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ASSESSMENT OF THE SITUATION ON ACCESS OF PERSONS WITH DISABILITIES TO ELECTORAL AND POLITICAL PROCESSES IN UKRAINE



Kyiv, Ukraine

Assessment of the Situation on Access of Persons with Disabilities to Electoral and Political Processes in Ukraine

2015



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Foreword

“Inclusion of persons with disabilities is fundamental to democracy. Without inclusion of all citizens, a country is not a true democracy. Including persons with disabilities in political life also provides the basis for mainstreaming their inclusion in all aspects of society.”¹

Under the Constitution of Ukraine, all people have equal rights and duties, including participation in electoral and political processes.

Following ratification of the United Nations (UN) Convention of the Rights of Persons with Disabilities (CRPD), Ukraine has committed itself to creating a society in which persons with disabilities would enjoy all human rights on an equal basis with others, without discrimination, in which their dignity and identity would be respected, in which all conditions would be created for every person with their individual features to feel included in society.

Article 29 of the CRPD, entitled “Participation in Political and Public Life,” guarantees to persons with disabilities political rights and the opportunity to enjoy them on an equal basis with others. However, those citizens with severe disabilities are limited in their ability to participate fully in society.

In 2015 the National Assembly of Persons with Disabilities in Ukraine, jointly with the International Foundation for Electoral Systems (IFES), with the support of the Embassy of Canada in Ukraine and the U.S. Agency for International Development (USAID) conducted a pilot assessment on the state of access of persons with disabilities to electoral and political processes in Ukraine, the results of which are presented in this publication.

We offer an analysis of the legislation on guarantees for citizens with disabilities to participate in the political life of society, and the results of an assessment of barriers they face in exercising their rights in Ukraine, as well as recommendations on changes to policies and procedures to improve the situation.

¹ *Equal Access: How to Include Persons with Disabilities in Elections and Political Processes.* (2014). International Foundation for Electoral Systems and the National Democratic Institute. Available at: <http://www.ifes.org/publications/equal-access-how-include-persons-disabilities-elections-and-political-processes>

I. Concept and Research Methodology

This research is not scientific; it was based on the prior practical experience of the project partners regarding the study of the situation on ensuring the rights of persons with disabilities in Ukraine.

The process of assessing the needs and opportunities for persons with disabilities with respect to their participation in elections and political processes in Ukraine was not considered purely sociological research, although some elements were used as a tool to analyze this defined fragment of the social reality for further planning of actions to achieve positive changes in observance of the rights of persons with disabilities.

The aim of the research is to identify the range of problems and outline possible ways of resolving them, to raise the most critical issues, setting the stage for further actions to support the rights and interests of persons with disabilities.

An important step in the research was the analysis of legal standards, utilizing international and national legal instruments and regulations of different levels: the Universal Declaration on Human Rights, the CRPD, the International Covenant on Civil and Political Rights, the European Convention on Human Rights and Fundamental Freedoms, the Constitution of Ukraine, the Law of Ukraine On the State Voter Register, Laws of Ukraine on Elections and Referendum, etc. (see Chapter II “Analysis of the legislation”).

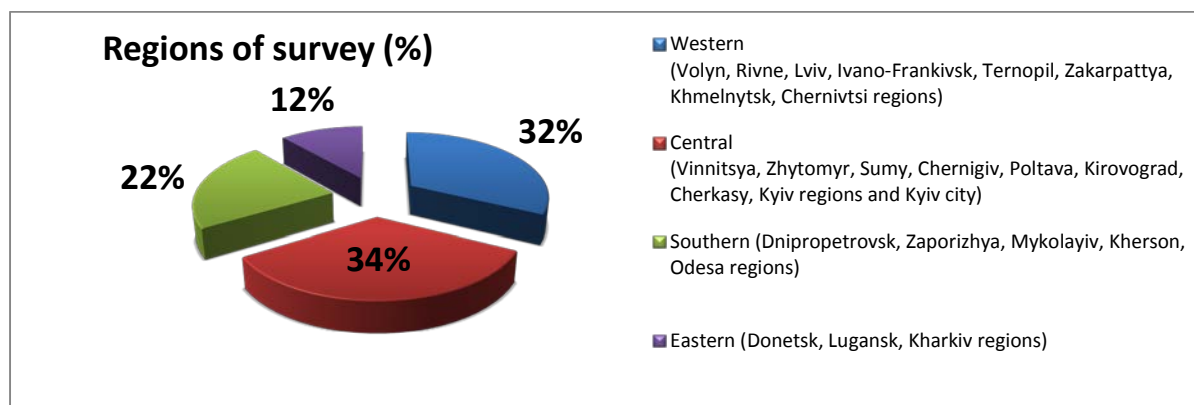
Analysis of the legislation not only made it possible to conceptualize and identify problem indicators for the research, but at the very beginning it revealed a series of systemic problems and inconsistencies in the applicable Ukrainian legislation with international standards on the rights of persons with disabilities, which had a direct impact on the development of the strategy of recommendations.

The concept of the research and results of the legislation analysis were used to develop the right tools for the study, including selection of the informational sources and methods of data collection. The question of tools was tackled in such a way that the information regarding each fact of observance of a particular right was obtained from several sources, in order to ensure the accuracy of the results. The research tools provided for gathering and documenting of both oral and written information.

As part of the study, with the aim to identify and assess the barriers faced by persons with disabilities in exercising their electoral rights, three focus groups were conducted involving persons with disabilities in identified target cities – Dnipropetrovsk, Vinnitsya and Kyiv – as well as a survey of persons with disabilities in most regions of Ukraine (see Diagram 1).

Diagram 1

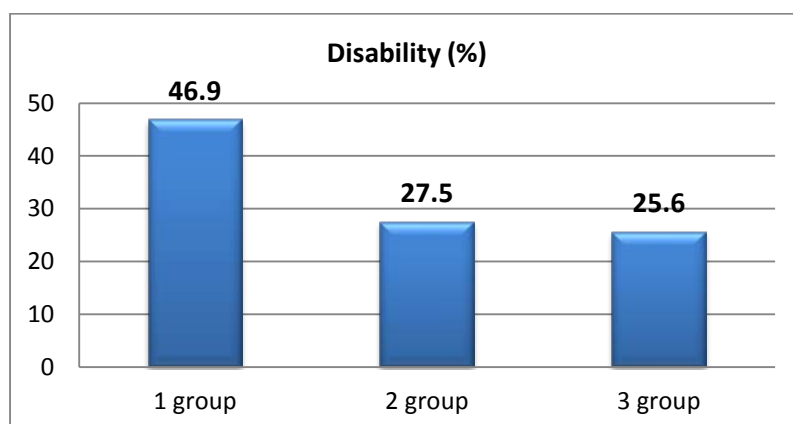
Regions of Ukraine in which survey was conducted



Men and women within various age groups (18-25, 26-35, 36-46, 46-55, 56-65 and those 66 and older) and forms of disabilities took part in the research as respondents and focus group participants, including both urban and rural dwellers (see Diagram 2, 3, and Table 1).

Diagram 2

Respondents by disability group²

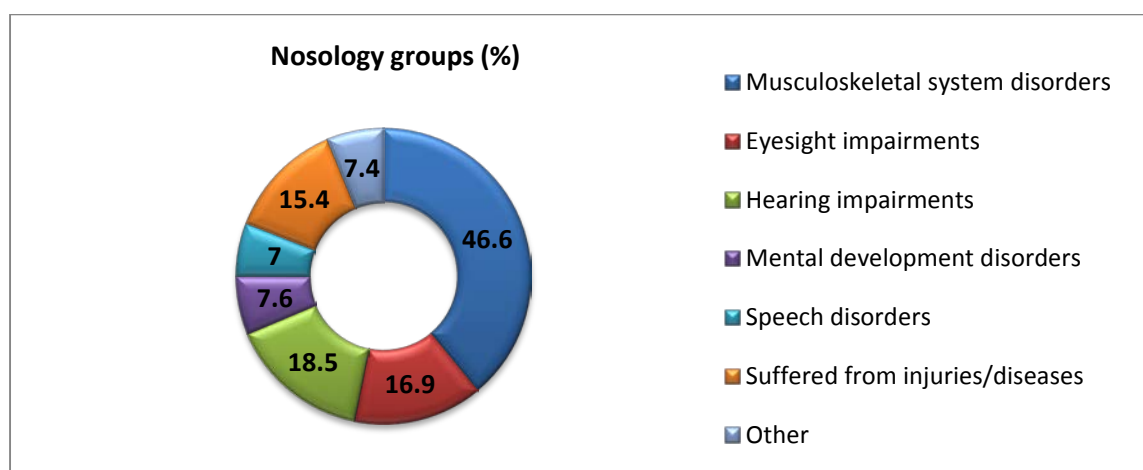


² The government of Ukraine categorizes persons with disabilities into groups, based on the severity of the disability's impact on the individual's ability to function. Individuals in Group 1 have the highest degree of limitation, while those in Group 3 have the lowest.

Table 1
Respondents by age

Age group, years	% from all	Number of persons
18-25	11.9%	80
26-35	30.0%	202
36-46	19.2%	129
46-55	19.0%	12
56-65	11.9%	80
66+	8.0	54

Diagram 3
Respondents by nosology group



Civil servants at the central and local levels in 10 regions of Ukraine and in Kyiv city were also surveyed with the request to express their opinion on accessibility of the electoral process for persons with disabilities, according to the same list of questions that was used to interview the individuals with disabilities. The survey involved representatives of the central and local authorities of different levels (region, city and village), including those who have had experience as observers or polling station staff during elections (the list of survey participants can be found in Appendix 3). The main results of the focus groups and surveys as well as their analysis are presented in the third chapter of this publication.

