



SUMMARY OF THE RESULTS OF THE OBSERVATION MISSION PERFORMED ON 5 DECEMBER 2021 IN LORI REGION DURING THE LOCAL SELF-GOVERNMENT ELECTIONS

POLICY PAPER



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Introduction

Within the framework of the project “My Voting Right”, Lusastgh NGO ensured the participation of persons with disabilities through an observation mission during the Local Self-Government elections held on December 5, 2021 in the Vanadzor and Spitak consolidated communities. Forty (40) trained observers with disabilities monitored the local election process in order to find out the level of participation of the disabled people in electoral processes, the accessibility of polling stations for them, the transparency of the electoral process and overall participation of the public. As it was mentioned above, the observation mission was performed in 60 polling stations of the Vanadzor and Spitak consolidated communities, involving forty (40) observers; two separate (2) groups performed mobile observation. NGO volunteers helped to transfer disabled observers during training and on the Election Day; we used taxi service. We distributed mandates among trained observers, folders with all the necessary material for conducting observation, eco-bags and badges with the logos and disclaimers to ensure visibility of the project and funding organizations. One of the goals of the observation mission was to understand the extent to which persons with disabilities are involved in important political decision-making processes in the country, which is one of the important criteria for ensuring a non-discriminatory and inclusive environment.

Key findings

Analyzing the questionnaires, incident leaflets submitted by the observers and hotline calls, it may be stated that:

- People with disabilities have encountered a variety of difficulties in exercising their political rights, which are typical for specific group of disabled people, such as wheelchair users or people with visual or hearing impairments. Thus, the problems are individual-specific and require individualized solution.
- Consequently, people with disabilities face different obstacles at different stages of the electoral process. For instance, during pre-election campaigns running political parties largely ignore the electoral rights of deaf voters, and as a result, they are mostly unaware of the nominated candidates and their political programs during local elections. This group of voters mainly remains uninformed and relies on the advice and persuasion of their relatives. Blind voters also encounter such problems and often make their choice with someone’s help. These are the key problems why blind and deaf voters prefer not to go voting. As it was already stated, deaf people are not able to acquire information regarding electoral process, including nominated candidates, running political parties as well as voting procedures and methods, as a result they prefer not to exercise their right to vote and become isolated.
- Most of the issues raised through the hotline relate to the exercise of the right to vote by persons declared incapable (mentally disabled). According to the constitution of the RA, a person recognized as incapable is deprived of his/her

civil rights; he/she does not have the right to vote or to be elected. Meanwhile, according to their caretakers, those with disabilities are fully aware of the situation in the country, however, they do not have the opportunity to participate in elections.

- Here, we have conflicting opinions: on the one hand, the caretakers may be right and in this case, the law needs to be revised. On the other hand, we need to take into account that people with disabilities are vulnerable people and their family members and/or caretakers can direct them or violate their voting right and make them vote as they like. While working with mentally disabled people, we have had such precedents previously. In this regard, in the Constitution of the RA, there are several discriminatory articles, which attracted the attention of international organizations. For instance, the UN Committee on the Rights of Persons with Disabilities reviewed the preliminary report submitted by Armenia and presented its recommendations, stating that there is a need to make some amendments to the RA Constitution and restore the voting right of all persons with disabilities. The Council of Europe and the Venice Commission also addressed this issue. As of now, only the non-governmental sector has responded to this issue.

Some violations of the suffrage of persons with disabilities in the local elections held on December 5, 2021 in Vanadzor and Spitak consolidated communities were registered by the observers of "Lusastgh" NGO. The main violations revealed by the observers within the framework of the project "My Voting Right" relate to the inaccessibility of the polling stations.

- The authorities emphasize that the greater part of all 93 polling stations in constituency N 23 is accessible to voters with disabilities. Our organization also states that 1% of the observed polling stations lacked entrance ramps, or the existing ramps were not accessible for people in wheelchairs to allow them to exercise their right to vote. They also encountered difficulties inside the buildings. Thus, 10% of the voting rooms were located on the second floor and there were no ramps or elevators to reach the polling station. The observers mentioned about the inaccessible rest rooms as well.
- On the Election Day, the hotline received 27 calls regarding the election process, 14 of which concerned the exercise of the right to vote by persons who could not attend polling stations for various reasons (treated in medical centers, bedridden, and having mobility problems). First, the problem is that the Electoral Code of the RA lacks effective arrangements for ensuring full suffrage. Particularly, according to Point 5 of Article 17 of the RA Electoral Code, Local Self-Government bodies should take the necessary measures to ensure the access of voters with disabilities to polling stations for exercise of their voting right. Article 65 of the Electoral Code provides a common overview of the issue, and states that in order to make voting process accessible to voters encountering difficulties, the

