. CEC in previous elections had produced a quantity of wooden ramps, which not resisting the time and solve the problem.
- It was given the chance of employing a professional disabled person who enabled us to apply an effective strategy to inform, sensitize and educate citizens on this category of voters.
- Election commissioners were trained for cases and forms of assistance to enable the voters with disability to enter the polling station
- On TV campaign for education and sensitization of voters, the sign language was included to help people who have speech and listening disabilities to understand the voting procedures in the voting center.

With regret i must confess that the CEC failed to produce "Braille" masks for blind voters. The content of the ballot with the names of entities competing becomes final 40 days before the election date, time which is insufficient for the implementation of administrative legal procedures for procuring and producing masks

Personally, as Chairwoman of the CEC I have publicly apologized voters of this social category who were unable to exercise the right to vote.

Experience of organizing elections in 2013 repeated a lesson that institutionally in Albania is "learning" with difficulty, there is still limitedis lack exercise limited institutional possibility disabilities in securing the right to vote for people with disabilities! Despite the legal provisions of the Electoral Code has given assurance requirements for voters with disabilities, CEC give more regulatory role of this process in the event that inadequate conditions of the polling stations, the institution has made the maximum effort to avoid the last-minute resolution

CEC immediately after the elections of 2013, organized a technical Roundtable with the participation of representatives of international organizations and interested groups, who have responsibility, cooperate or contribute in avoiding barriers for people with disabilities in the electoral process. This roundtable aimed to identification of ways, tools and techniques to ensure in the near future conditions for the free exercise of the right to vote by persons with disabilities. The findings and conclusions of the Round Table, in terms of opportunities for improvement of the Electoral Code to guarantee the conditions of voting for voters with disabilities, have been forwarded the Parliament.

Key recommendations for changes / improvements to the Election Code:

1. Harmonization of the UN Convention on the Rights of Persons with Disabilities;
2. Determination as mandatory provisions and not as an alternative obligation of local government to ensure supportive infrastructure in every polling station where they are registered voters who can not vote on their own. The fulfillment of the obligation must be monitored by the CEC, which should possess legal mechanisms that give the opportunity to take administrative measures to local leaders, who do not respond to the requirements of the law and the monitoring authority
3. Determining the specific provisions of its sanctions against local government, in case of non compliance and obligations to guarantee the conditions for the exercise of voting rights by persons with disabilities;
4. Electoral Code should be expressed for the right to vote for people with intellectual disabilities which still remains a problem and in fact there were no cases of restraint. In this regard, the Electoral Code should specify the ways and needs for eligibility referring notions / type of disability and not in general.
5. To define the institutional division of responsibilities for the preparation of lists of persons who can not vote by themselves and leave no room for procedural abuses. Code should provide that the proposals and decision making public institutions (especially local government) that have responsibility issues of persons with disabilities, to have the representation of associations of people with disabilities.

6. Albanian Parliament should consider and makes part of the process of changes in the Electoral Code the interested Group representatives of persons with disabilities, who, because of their experience and expertise can provide legal and technical solutions.

Expecting that the Albanian Parliament will adopt these proposals forwarded by the CEC, which bring together actors and factors of the field, we were pleased to receive appreciation and gratitude for the work and institutional commitment from associations of persons with disabilities. This sincere acknowledgement and recognition makes us to work harder in the future, to be fully engaged in this category, not only as an institutional obligation, but as a citizen mission!

CEC in collaboration with the Ministry of Education, Ministry of Health, Ministry of Social Welfare, with local GOVERNMENT asks for more institutional attention in taking measures in time for suitability of public facilities for persons with disabilities under their administration which serve as polling stations .

For this purpose, all institutions have forwarded periodically a complete list of facilities under management which serve as polling stations for voters with disabilities, the number and type of disability. Constant contacts have been kept with representatives of interested groups with disabled persons who, because of their experience and expertise can provide more effective technical solutions to problems.

We are optimistic that in the June 2015 elections will provide the mask in the "Braille" for people with sight impairment who regardless of technical specifications, as well as the fact that in these elections will be voted on two ballot papers. There have been identified the companies that can offer the production of the masks for blind voters within the time constraints, making present any difficulties or "unexpected" incident that the process can bring.

On 5 February 2015, Central Election Commission of Albania, celebrated Global Election Day for the first time. CEC had the privilege to make part of the celebrities of GED, members of the Youth Forum of People with Disabilities. The agenda of activities of this day, devoted a special session, to Persons with Disabilities. Members of the Youth Forum of Persons with Disabilities, presented to attendees their aspirations and determination, despite the objective or subjective obstacles, as adaptability of facilities that serve as polling stations for this group, make all efforts to ensure that every individual of this grouping exercise their right to vote individually. In this effort, the young disabled people expressed their appreciation for the attention, dedication and hard work that CEC, as well as international organizations have provided to avoid barriers to the voting process, in order that they carry out the act of voting equally as all other voters.

For the first time for the coming local elections of 2015, in 24 Electoral Offices up to 12 regions of the country there will be engaged people with disabilities, whose task will be identification of any problems in the community in order to take immediate measures to resolve in time. As a review of the positive experience, the CEC will engage people with disability also in educational campaign for elections in order that any material produced to "speak" in their language, and meet their needs. All these actions make me optimistic that

on June 2015 elections, the CEC will be closer to voters with disabilities to minimize their obstacles especially for those with visual disorders and pre-tetra plegic group.