II. Analysis of the Legislation

2.1. Overview of international legal instruments ratified by Ukraine on guarantees of political rights for persons with disabilities³

Political rights: content of provisions

Article 25 of the International Covenant on Civil and Political Rights⁴ (ICCPR) recognizes and protects the right of every person to take part in the conduct of public affairs, to vote and to be elected, and to have access to public service. The list of political rights referred to in this provision is based on Article 21 of the Universal Declaration of Human Rights.

Political rights are set out in a series of other international conventions on human rights, including the International Convention on Elimination of all Forms of Racial Discrimination⁵ (Article 5 [c]), the Convention on Elimination of All Forms of Discrimination against Women⁶ (Articles 7 and 8) and the International Convention on Protection of Rights of All Migrant Workers and their Families (Article 41). At the regional level, political rights have been included, in particular, in the first Protocol to the European Convention on Human Rights and Fundamental Freedoms⁷ (Article 3).

The Committee for Human Rights emphasized – in paragraph one of its General Comment No. 25 (1996) on the right to participate in the conduct of public affairs, the right to vote and the right of equal access to public service – that Article 25 “lays the foundation for democratic governance based on the consent of the people.” Unlike other human rights and fundamental freedoms guaranteed to all persons within the territory and jurisdiction of the State, most international and regional agreements on human rights recognize only the political rights of “citizens.”

Although political rights may be deemed only those rights set out in Article 25 of the ICCPR, a number of other rights are crucial for the democratic process of decision making. In a broad sense, such political freedoms as freedom of opinion, expression, information, mass media, assembly and association may be also interpreted as political rights. Citizens may participate in the conduct of public affairs by means of nationwide debates and dialogue with their representatives or by implementing their capabilities in self-organization.

3 This chapter uses extracts from a case study of the Office of the UN High Commissioner for Human Rights on the participation of persons with disabilities in political and civil life.

4 The International Covenant on Civil and Political Rights was ratified by the Decree of the Presidium of the Verkhovna Rada of the Ukrainian SSR No. 2148-VIII on October 19, 1973.

5 The International Convention on Elimination of all Forms of Racial Discrimination was ratified by the Presidium of the Verkhovna Rada of the Ukrainian SSR on January 21, 1969.

6 The Convention on Elimination of All Forms of Discrimination against Women was ratified by the Decree of the Presidium of the Verkhovna Rada of the Ukrainian SSR on December 24, 1980.

7 The European Convention on Protection of Human Rights and Fundamental Freedoms was ratified by Law No. 475/97-VR on July 17, 1997.

Right to elect and be elected

The right to vote is perhaps the most important political right.

No obstacles or restrictions may be imposed on any citizen in exercising their political rights, *de jure* or *de facto*, on the basis of race, skin color, sex, language, religion, political and other convictions, national or social origin, property status, birth or other status. At the same time, constraints on the implementation of political rights may be allowed provided that they are prescribed by law and based on objective and reasonable terms.

Right to take part in the conduct of public affairs

Participation in the conduct of public affairs, referred to in Article 25 (a) of the ICCPR, is a broad concept related to legislative, executive and administrative powers. It covers all aspects of public administration and the development and implementation of policies at the international, national, regional and local levels. It also includes participation in nationwide discussions and peaceful demonstrations.

The right to participate in the conduct of public affairs may be implemented “both directly and through freely chosen representatives.” Citizens are directly involved in the conduct of public affairs when they exercise power as members of the legislative or executive bodies, when they choose or change their Constitution, or decide on public issues through referendums or other electoral processes. Participation through freely elected representatives shall be carried out mainly through the exercise of electoral rights.

Right to have access to public service

Paragraph (c) in Article 25 of the ICCPR provides for the right and ability of citizens to be allowed access to public services on the general terms of equality. This provision allows for more far-reaching restrictions than those relating to the right to vote and be elected. In addition to “reasonable” restrictions, permissible for all political rights, admission to the public service is guaranteed, among other things, only “on general terms of equality.” Because of this, State Parties shall not be forbidden to introduce conditions of admission to the public service, including minimum age, education level, requirements for integrity and other qualifications.

Participation of persons with disabilities in political and public life

Article 29 of the UN Convention on the Rights of Persons with Disabilities outlines the rights of persons with disabilities to participate in political and public life. It requires State Parties to the Convention to guarantee persons with disabilities their political rights and take appropriate measures to ensure that they can implement those rights on par with others.

This provision includes a broad concept of participation in political and public life. At one level, it provides for the participation in political life from the point of view of the right to vote and be elected (Article 29 [a]). This right is crucial to ensuring equal opportunities for people with disabilities and their full and effective participation and involvement in society. Based on this right, persons with disabilities

ensure their personal independence, which provides for the freedom to make their own choices and their right to have legal capacity.

According to Article 29 of the CRPD, persons with disabilities shall have not only the right, but the “opportunity” to vote and be elected. **This imposes an obligation on State Parties** to ensure, through positive measures, that all who have a corresponding right have **a real opportunity to exercise their electoral rights**. Therefore it is not sufficient to only formally grant persons with disabilities the right to vote; State Parties are also required to ensure that persons with disabilities have an actual opportunity to exercise their right to vote, for example by ensuring the accessibility of polling stations for voters who use wheelchairs, facilitating the use of assistive voting devices to enable persons with eyesight impairments to vote independently, or by providing a possibility to persons with disabilities to receive assistance when voting from any person they choose.

Otherwise, the passivity of the State would be a violation of the right of persons with disabilities to participate in political and public life on par with others.

In a broader sense, Article 29 (b) of the Convention requires that State Parties to the CRPD take appropriate measures in order to create conditions in which persons with disabilities can effectively and fully participate in public affairs without discrimination and on par with others.

Full inclusion in society means that persons with disabilities are recognized and **valued as equal participants**. Their needs are understood as part of a social and economic order and **are not considered “special.”** To ensure full inclusion in society it is necessary to have an accessible and barrier-free physical and social environment. This concept of involvement and inclusion is linked to the concept of “universal design,” which requires taking into account the needs of all members of society when creating objects, environments, programs and services, without the need for adaptation or specialized design as a result (Article 2).

Article 29 of the UN Convention on the Rights of Persons with Disabilities and its interdependence with other rights stipulated in the Convention

Participation in political and public life is closely linked to and interdependent with the implementation of other provisions of the CRPD, including:

- Paragraph 1 (b) of Article 4, which requires State Parties to the Convention to take all appropriate measures, including legislation, to **modify or abolish existing laws, regulations, customs and principles which are discriminatory in relation to persons with disabilities;**
- Article 9, which imposes a duty to take appropriate measures **to ensure access for persons with disabilities, on a par with others, to information** and communication, including information and communication technologies and systems;
- Article 12, which recognizes the right of persons with disabilities, wherever they may be, to **equal legal protection, as well as to legal capacity on an equal basis with others** in all aspects of life;
- Article 19, which recognizes the right of persons with disabilities to **full inclusion and involvement in their local communities;** and

- Article 21, which requires taking all appropriate measures to **facilitate access to information** provided by both public and private organizations, in accessible formats using sign language, Braille scripts and other accessible means, methods and formats of communication in official relations (for example, in political speech).

Main issues relating to the effective implementation of the rights of persons with disabilities to participate in political and public life

Universal suffrage

Modern democracies are based on the concept of universal suffrage, providing all adult citizens (or nationals) with the right to vote.

Article 29 of the UN Convention of the Rights of Persons with Disabilities requires the State Parties to the Convention to guarantee people with disabilities the equal and effective implementation of their political rights, including the right to vote and to be elected. This provision does not stipulate any reasonable restriction and **does not allow any exception for any group of people with disabilities**. Therefore **any exception or restriction** of the right to vote based on an alleged or actual psychosocial or intellectual disability shall be deemed **“discrimination” on the basis of a disability** within the meaning of Article 2 of the Convention.

Arguably, such a restriction may be interpreted as based not on a disability but on the lack of legal capacity. However, this argument is not consistent with provisions of paragraph 2 of Article 12 of the CRPD, which recognizes that **persons with disabilities enjoy legal capacity “on an equal basis with others in all aspects of life”**. This provision does not provide for any exception. It only requires that State Parties to the CRPD take appropriate measures “to provide persons with disabilities with access they may need in exercising their legal capacity” (paragraph 3, Article 12).

Therefore, deprivation of legal capacity on the basis of alleged or actual mental illness or psychosocial disability may be a breach of obligations set out in Article 12.

Recent trends in the legal practice of international and regional human rights mechanisms and bodies confirm the argument that restriction of the right to vote and be elected on the basis of psychosocial or intellectual disability does not meet modern disability rights standards.

Today in many countries the right to participate in political life is still associated with a person’s legal capacity. The legal systems of some States provide for automatic or quasi-automatic provisions on such exceptions. Individuals subject to measures of protection, including partial guardianship, are deprived the right to participate in political life regardless of their actual and/or individual level of functionality or if they have an intellectual disability or mental health problems.

In other countries, **the ability of persons with a psychosocial or intellectual disability to vote depends on an assessment of the individual’s actual ability to vote, which is conducted by a doctor or judge**.

Only a small number of countries have lifted all restrictions on political participation of persons with psychosocial or mental disorders. **Austria**, for one, lifted all restrictions on the right of persons with

disabilities to vote and be elected, and persons with psychosocial and intellectual disabilities are allowed to exercise their political rights on an equal basis with others. **Canada** also dropped legal restrictions at the federal level, although at the provincial level some restrictions still remain. In the **United Kingdom**, Act 2006 on the conduct of elections cancelled customary law, according to which persons with mental disorders were deprived of the legal capacity to vote.

Currently, some countries are reviewing their legislation on legal capacity in order to ensure its compliance with provisions of Article 29.

