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NOT EVEN IN THESE ELECTIONS SYSTEM AND INFRASTRUCTURE WERE DESIGNED WITH PERSONS WITH DISABILITIES IN MIND -

CONDITIONS FOR ELECTORAL PARTICIPATION OF PERSONS WITH DISABILITIES WERE NOT MET IN A SATISFACTORY MANNER

**Despite relatively adequate law regulation and continuous initiatives that we sent prior to every electoral process, conditions for electoral participation of persons with disabilities were not adequately satisfied even in the presidential elections held on Sunday, March 19, 2023.** That was the conclusion of observers accredited by the **Association of Youth with Disabilities of Montenegro**. They visited polling stations in four municipalities of Montenegro, and that in Podgorica, Niksic, Bijelo Polje and Bar. They completed *Accessibility Standards Checklist* regarding persons with disabilities, which was prepared on a basis of provisions of *the Law on Spatial Planning and Construction of Structures* and its implementing *Regulation*, *the Law on Election of Councillors and Members of Parliament*, and several rules of the **State Election Commission (SEC).**

A group of 20 observers visited the majority of polling stations in Podgorica (164 polling stations out of total of 208 in this city) and in Niksic (54 polling paces out of total of 134). They visited 29 polling stations in Bar and and 13 in Bijelo Polje, too. The observers found **mainly unsatisfactory situation reflected in the fact that a high number of polling stations, despite the fact that they were located in public facilities and facilities in public use, were completely inaccessible, with existing stairs at the entrance, or there were narrow entryways. Many entrance doors with one wing closed prevented access by persons using wheelchairs. Even though they were provided, not all accessibility elements inside the polling stations were used in a timely manner (a template for a ballot paper, used for independent voting by visually impaired persons, and an Information brochure in Braille). Furthermore, the ballot boxes were not placed on a lower table, in order to enable certain categories of voters with disabilities to independently cast their ballots, ensuring in that way voting secrecy. There was also a high number of polling stations with no low-location shelf in the voting booth, and with no carpets for orientation of visually impaired persons.**

**None of the polling stations visited by the observers in the urban area of Bar had the ballot box placed on a lower table, and only in one polling station carpets for orientation were installed. In a significant number of polling stations in Niksic and Podgorica, the template and the** *Information brochure* **were in an envelope past the table the polling comittee were sitting at, and they were taken out of the envelope only after the observer's question.**

**The observers in Bijelo Polje found a situation that looked like a combination of the mentioned examples from other cities.**

**It is unacceptable that after 15 years we still have to point to accessibility as a right of person with disabilities, as well as to the fact that it is inadmissible to be carried into a polling station. It is intolerable that even after 9 years we still have to explain what is the ballot template, and why it has to be on a table and offered to visually impaired persons in situations where there is an obvious need for that, and that it must be given to others upon request, instead of being in an envelope or a package.**

**As an explanation, some members of polling committees stated that there were no persons with disability who should vote at those polling stations, that they mostly vote by post, and they were ready to help them in case** **they came to the polling station. It is interesting that polling comittee members have information that even at the national level of the Republic of Montenegro do not exist, and that they have records on persons with disabilities that even the state does not have, even though it has been mandatory since 2009, when Montenegro ratified** *the UN Convention on the Rights of Person with Disabilities.*

**Conditions for persons with disabilities are not provided when they come to a polling station. The Constitutional Court made its point regarding this way of exercising the rights by declaring the following provision as unconstitutional: “when determining polling stations, the municipal election commission is obliged to take care to facilitate access to the polling station for PWDs“.**

**In a particular segment, the actual situation in Podgorica Capital City is even worse compared to the October 2022, when the local elections were held, despite the fact that we sent a joint** *Initiative* **ahead of the elections.**

In our view, political parties whose representatives or symphatizers were in the election commissions and polling committees, are to blame for the condition found. During this campaign, as it had happened before, we were not spared of pejorative and derogatory terms associated with persons with disability when candidates were answering each other. We could hear that someone would not “handicap their family“, and that carried negative connotations (to disable).

We are encouraged by the fact that **new procedures for protection against disability-based discrimination were announced already yesterday evening**. **Therefore, we would like to invite other persons with disabilities who, due to inaccessibility, did not exercise their right to vote, or they did, but in a manner that was not dignified or there were certain obstacles accompanying the voting process, to contact us for further representation, including when filing a lawsuit in cases where protection against discrimination is necessary. The lawsuits we have initiated so far have been concluded in favor of persons with disabilities**, some of them were class action lawsuits, i.e. we had some procedures for protection against discrimination, and the amounts of compensation for non-material damages were set high.

It is encouraging that **the Chairperson of State Election Commission, Nikola Mugosa**, emphasized in his address the importance of providing condtions for persons with disabilities. On the other side, the attitude of the members of municipal election commissions and polling committee members was worrisome - although they had material provided, they did not us it at every polling station.

Finally, we would like to thank the **Center for Democratic Transition (CDT)** and all our observers for their cooperation and trust, because without them this process would not have been possible.

**The Association of Youth with Disabilities and the Union of the Blind of Montenegro**