Central Electoral Commission is obliged to provide additional means, ensuring the free expression of the will and the secrecy of the ballot. The above-mentioned regulations are not clear enough and do not specify the measures that should be taken. This is a systemic issue, as provision of accessible environment for disabled people requires systemic approach. Thus, to solve this problem, the decision of the Central Electoral Committee has been in effect since January 1, 2022. According to it, disabled who encounter difficulties in moving can exercise their voting right at any polling station that they find accessible for them.

- In 2010, the RA ratified the UN Convention on the Rights of Persons with Disabilities; however, the legislative framework has not been aligned yet, only the Electoral Code states that access to electoral processes should be ensured. Before, the relevant decision of the Central Electoral Committee regarding accessibility norms was perfect and it stated that accessibility of polling stations should be ensured, all polling stations should be equipped with magnifying glasses and Braille templates. However, during the previous parliamentary elections, the CEC changed its decision; instead of the previous mandatory requirement, it used the wording “make available, if possible.” In fact, we do not have the necessary legal basis as a precondition for making elections accessible to people with disabilities. There are many other obstacles that cannot be addressed at the legislative level, including attitude towards people with disabilities and not considering them as people with political rights.
- The observers documented that contrary to the 2021 NA Elections, during December 2021, local elections accompanied/supported cases were few. According to observers, this was mainly due to the provided special Braille frames and magnifying glasses.
- In the Vanadzor consolidated community, four (4) voters applied special Braille frames for voting; during previous eight (8) years, they had not been applied. Before, in the 2003 elections, due to the efforts of “Lusastgh” NGO special Braille frames were introduced and applied.
- Members of the precinct election commission have changed over the years and most of them were unaware of the use of special frames, and therefore have not applied them. The frames have always been published but ineffective. Now the members of the precinct election commissions are informed and interested; however, the observers noticed a problem among blind voters; the majority of the blind voters refused to use special frames as they are not aware about the application mechanisms. Those who applied Braille frames have mentioned that this way one can fully exercise his/her right of secret ballot and feel like a person enjoying full rights.

Conclusions and Recommendations

“Lusastgh” NGO as an organization dealing with problems of people with disabilities, which has been operating in the Republic of Armenia since 1998, states that exercising voting rights has deeper roots. Hence, it is necessary to start from the solution of general problems of the disabled that will result in their involvement in various spheres of public life, including elections. In particular:

- The Republic of Armenia has committed to a number of obligations for inclusion of people with disabilities, as it is stipulated in the Constitution of the Republic of Armenia. In addition, it ratified a number of laws and normative acts, as well as international documents. Therefore, everything should be done to ensure the accessibility for them and safeguard their right of voting. Of course, the requirements should be implemented within a reasonable timeframe, as it is not possible to adjust everything in a short period. It is quite clear that there is no environment completely accessible to everyone. That being the case, at least everything should be done to make elections as accessible as possible in a short period so that no group of disabled people is left out of this process.
- It should be emphasized that an accessible physical environment is necessary not only for a person with a disability, but also for everyone; it implies not only the accessibility of buildings, but also adaptation of sidewalks and elimination of other obstacles that restrict the movement of pedestrians. The environment should be accessible for not only people with mobility problems but also for the visually impaired, those with hearing problems and others.
- In addition to providing a reasonable space at polling stations, other measures should be taken to ensure the exercise of their voting right by persons with disabilities, such as ensuring physical, informational and communication accessibility.
- Activities should also be carried out to make political party offices accessible, as well as develop mechanisms for inclusion of people with disabilities in election commissions.
- Steps should be taken to involve people with disabilities in political life, including exercise of their voting right, access to polling stations, unrestricted movement, access to information, etc.

Summarizing main activities, it should be stated that “Lusastgh” NGO is going to continue advocating for the rights of disabled people in various spheres of life while using its professional and personal connections gained during years of work. One of the focus areas will, of course, be ensuring voting rights of people with disabilities. The above-mentioned issues and suggestions will be presented to the attention of deputies of the National Assembly, the CEC, and the Ministry of Territorial Administration and Infrastructure. All possible platforms will be used to solve the problems. It is worth mentioning that our organization is applying to the Ministry of Labor and Social Affairs for involvement in the Public Council adjunct to the Minister, which will greatly help to discuss local issues at the national level.