Right to stand as candidates for elections and to actually hold positions

As with the right to vote, in many countries the right to stand for elections is still linked to the legal capacity of a respective person. Therefore, persons under full or partial guardianship lose their right to vote and be elected. Such restrictions are usually formed on the basis of a court decision declaring a respective person incapable, because of their mental state, of understanding the nature and significance of their actions. In some cases a person under guardianship may not put forth their candidacy in an election, even when they may exercise the right to vote. For example, in France a person under guardianship or trusteeship, in principle retains his or her full right to vote, but may not hold any elected office (Article L200 of the Election Code).

Such limitations reflect an outdated and discriminatory approach to people with disabilities and their role in society, which is incompatible with the obligations under the Convention on the Rights of Persons with Disabilities.

Persons with psychosocial or intellectual disability may stand for an election on an equal basis with others in a limited number of countries. In the United Kingdom, for example, there are no restrictions on the rights of persons with disabilities to be elected.

To ensure that people with disabilities are able to stand for an election, to actually hold positions and perform all public functions at all levels of government, the Convention requires States Parties **to take all appropriate measures, including the use of assistive and new technologies**, to guarantee that persons with disabilities can effectively and fully participate in political and public life on par with others (Article 29 [a] II).

In this provision it is clearly recognized that States Parties are required to do much more than simply refrain from taking measures that may adversely affect the rights of persons with disabilities to stand for election.

Measures taken by States to ensure the rights of persons with disabilities to participate in elections as candidates include the **identification and elimination of obstacles to physical accessibility**, development and implementation of minimum standards and guidelines on **access to public buildings, providing information in accessible formats** (for example, with the help of Braille script and in easy-to-read and understandable forms) in buildings and in other facilities open to the public, as well as **promotion and use of new types of technologies**, including information and communication technologies, equipment and mobility devices and assistive technologies suitable for persons with disabilities.

Accessibility of elections

The Convention on the Rights of Persons with Disabilities provides for a number of steps which State Parties are obliged to take in order to ensure that persons with disabilities can exercise their right to vote on an equal basis with other citizens. According to Article 29 (a), such measures, in particular, include the following:

- To ensure that the procedures, facilities and materials are appropriate for voting, accessible and easy to understand and use;
- To protect the right of persons with disabilities to participate in a secret ballot; and
- To get assisted with voting, when necessary and at the request of the person concerned, by any person of their choice.



Polling station in Zhytomyr city

The purpose of such actions is to eliminate barriers to persons' with disabilities right to vote and participate in elections. These barriers range from lack of awareness on the right to vote to unavailability of information about elections and physical barriers at the polling stations. To eliminate such barriers, Article 29 requires the use of practices that facilitate access to voting and electoral participation. Lack of guarantees on accessibility with the help of clever adaptations and universal design, as defined in Article 29 of the Convention, shall be deemed a violation of the right of persons with disabilities to participate in political life and a violation of principles of equality and non-discrimination (Article 5).

Many States have already adopted a great number of legislative and policy measures to eliminate existing physical barriers and improve the accessibility of polling stations.

Their goal is to ensure that polling stations are accessible for voters who use wheelchairs, with proper lighting and sufficiently wide doorways and corridors to facilitate the movement of such persons.

It is also necessary to allocate suitable parking places located as close to polling stations as possible. Persons with disabilities should be given upon request a list of polling stations accessible for them. Some States organize regular training of officials responsible for the conduct of elections as well as persons responsible for equipping polling stations and control over their work. Training often includes information on how to establish cooperation with persons with different disabilities and how to provide them with support in the implementation of their right to vote.

Some States take measures to ensure the availability of ballot papers in accessible formats (for example, large-type print for persons with partial loss of vision, or tactile voting devices to be used by people with vision impairments).

In cases when persons with disabilities cannot vote on their own, most States allow for such persons to be accompanied by a person of their choice, in voting booths, for example. It is assumed that such persons should help a person with disability to express his or her decision, and not to take a decision instead of him or her.

Finally, many States provide for alternative methods of voting in their legislation, including electronic voting, use of mobile polling stations, voting by mail, voting by proxy and early voting.

Alternative methods of voting should be used only in cases when it is not possible or extremely difficult for a person with disabilities to vote at a polling station along with other voters. However, in some countries it is a common practice.

2.2. Review of legal instruments of Ukraine as to how they reflect guarantees for persons with disabilities to participate in political life, in particular in electoral processes

Constitution of Ukraine

According to Chapter III of the Constitution of Ukraine, the expression of people's will is done through elections, referendums and other forms of direct democracy.

Citizens of Ukraine who have reached the age of 18 by the day of voting, shall have the right to vote in elections and referendums.

Citizens recognized by court as incapable shall not have the right to vote.

Law of Ukraine On the State Voter Register

This law defines the legal and organizational basis for the formation and maintenance of the State Voter Register in Ukraine.

The State Voter Register (hereinafter referred to as the "Register") is an automated information and telecommunication system for storing, processing and using data specified by this Law, which was

created for the registration of citizens of Ukraine who are eligible to vote under Article 70 of the Constitution of Ukraine (hereinafter referred to as “voters”).

Data on a voter (personal data) established by this Law are entered into the Register and stored in the Register database.

Personal data that determine the place and terms of voting by voters shall include, in particular, information on the permanent inability of a voter to move independently (if there are grounds), whereas personal data of the Register for official use shall include information on the date a person was recognized as incapable (for persons included in the Register and declared incapable by court) and the date a person’s legal capacity was renewed (for persons included in the Register whose capacity has been reinstated).

Each voter, in order to change his or her personal data, must personally apply to the State Voter Register maintenance body, according to their voting address, with an application to amend their personal data in the Register. Documents (or copies of documents) confirming such changes shall be attached to the application. If copies of the documents are attached to the application, their originals shall be presented to the State Voter Register maintenance body. **A voter who is permanently unable to move independently may authorize another person to submit such an application. The same opportunity shall also be granted if he or she is willing to check their data in the Register.**

The State Voter Register maintenance bodies update the Register database every month. Register database updates are done based on the data submitted to the State Voter Register maintenance bodies, establishments, and institutions referred to in parts 3 through 11 and 15 of Article 22 of the Law of Ukraine On the State Voter Register.

Data on voters that during the previous month were declared incapable, and those for whom the decision declaring them incapable was reversed during a previous month, shall be submitted by a relevant district (district in the city, city, and city-district) court. The head of the respective district health care establishment or social security institution of a village, town or city, or a Mayor, shall submit the data on voters, whose permanent inability to move independently was established during the previous month.

At special polling stations formed in inpatient care establishments, on ships that on the day of voting are at sea under the State Flag of Ukraine, at polar stations of Ukraine, detention centers and **other places of temporary stay of voters with limited mobility**, the voter lists shall be compiled by the respective Precinct Election Commissions in the manner prescribed by the relevant law.

Laws of Ukraine on Elections and Referendums

Among the laws of Ukraine on elections and referendums are the Law of Ukraine On Elections of President of Ukraine, On Elections of Members of Parliament of Ukraine, on Elections of Deputies of

the Verkhovna Rada of the Autonomous Republic of Crimea, Local Councils and Village, Town, City Mayors and On Ukrainian Referendum.⁸

These laws define the basic principles, organization and procedure of elections of the President of Ukraine, Members of Parliament of Ukraine, Deputies of the Verkhovna Rada of the Autonomous Republic of Crimea, regional, district, city, district in cities, village, and town councils (hereinafter referred to as “Deputies”) and village, town, or city Mayors and the conduct of the Ukrainian referendum.

Each of the above laws contains provisions arising out of the Constitution of Ukraine and/or duplicating them, **including those that in one way or another relate to persons with disabilities and affect their interests, regardless of whether the persons concerned or their special needs are mentioned.**

Given the fact that the laws on elections and Ukrainian referendums do not contain an exhaustive list of grounds, on which any direct or indirect privileges or restrictions shall be prohibited, disability may also be attributed to such grounds.

With regard to restrictions on the participation of citizens in the electoral process and in the process of Ukrainian referendums, among such restrictions is a provision in the laws on elections and Ukrainian referendums that duplicates the provision of the Constitution of Ukraine stating that citizens **recognized by court as incapable shall not have the right to vote.**

The laws on elections and Ukrainian referendums guarantee to citizens of Ukraine participation in elections and referendums on an equal basis, as well as ensure the conditions for free formation of their will and free expression during the voting.

However, the articles of the laws on elections and Ukrainian referendums, which contain the essence of equality of rights and opportunities and free expression of will, lack provisions to eliminate barriers that impede persons with disabilities in exercising their right to vote in elections and referendums and to emphasize the need to create the necessary conditions of accessibility for these persons.

Articles of the laws on elections and Ukrainian referendums on personal voting stipulate that each voter and participant in a Ukrainian referendum shall vote in person. Voting in place of another individual, or transfer by a participant of their right to vote to any other person, is prohibited. Only the respective articles of the laws of Ukraine On Elections of President of Ukraine and On Elections of Deputies of the Verkhovna Rada of the Autonomous Republic of Crimea, Local Councils and Village, Town, City Mayors contain provisions that stipulate that **assistance to a voter with special needs, who cannot fill out a ballot or drop it in the ballot box independently, in performing these actions, according to his or her will and in the manner prescribed by this Law, shall not be considered a vote**

⁸ The Law of Ukraine On Ukrainian Referendum is included in the list of documents reviewed in this chapter, since a referendum may consider issues that may be directly or indirectly related to electoral and political processes, whereas a mechanism of participation in a referendum is identical to that of elections.

instead of this voter. The laws of Ukraine On Elections of Members of Parliament of Ukraine and On Ukrainian Referendum do not contain such provisions.

It should be noted that all laws on elections and Ukrainian referendums, in the respective articles on organization and the procedure for voting, allow a voter with disabilities who is unable to fill out an election ballot or drop it in the ballot box on his or her own, in performing these actions, in accordance with his or her will and in the manner prescribed by this Law, upon consent of the chairperson or another member of the election commission, to take help from another voter (or Ukrainian referendum participant), except (when appropriate) election commission members, candidates for President of Ukraine, candidates for Deputies, candidates for posts of village, town, city Mayor, a subject of the referendum process, their proxies, and official observers.

However, only the Law of Ukraine On Elections of Members of Parliament of Ukraine obliges the Central Election Commission to **ensure voting for voters with visually impairments by producing stencils for election ballots using the relief-dot font** (Braille method) at the rate of two stencils per each regular polling station. For special polling stations, such stencils may be produced at the request of the District Election Commission.



Voting by a person with a visual impairment

The Law of Ukraine On Elections of Deputies of the Verkhovna Rada of the Autonomous Republic of Crimea, Local Councils and Village, Town, City Mayors contains a clarification that a **voter shall have the right, with the consent of the chairperson or another member of the election commission, to authorize another person to drop a filled out election ballot in a ballot box only if he or she has disabilities** that do not require documentary proof, or in case of presentation of a relevant certificate.

All articles on the organization of the voting procedure at voters' place of stay (residence) in the laws on elections and Ukrainian referendums stipulate that a voter (or a referendum participant) who has been included in the voter list (or list of referendum participants), but **because of age, disability or health condition is unable to move independently**, shall be granted, by a Precinct Election Commission, **the possibility to vote at the place of his or her stay**.

In order to organize the voting of voters (or referendum participants) that are not able to move independently at the place of their stay, a Precinct Election Commission shall, on the last day prior to the day of voting, at its meeting produce an excerpt from the voter list in the form established by the Central Election Commission. This excerpt shall be posted for public review in the premises of a Precinct Election Commission immediately after its drawing (no such requirement in the Law of Ukraine On Ukrainian Referendum).

An excerpt from the voter list (or list of referendum participants) shall include the following:

Without a Precinct Election Commission's decision	Based on a Precinct Election Commission's decision
<p>A voter (or a referendum participant) that is permanently unable to move independently, with respect to which in the voter list (or list of referendum participants) a special mark has been made, if the voter before 12:00 on the last Saturday prior to Election Day has not informed in writing or in person the respective Precinct Election Commission of his or her wish to vote at the premises for voting.</p>	<p>Voters (or referendum participants) that are temporarily unable to move independently, on the basis of their application and a medical certificate from a health care institution stating their health condition (Law of Ukraine On Ukrainian Referendum does not require such certificate whereas in the Law of Ukraine On the State Voter Register such a certificate is called a document confirming a relevant fact) submitted to a Precinct Election Commission, asking them to provide the possibility for them to vote at the place of their stay.</p>

The laws of Ukraine On Elections of President of Ukraine, On Elections of Members of Parliament of Ukraine, and On Elections of Deputies of the Verkhovna Rada of the Autonomous Republic of Crimea, Local Councils and Village, Town, City Mayors limit the possibility to submit such an application by a voter in person, by mail or through other persons, no later than 20:00 on the last Friday prior to Election Day.

As indicated in the above laws, such an application constitutes a commitment to ensure conditions for voters to comply with the requirements concerning the voting procedure. The Law of Ukraine On Ukrainian Referendum limits the above time period to no later than 16:00 on the last day prior to the day of voting; at the same time it is not specified how it must be done or by whom.

The fact that this statement is registered by the Precinct Election Commission in a separate journal with indication of date and time of its receipt, last name, first name, patronymic and the place of residence (stay) of a referendum participant is indicated in the Law On Ukrainian Referendum.

After a voter is included in the excerpt from the voter list (or list of referendum participants) for voting at their place of stay, the secretary of the Precinct Election Commission shall make a record “votes at the place of stay” in the voter list (or list of referendum participants) at the polling station in the column “signature of voter” (or referendum participant).

The Law of Ukraine On Elections of President of Ukraine states that if a voter is included in the excerpt from the voter list for voting at the place of stay, Precinct Election Commission members are obliged to **verify as fact the temporary inability of a voter to move independently.**

The Law of Ukraine On Elections of Deputies of the Verkhovna Rada of the Autonomous Republic of Crimea, Local Councils and Village, Town, City Mayors obliges Precinct Election Commission members to do this verification prior to Election Day. According to both Laws, **in case of no confirmation of a voter's temporary inability to move independently, a Precinct Election Commission shall make a decision on refusal** in granting this voter the possibility to vote at the place of their stay.

At the same time, the Law of Ukraine On Elections of Members of Parliament of Ukraine **gives the right but does not oblige** members of a Precinct Election Commission to verify the temporary inability of a voter to move independently in the manner prescribed by the Central Election Commission.

At special polling stations formed in inpatient care establishments, voting at the place of a voter's (or a referendum participant's) stay shall be conducted on the basis of a voter's (or a referendum participant's) **written application** to vote at the place of their stay.

The Laws of Ukraine On Elections of President of Ukraine and On Elections of Members of Parliament of Ukraine contain provisions that a voter's application to vote at the place of their stay shall be registered by a Precinct Election Commission in a separate journal with indication of the date and time of its receipt, a voter's last name, first name, patronymic and the address of the place of residence (place of stay).



Voting at the place of residence

Only the Law of Ukraine On Ukrainian Referendum allows a Ukrainian referendum participant, who is unable to write an application independently because of his or her disability, to authorize another person to write such an application instead of him or her with indication of this fact in the application.

Voting at the place of stay is organized by no less than three commission members by commission decision. The Law of Ukraine On Elections of Members of Parliament of Ukraine specifies that these commission members must be representatives of different parties

or candidates for Deputies, whereas the Law of Ukraine On Elections of Deputies of the Verkhovna Rada of the Autonomous Republic of Crimea, Local Councils and Village, Town, City Mayors provides that such commission members should be representatives of different subjects of nomination, and in the Law of Ukraine On Ukrainian Referendum it is stated that such commission members shall be representatives of an initiative group.

The Law of Ukraine On Ukrainian Referendum contains a provision that in case where a Ukrainian referendum is conducted simultaneously with the elections of the President of Ukraine, the elections of Members of Parliament of Ukraine or the elections of Deputies of the Verkhovna Rada of the Autonomous Republic of Crimea, local councils and village, town, city Mayors, the procedure for organization and conduct of the voting of the referendum participants at the place of their residence (stay) shall be determined by the Central Election Commission.

The Law of Ukraine On Elections of President of Ukraine allows candidates for President of Ukraine, their proxies and official observers to be present during the conduct of voting at the place of voters' stay; whereas in the Law of Ukraine On Elections of Members of Parliament of Ukraine it is candidates for Deputies, their proxies, authorized persons of the parties, and official observers; and the Law of Ukraine On Elections of Deputies of the Verkhovna Rada of the Autonomous Republic of Crimea, Local Councils and Village, Town, City Mayors allows candidates for Deputies, candidates for posts of village,

town, city Mayors, authorized persons of local party organizations, candidates' proxies, and official observers to be present during such voting. The Law of Ukraine On Ukrainian Referendum allows for only official observers.

A voter (or a referendum participant) or his/her family members may not refuse these persons to be present during the voting. In case of refusal to admit these persons in the premises where a voter (or a referendum participant) stays, he or she shall be refused to vote at the place of his or her stay. In cases where a voter (or a referendum participant) included in the excerpt from the voter list (or a list of referendum participants) for voting at the place of their stay arrives at the premises for voting after the Precinct Election Commission members have left for the conduct of the voting at the places of voters' stay, this voter (or referendum participant) may not be issued ballot papers until the return of the commission members organizing the voting at the places of voters' stay and until clarification of the question of whether this voter has voted at the place of his or her stay.

After the voting by voters (or referendum participants) at their place of stay, the Precinct Election Commission member that issued ballot papers to the voter (or referendum participant) shall make a mark "voted at the place of his or her stay" in the column opposite the last name of the voter (or referendum participant) in the voter list (or list of referendum participants), and shall put his or her own last name and signature.

An excerpt from the voter list (or a list of referendum participants) on the basis of which the voting of voters (or referendum participants) at the places of their stay was organized, shall be added to the list of voters (or list of referendum participants) and shall be an integral part. Enclosed with the list of voters (or list of referendum participants) shall be written applications of voters (or referendum participants), certificates from health care institutions, and copies of the relevant decisions of the Precinct Election Commission (the Law of Ukraine On Ukrainian Referendum does not provide for attaching certificates and decisions of the Precinct Election Commission).

The Laws on elections use the phrase "**voting at the place of stay**," whereas the Law of Ukraine On Ukrainian Referendum uses the phrase "**voting at the place of residence (stay)**".⁹

Central, District and Precinct Election Commissions

Central Election Commission

The Law of Ukraine On Central Election Commission, under the Constitution of Ukraine, establishes the procedure of formation, legal status and main principles of organization of the Central Election Commission (CEC) as a permanent collegial public body, which is responsible for the preparation and conduct of elections and referendums in Ukraine, ensuring the implementation and protection of the

⁹ According to the Law of Ukraine On Freedom of Movement and Free Choice of Place of Residence in Ukraine, a place of stay shall deem an administrative and territorial unit in the territory of which a person is residing no less than six months per year; whereas a place of residence shall deem housing located in the territory of an administrative and territorial unit in which a person resides permanently or temporarily.

constitutional electoral rights of the citizens of Ukraine and the rights to participate in referendums, a sovereign right of the Ukrainian people to express their will.

The CEC has adopted a number of decisions, in particular, pertaining to the participation of citizens with disabilities in elections and referendums.

Thus, CEC resolutions No. 324 (August 26, 2010), with changes introduced by resolution No. 556 (May 13, 2014), No. 5 (January 19, 2012) and No. 57 (April 2, 2013) **establish regulatory requirements for the premises of election commissions and commissions for a Ukrainian referendum that envisage that voting premises shall meet the needs of citizens with disabilities, including the requirement to be equipped with a ramp, to have easy entrance and exit, etc.**

Additionally, CEC resolutions No. 37 (February 21, 2013), No. 83 (April 18, 2013), No. 166 (April 1, 2014) and No. 326 (April 18, 2014) **approved the forms of personal invitations** to relevant types of elections to a voter included in a preliminary voter list at a regular polling station, for which **a record has been made of his or her permanent inability to move independently**, and a participant of a Ukrainian referendum included in a preliminary list of participants of a Ukrainian referendum at a regular station for a referendum on his or her ability to move independently.

CEC resolution No. 19 (January 26, 2012), amended by resolutions of No. 1713 (October 18, 2012) and No. 210 (April 4, 2014), No. 36 (February 21, 2013), No. 191 (March 4, 2014) and No. 343 (April 23, 2014) establish **forms of the respective excerpt from a voter list** at the polling station **for voting at the place of stay** of voters, who cannot move independently (outside the premises for voting), and an excerpt from a list of participants of a Ukrainian referendum at the station of a referendum of the territorial election district for voting at the place of residence (stay) for participants of a Ukrainian referendum who cannot move independently.

In order to secure principles of openness and transparency, prompt disclosure of information online regarding the activities of the CEC, and its accessibility, including accessibility for persons with disabilities, the Commission has introduced an official website that contains information on the organization and conduct of elections and referendums in Ukraine, as well as information to enhance the legal culture of participants of the electoral and referendum processes.

District (Territorial) Election Commissions¹⁰:

- ✓ Provide for the preparation and conduct of elections and Ukrainian referendums;
- ✓ Exercise control over compliance with the legislation on elections and referendums;
- ✓ Provide legal, organizational, and technical assistance to commissions of lower levels, and organize training of their members;

10 In this case, in the course of review only those powers of both District (Territorial) and Precinct Election Commissions were taken into consideration that are in some way related to creating conditions for voting for persons with disabilities, according to the respective articles of the laws on elections and referendums, in spite of the fact that in the respective provisions such powers are not indicated.

- ✓ Control provision of Precinct Election Commissions premises, transportation vehicles, means of telecommunications; consider and resolve within their competences other issues of material support of the elections; and
- ✓ Facilitate, jointly with respective government bodies, the organization of meetings with candidates.

Precinct Election Commissions:

- ✓ Exercise control over the observance and uniform application of the law during voting and vote counting;
- ✓ Provide the opportunity to voters to review the lists of candidates and the opportunity to referendum participants to review the wording of issues submitted to a national referendum, etc.;
- ✓ Organize the preparation of the voting premises; and
- ✓ Organize voting at the polling station (the Law of Ukraine On Ukrainian Referendum obliges Precinct Election Commissions to organize the voting of the Ukrainian referendum participants, who are unable to move independently, at the place of their stay).

2.3. General comments and conclusions

With regard to the previous sections, one may conclude that the **provisions of domestic legislation contradict** the Convention on the Rights of Persons with Disabilities, relating to the fact that citizens declared incapable by court do not have the right to vote per the Constitution of Ukraine and laws on elections and referendum.

As the laws of Ukraine on elections and referendums and CEC regulations **take into consideration the needs of persons with disabilities in an extremely insufficient manner**, they may, according to the Law of Ukraine On Principles of Prevention and Counteraction of Discrimination in Ukraine, **be considered discriminatory**. This leads to a situation in which persons with disabilities face a great deal of problems (detailed further below) in exercising their right to vote, while measures to prevent or neutralize them are in essence not provided. Unfortunately, these issues were not addressed at the appropriate level with due attention since **there is not, nor has there been, a strategy for creation of favorable conditions for persons with disabilities during both the election campaign process as well as during voting**.

As such, the applicable legislation of Ukraine and the CEC regulations:

- ✓ Have not obliged the CEC and electoral stakeholders, among them candidates, to **adapt their websites so that the information posted on them is accessible for voters with eyesight and hearing impairments**. By contrast, such requirements were established for executive branch bodies by the Resolution of the Cabinet of Ministers No. 730 (September 26, 2013);
- ✓ **Have insufficiently detailed the requirements for the voting premises**, in which election commissions and commissions on referendums operate. CEC resolution No. 324 (August 26, 2010), with changes introduced by resolution No. 556 (May 13, 2014), No. 5 (January 19, 2012) and No. 57 (April 2, 2013) have established regulatory requirements for the premises of respective election commissions and commissions on a Ukrainian referendum, and have

provided that the voting premises shall correspond to the needs of persons with disabilities, in particular, to be equipped with ramps and have easy entry and exit, however, as practice shows, **this is not enough**;

- ✓ **Have not established the need to create materials for persons with disabilities in accessible formats at all stages of the electoral process** (registration documents, campaigning programs, debates, advertisements, leaflets, etc.). This is especially true for people with low visibility (requirements for font size and type, dubbing campaign videos with sound so that it is understandable for persons who are blind), persons who do not hear (augmenting campaign videos with subtitles and/or sign language), persons with mild to moderate mental disorders (campaign videos and campaign texts should be phrased in a simplified language);
- ✓ **Have not provided enough alternative methods of voting**, in particular: use of mobile ballot boxes for voting; voting in the territory adjacent to a polling station (for example, in the parking near the polling station, or voting directly from one's vehicle); voting by mail or internet;
- ✓ **Have failed to provide for compulsory use and the possibility to use a magnifying glass, stencils or other assistive devices during voting** by a voter with a disability who is unable to fill out the ballot paper and drop it in the ballot box independently;
- ✓ **Have not defined the meaning of "assistance to a voter with a disability"** (for example, assistance to people with visual disabilities or people with injuries of upper extremities, etc.) for a voter who is unable to fill out the ballot paper and drop it in the ballot box independently;
- ✓ **Have not provided the possibility to use budget funds to create favorable conditions for persons with disabilities during the electoral process** through training of staff members of the CEC and members of other election commissions, adapting the premises of polling stations (both inside and outside) and adjacent territories, purchasing auxiliary devices, etc.; and
- ✓ **Have not provided for priority voting by persons with disabilities**. However, Article 38 of the Law of Ukraine On Principles of Social Protection of Persons with Disabilities has determined that persons with disabilities of the first and second group shall be entitled to priority service at tickets offices of urban and intercity transport, as well as at enterprises, establishments and organizations of all forms of ownership and subordination, that provide any kind of services to the population.

In addition to that, in Ukraine:

- ✓ **No training programs are available for employees** (members) of the CEC or other election commissions focused on creating favorable conditions for persons with disabilities during the electoral process. Such programs should contain information on the needs and capabilities of persons with disabilities of various nosology, including persons with disorders of vision, hearing, musculoskeletal system, persons with psychosocial disabilities, as well as rules of conduct and communication with them, and teaching employees (members) of the commissions to apply voting methods for persons with disabilities. Such programs should be based on the need to create equal opportunities for persons with disabilities in the electoral process and should not focus on compassion and empathy for persons with disabilities;
- ✓ **No reference materials are available for creating favorable conditions for persons with disabilities in the electoral process** that could serve relevant actors in their activity. Such materials should contain information on the needs and possibilities of persons with disabilities of various nosology, as well as the rules of conduct and communication with them, and teaching employees (members) of commissions to use the voting methods for persons with disabilities. Such materials should be based on the need to create equal opportunities for

persons with disabilities in the electoral process and should not focus on compassion and empathy for persons with disabilities;

- ✓ **No accessible polling stations are available, or fully accessible premises (inside and outside) of polling stations are rarely available (including the area surrounding them).** This creates significant obstacles to individual electoral subjects with impaired vision and musculoskeletal system impairments, which sometimes make the direct participation of such persons in the electoral process impossible;
- ✓ There are no **employees at polling stations directly responsible** for creation of favorable conditions for persons with disabilities in the electoral process;
- ✓ **NGOs do not include in their observer checklists indicators of accessibility** for persons with disabilities and do not publish the respective results of the observation;
- ✓ **No comprehensive and systemic analysis (monitoring) of accessibility** of the electoral process for persons with disabilities has been conducted and **no relevant results** of such analysis have been **published**;
- ✓ There is no practical involvement of representatives of organizations that represent the interests of persons with disabilities in preparation on issues relating to the creation of favorable conditions for persons with disabilities in the electoral process, and there is no practical involvement of researchers, professionals and experts in these issues;
- ✓ The Laws of Ukraine on elections and referendums have **different terminology** relating to persons with disabilities, and in some cases **different procedures** and **mechanisms for exercising** them (timelines of their implementation), which may be contained in one law.

III. Identification of Barriers Faced by Persons with disabilities in Exercising Their Electoral Rights, and the Impact of Existing Barriers on their Level of Participation in the Political Life of Society

3.1. Analysis of the data obtained from focus groups, surveys of persons with disabilities and officials

Social activity of persons with disabilities, their participation in political life and in elections

Survey results show that the majority of people with disabilities are interested in and are trying to be active participants of the electoral process, and follow the political life of the society. Thus, 70.6 percent (476 persons) of all respondents answered that they consistently take part in elections, while 23 percent (155 persons) sometimes take part in the elections. Only 4.9 percent (33 persons) indicated that they never take an interest in those issues.

Among the **reasons** why some voters with disabilities do not take part in elections or do not always do so, a large percentage (**49.5%**) answered: “I do not believe that I can contribute to changes in the political situation” – a reason that does not depend on disability. More than half of respondents who are not active participants in the electoral process (**54%**) cite **health-related reasons**: “I cannot get to my polling station by myself” (**18.7%**); “I cannot leave the house” and “No help, no support” (**12.1% each**); and “I do not know how to do that for health reasons” (**11.1%**). “Religious beliefs” were cited by 5.1 percent respondents as the reason they do not take an active part in elections.

Among the other reasons, respondents (5.6% of non-active voters with disabilities) pointed out the lack of architectural accessibility of polling stations and undue fulfillment by Precinct Election Commission members of their duties. For example, some noted: “They do not bring a mobile ballot box to my home although they made a record, whereas I have no possibility to climb to the second or third floor at the polling station”; “In the last two years I was not getting invitations and I do not understand why”; and “Errors in the lists.” Some quoted the reasons related to the fact that “the registration does not match the place of residence.” In this case it is possible, of course, to vote at the place of registration, but in a situation with a disability it causes additional difficulties and barriers.

Results of the survey of civil servants on the same subject show that they are even more likely to choose reasons relating to health, pointing out that in their view, voters with disabilities who do not participate in elections, would provide the following reasons: “Cannot leave the house” (39%), “Cannot get to a polling station on his or her own” (35.9%), “No help, no support” (26.6%), and “I do not know how I can do that for health reasons” (17.2%).

Table 2

Reasons why voters with disabilities do not participate in elections

No.	Answer options	Frequency of choices	
		Civil servants	Voters with disability
1	Problem to leave home	35.6%	12.1%
2	I do not believe that I can contribute to changes of the political situation	44.1%	49.5%
3	Religious convictions	8.5%	5.1%
4	I do not know how to do that for health reasons	16.9%	11.1%
5	I cannot get to my polling station on my own	33.9%	18.7%
6	No help, no support	27.1%	12.1%
7	Other	5.1%	5.6%

The comparative table above suggests that most persons with disabilities do not participate in the election process because they doubt it is possible to change and influence the political situation in the country, while officials believe that it is due precisely to their disabilities that people with disabilities fail to be active participants in political life. This finding confirms the need for educational activities among people with disabilities to build motivation and awareness, as well as a need to educate officials on implementing and understanding new concepts regarding disability policies that aim to ensure full respect for human rights on an equal basis and participation of people with disabilities in society.

General assessment by voters with disability of observance of the rights of voters with disabilities

Only 19.6 percent of voters with disabilities (132 persons) reported that they personally faced problems with observance of electoral rights, whereas 70.5 percent (475 persons) believe they never faced such problems.

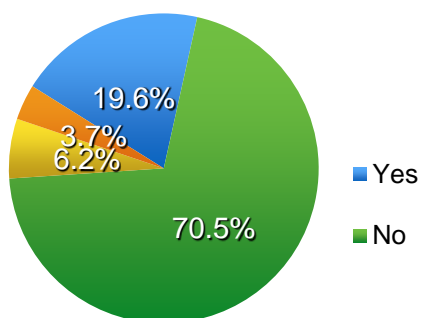
On the one hand, this finding demonstrates a low level of awareness among respondents of their rights. Respondents may indicate that their rights have not been breached, yet in the next stage of the survey list obstacles encountered in executing their right to vote.

On the other hand, persons with disabilities from group 3 and, partially, group 2, who do not need external care, participate in the electoral process on common ground and vote at polling stations. People with disabilities from group 1 (those with a high level of functional limitation) often believe that they should vote at their place of stay. And if in such case they have never faced any obstacles,

they believe that their rights are not violated. Though, these people have a right to vote at the polling station.

Diagram 4

Have you faced the violation of your electoral rights?



Answer options	Number of answers	Percent
Yes	132	19.6%
No	475	70.5%
Difficult to answer	42	6.2%
No answer	25	3.7%

Among the situations cited, respondents often mentioned “inability to vote because the election commission members did not come to a voter’s home on the day of voting.” This problem is most often mentioned by voters with **problems of the musculoskeletal system**. In second place in the ranking of problems is “impossibility to fill out the ballot paper at a polling station if no other (accompanying) person is present.” In most cases **voters with visual impairments and voters with musculoskeletal system disorders** suffer from this most of all. Voters with disabilities of the musculoskeletal system often noted the problem of “interference of strangers in the process of my vote/a breach of a secret ballot.” The same was mentioned by a significant number of people with intellectual and visual disabilities, and voters with temporary disabilities (persons who suffered from specific injuries/illnesses).

Of course, the most important problems are those that are mentioned by the voters with disabilities. Of these, there are several categories of problems connected with the observance of their electoral rights. First of all, among the violations of the rights of voters with disabilities the respondents cite **architectural inaccessibility of a polling station**. What they mean is not only the possibility to get inside of the building where a polling station is located but also the possibility to move around inside. For example, voters respond that a polling station may be located on the second floor. Often problems

with voter lists are cited: “I am not on the list” or “My name was not included in the list.” Many examples are related to the **organization of the process of voting and attitude to voters with disabilities at the polling stations.**

As far as the above questions are concerned, the opinions of civil servants and the experience of persons with disabilities differ significantly. The results of the survey of civil servants indicate that they believe that the biggest problem is the inability to fill out a ballot paper at the polling station without the help of another (accompanying) person. In second place there is the answer on “frequent accidental damage of a ballot paper by a person with disability because of technical impossibility to fill it out correctly.” The third answer is “interference of strangers into the voting process of a person with disability/a breach of a secret ballot”.

The following answer options scored an equal number of negative points: “inability to vote because election commission members do not come to a voter’s home on the day of voting” and “it is impossible to register and vote in case of errors in spelling of the name or address in the voter list.”

Table 3

Situations with violations of electoral rights faced by voters with disabilities

		Frequency of choice	
		Civil servants	Voters with disabilities
1	Impossible to fill out a ballot paper at the polling station without the help of another (accompanying) person	46.9%	7.9%
2	Impossible to vote because election commission members did not come to a voter’s home	25%	4.7%
3	Impossible to register and to vote in case of errors in spelling of a voter’s name or address in the voter list	25%	3.6%
4	Interference of strangers in the process of voting/a breach of a secret ballot	28.1%	8.5%
5	Frequent accidental damage of a ballot paper by a voter because of technical impossibility to fill it out correctly	32.8%	2.4%
6	Difficult to answer	6.3%	0%
7	Other		

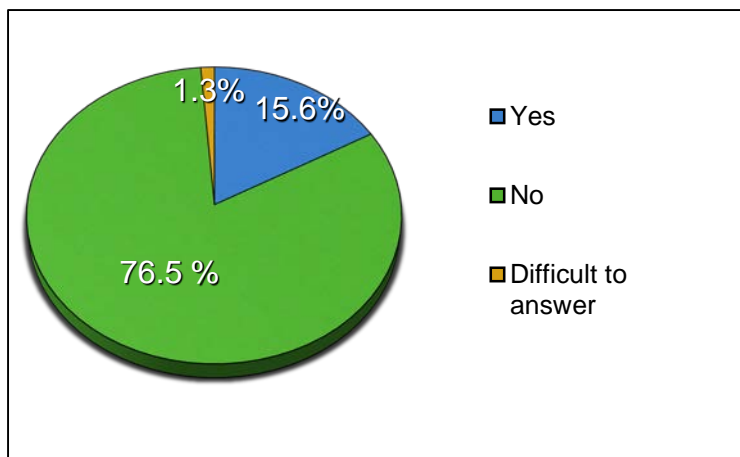
Accessibility of information on candidates and their programs

The voter’s active participation in the implementation of the passive electoral right (the right to elect) begins with the accessibility of information on candidates and their programs. In fact, 76.5 percent respondents with disabilities do not have this problem and find their own ways of getting such information. However, 15.6 percent of respondents with disabilities noted that they faced such

problems. First and foremost, people with visual impairments encounter such barriers. They are followed by voters with problems of musculoskeletal system and hearing disorders.

Diagram 5

Do you encounter any problems in obtaining campaign information?



Answer options	Number of answers	Percent
Yes	105	15.6%
No	514	76.5%
Difficult to answer	53	7.9%

Do you encounter any problems in obtaining campaign information?						
Nosology	Yes		No		Difficult to answer	
Musculoskeletal system disorders	29	27.6%	257	50.0%	27	50.9%
Visual impairments	36	34.3%	69	13.4%	9	17.0%
Hearing impairments	26	24.8%	90	17.5%	9	17.0%
Psychosocial disability	21	20.0%	21	4.1%	9	17.0%
Speech disorders	13	12.4%	33	6.4%	1	1.9%
Suffering from specific injuries/diseases	6	5.7%	87	16.9%	10	18.9%

Do you encounter any problems in obtaining campaign information?						
Nosology	Yes		No		Difficult to answer	
	Musculoskeletal system disorders	29	27.6%	257	50.0%	27
Other	1	1.0%	49	9.5%	0	0.0%

The first source from which voters with disabilities obtain information on candidates and their programs, according to respondents, is television. The experience of respondents with disabilities coincides with that of civil servant respondents. In the same way respondents choose the same variant of answers (more than half of respondents of both categories) regarding such sources of information as “campaign handouts – newspapers, brochures and others.” For voters with disabilities the “Internet” ranks third whereas civil servants believe it should be “radio.” These are followed by such sources of information as “family and friends,” “printed periodicals,” “radio,” and “external advertising (billboards, posters, etc.)”

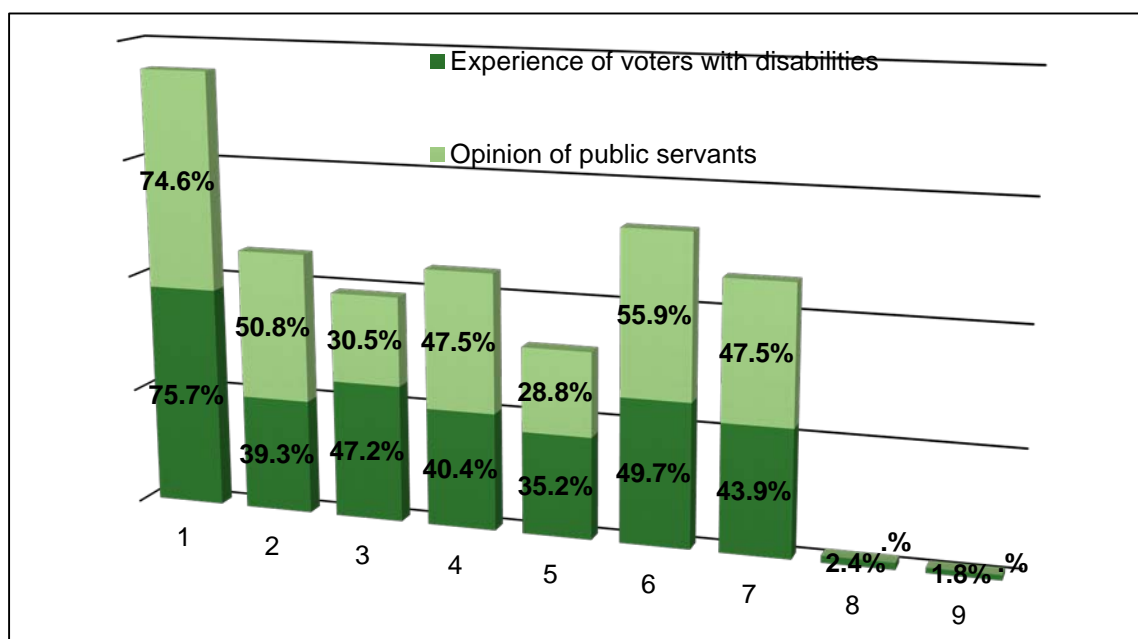
Among the problems in obtaining information on candidates and their programs cited by voters with disabilities, the biggest problem is “unclear complex content of election materials.” By frequency of selection of this answer by civil servants, it ranks second. According to responses of voters with disabilities, in second place there is the problem of “inaccessibility of video-visual information.” People with eyesight disorders often choose the answer option “inaccessibility of information from Internet websites because I have no special program for its sound.” According to frequency of responses of civil servants, this problem ranks fourth. In first place, according to systematized data of responses of civil servants, is the problem of “inaccessibility of the information from Internet sites because of lack of computer or an access to the Internet.”

Table / Diagram 6

How voters with disabilities receive pre-election campaign information on candidates and their programs?

	Variant of answers	Frequency of choice	
		Civil servants	Voters with disabilities
1	Television	74.6%	75.7%
2	Radio	50.8%	39.9%
3	Internet	30.5%	47.2%
4	Printed periodicals	47.5%	40.4%
5	External advertising	28.8%	35.2%

6	Campaign handouts	55.9%	49.7%
7	From other persons: acquaintances, family, other	47.5%	43.9%
8	Difficult to answer	0%	2.4%
9	Other	0%	1.8%



Barriers for voters in verifying information about themselves on the voter lists

Usually during the election campaign, voters are advised to clarify and/or verify the information about themselves on the voter lists. According to the results of the survey, 42.5 percent (286 persons) of persons with disabilities follow this recommendation, whereas 53.9 percent (363 persons) do not.

The submission of a voter’s inquiry to the Register maintenance body is regulated by Article 21 of the Law of Ukraine On State Voter Register. According to Article 21, “A voter may address the State Voter Register maintenance body in person at his or her voting address with a written inquiry regarding the content of his or her personal data in the Register by presenting a passport of a citizen of Ukraine or a temporary certificate of a citizen of Ukraine.” Furthermore, Article 29 stipulates that “A voter who is permanently unable to move independently may authorize another person to submit such an application.”

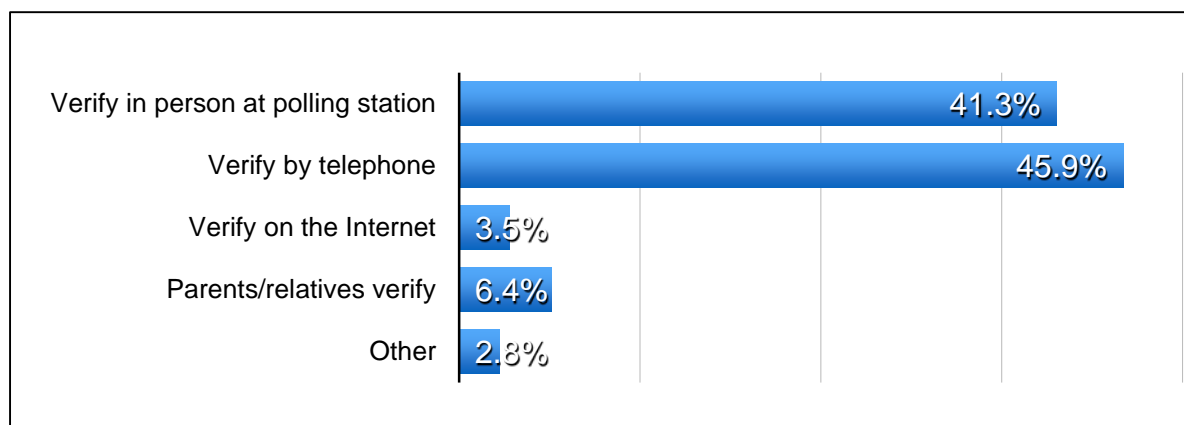
A significant number of respondents reported that they receive the invitation containing such information at their homes. Most of those who do not clarify their information in the voter lists are confident that their names are actually listed in the voter lists, or they do not worry that they may not

find themselves in the voter lists. Those who usually clarify the information about themselves in the voter lists were asked what problems they face in doing so.

First of all, it should be noted that the main ways of getting such information clarified is by telephone and personal visits to the polling stations. Most voters with disabilities who took part in this survey try “to clarify the information by telephone” (45.9%) or “clarify in person at the polling station” (41.3%). Many people receive help from their relatives in doing so and for some it resolves the problem of verifying their information in the voter lists. For some, on the contrary, it does not help because the relatives may not be provided such information because they are asked why the person concerned has not come himself or herself. In this question it is important to ensure the observance of the provision related to the protection of personal data and at the same time to ensure the possibility of voters with disabilities to clarify and verify the information about themselves, or make changes, if necessary.

Diagram 7

How do you verify the information about yourselves in the voter lists?



Overall, about a third of those who usually verify their information in the voter lists did not face any problems in doing so.

For those who faced problems, there is a barrier to reach or to get to a polling station. According to the results of civil servant surveys, this problem ranks first. Respondents with disabilities and civil servants also often cite “lack of a social worker or attendant.”

Barriers for voters to verify the information about themselves in the voter lists			
	Answer options	Frequency of response	
		Civil servants	Voters with disabilities
1	Problems how to reach or to get to a polling station	65.6%	9.2%

2	Problems to write an application by myself at a polling station	21.9%	4.5%
3	Lack of social worker or attendant	51.6%	4.6%
4	I have no problem in doing so	10.9%	17.2%
5	Difficult to answer	1.6%	5.2%
6	Other	0%	3%

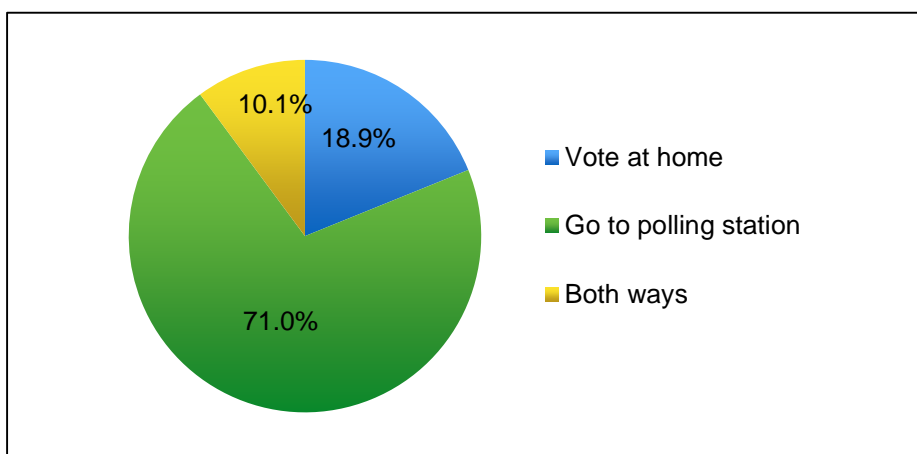
Participation in elections on the day of voting

As to the method of voting, respondents were asked a question: “If you participate in elections, in what way you do it?” Three answer variants were given: “I vote at home”; “I go to a polling station”; and “Both ways.”

In the survey, **71 percent of voters with disabilities**, who took part in the survey and are active participants of the election process, indicated that they **go to the polling stations**, 18.9 percent vote at home and 10.1 percent use both ways. Of those who **vote at home**, most are **people with musculoskeletal disorders**. Citizens with other disabilities (vision, hearing, psychosocial, speech, etc.) more often choose to vote at the polling station.

Diagram 8 / Table

If you participate in elections, in what way do you do it?



Nosology	Vote at home	Go to the polling station	Both ways
Musculoskeletal system disorders	85.1%	33.4%	70.8%
Visual impairments	9.1%	19.8%	12.3%

Hearing impairments	2.5%	25.1%	3.1%
Psychosocial disability	6.6%	7.5%	4.6%
Speech disorders	6.6%	7.3%	6.2%
Suffered specific injury / disease	14.9%	15.2%	18.5%
Other	2.5%	9.5%	4.6%

Among the reasons voters choose to vote at home, in the first place is architectural inaccessibility of the polling station. Transportation inaccessibility ranks second with the answer option “Difficult to get to the polling station because the public transportation is not accessible for me.” Civil servants who took part in the surveys also understand that. However, in the first place they indicate the reason connected to architectural inaccessibility of the premises by choosing the answer option “Cannot leave the house because the premises are not architecturally accessible.” The reasons of transportation inaccessibility and architectural inaccessibility of a polling station occupied, respectively, second and third place by frequency of selection of these answers by civil servants that took part in the survey.

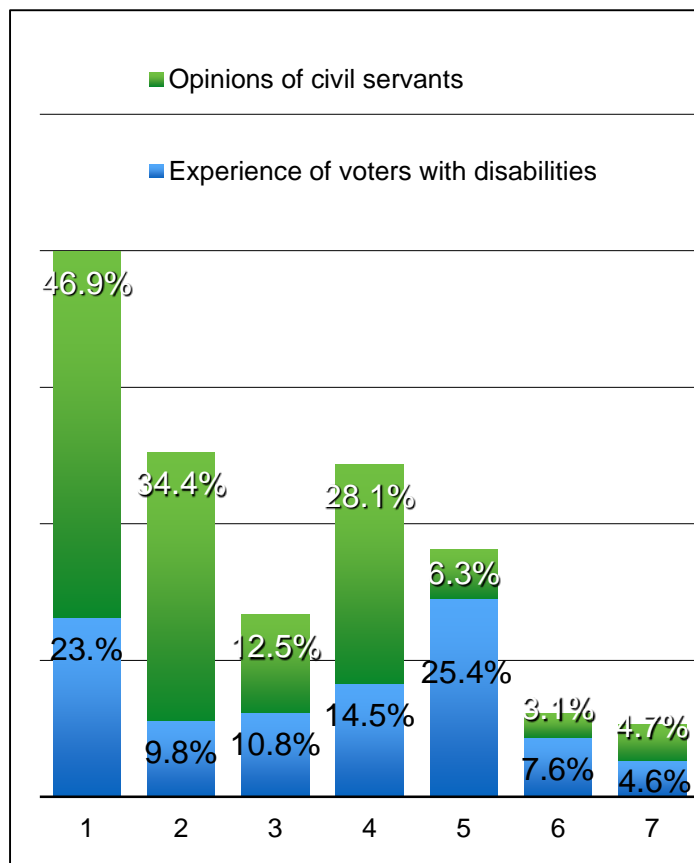
Voting at home

Regarding the problems faced by voters with disabilities voting at home, in the first place there is a problem of “A long wait during the day.” In this regard, the experience of persons with disabilities and opinions of civil servants coincide. Both categories of respondents (people with disabilities and civil servants) think that a major problem with voting at home is a **breach of the secrecy of the vote**. However, the problem of fear of strangers visiting was not so often cited by respondents with disabilities, as by civil servants who put it in the second place of the negative rating.

Problems which voters with disabilities face when voting at home			
	Answer options	Frequency of choice	
		Civil servants	Voters with disabilities
1	A long wait during the day	39.1%	14.2%
2	Violation of the vote secrecy	32.8%	6.7%
3	Insufficient information on a candidate from the list in a ballot paper	25%	3%
4	Fear of strangers' visit	34.4%	4.9%
5	No problems during voting at home	20.3%	5.5%
6	Difficult to answer	1.6%	3.9
7	Other	1.6%	0.7%

Voting at the polling station

Voting at the polling station for voters with disabilities is a priority. Even though they have to overcome obstacles to do that, people choose this way in order to be more included in the process.



The biggest problem during voting at the polling station is architectural inaccessibility. There are cases when a polling station is located on the second or third floor in a building that is not equipped with an elevator. This problem is recognized by civil servants – it is most often cited by them among others. It should also be noted that polling stations in most cases are located in the premises of schools or other public places that according to the law must be architecturally accessible.

Diagram 9 / Table

Problems faced by voters with disabilities during voting at the polling station

	Answer options	Frequency of choice	
		Civil servants	Voters with disabilities
1	Architectural inaccessibility of a polling station	46.9%	23%
2	Impossible to receive help to get inside the premises for voting	34.4%	9.8%

3	Impossible to obtain information on candidates and their programs	12.5%	10.8%
4	Lack of help during registration and voting	28.1%	14.5%
5	No problems while voting at the polling station	6.3%	25.4%
6	Difficult to answer	3.1%	7.6%
7	Other	4.7%	4.6%

The second most significant issue during voting at the polling station is **inability to receive help to get inside the polling station**. In cases of problems with the accessibility of voting premises, a voter should receive such help. However, there are problems with that as well. The results of the survey indicate that civil servants are aware of this problem. As in the survey of persons with disabilities, they often point out this problem, which ranks second in responses given by both categories of respondents.

The results of surveys of voters with disabilities and civil servants regarding the third place in the negative rating also match: this is the problem of **lack of help during registration and voting**.

Voters with disabilities note not only **lack the help** which must be ensured for them at the polling station but also problems in communications with Precinct Election Commission members – from confusion to an openly unfriendly attitude, and often ignorance or outright violation of the law.

Respondents with disabilities were asked to rate the level of respect shown to them by Precinct Election Commission members on a scale from 1 (worst attitude) to 10 (best attitude). As a result, the average score is 7.5.

Many respondents complained of **queues and uncomfortable conditions at the polling station**, which create significant additional obstacles for persons with disabilities:

- “Queues, bad lighting”;
- “Queues, lack of attention of commission members”;
- “Queues, a large crowd of people”;
- “Queues to ballot boxes and voting booths, no pen in a voting booth”;
- “It was a long queue before I could vote.”

For people with visual disabilities the problem primarily is **inability to get information about the candidates and their programs**. According to the law, voters must be ensured equal access to candidates and their programs at the polling station. For this purpose printed materials of the same size and with the same scope of information are provided in the premises of the polling station. However, there are no means at the polling station that allow voters with visual impairments to familiarize themselves with candidates and their programs.

It should be also said that in addition to these problems, voters with disabilities mention **significant psychological discomfort** caused by the reaction of others while visiting the polling station:

- *“Increased attention of all present to my unusual appearance”;*
- *“Other people do not quite understand why I try to vote. As though, why would I need to bother?!”;*
- *“I am anxious before socializing with strangers”;*
- *“I am afraid of unusual situations”;*
- *“I am afraid of uncertainty and socializing with strangers”;*
- *“Sometimes I am perceived as an uneducated person”;* and
- *“Too much attention to my disability.”*

Voters with disabilities who participated in the survey also gave testimonies that require legal analysis for their interpretation, however, they may point to the problems that deserve more attention. Here are some examples of such testimonies:

- *“In the last election, I was not allowed to vote because I live in Odessa as an IDP [Internally Displaced Person].”*
- *“It was unpleasant for me when my family stopped taking me to the elections, I did not understand why. Disability – or what?”*

Some negative impressions from visiting the polling station are associated with general dissatisfaction with the process and results of voting, which is hardly connected to the situation of disability.

For example:

- *“I am not sure that my choice is going to change anything in the country”;*
- *“Waiting for a better life, but it is not”;*
- *“Disappointment in the candidate”;* and
- *“Lack of trust to candidates,” etc.*

Such statements are not taken into account in this report.

Defending electoral rights by persons with disabilities

Most respondents (voters with disabilities) have tried to resolve the situation with violation of their voting rights “... in place, involving the head of the election commission.” Not many people complained to the Territorial Election Commission or the CEC and only a few people have experience appealing against violation of their rights in the court.

Out of all voters with disabilities who participated in the survey, 22.3 percent (150 persons) said that they had fought for their rights. They were asked a question: “Did you have trouble defending your voting rights?” 20.7 percent of voters with disabilities, who had fought for their rights, reported that

they had trouble defending their rights, 50 percent did not face such problems and 29.3 percent said that it was difficult to answer.

During the survey we asked: *“What problems did you encounter while defending your rights?”* Below are some examples of responses.

- *“Misunderstanding my statements orally, the requirements are to make a written statement, which is not accessible for me without a computer.”*
- *“I cannot defend myself, and those who represent my interests do not always understand my needs and my decisions.”*
- *“They did not listen or address my questions, but communicated only with my parents.”*
- *“The ongoing demand to transfer the station to the first floor, but so far in vain, I have to bring the wheelchair to the second floor.”*
- *“The Commission failed to recognize my features and limitations, and my desire to vote being an ‘invalid.’”*
- *“The humiliation of my dignity by not voting at the polling station. My absence on the lists as it was not possible to use an electronic registry. There is little information about where, how and when to check voter lists.”*
- *“I had to defend my right to vote, while in the inpatient department of the hospital. The section was in the hospital but voting had to be done at home – the place of residence.”*

Additional measures and assistance in the implementation of electoral rights

In order to prevent discrimination, State authorities should take positive measures at the level of legislation and practice to offset the actual inequality, which in this case is caused by disability. Therefore voters with disabilities were asked to share what kind of help they received during voting and from whom. Respondents could choose either several variants of help, or gave their own answer option.

In most cases the voters with disabilities chose the answer option: *“I did not receive any help.”* In second place by the frequency of responses was the following variant: *“Observers helped find the table of voters’ registration and receive ballot papers.”* Often respondents indicated that *“Citizens-voters helped to get inside the polling station and get out of it.”*

No.	Do you remember what assistance you received during the voting and from whom?	Frequency of choice	Percent
1	Citizens-voters helped to get to the polling station and get out of it	116	17.20%
2	Policemen on duty helped to get to the polling station and get out of it	46	6.80%
3	Observers helped find the voter registration table and receive ballot papers	123	18.20%
4	Observers helped drop the filled out ballot papers in the ballot box	42	6.20%

5	Social worker helped fill out ballot papers in the voting booth and drop them in the ballot box	24	3.60%
6	Election commission members showed where the information materials on candidates were displayed	56	8.30%
7	Election commission members helped take out a passport from the pocket or purse, get registered and receive ballot papers	22	3.30%
8	Other	39	6.1%
9	I received no help	264	39.20%

Among other types of help received by voters, the voters with disabilities which took part in the survey indicated (examples of answers):

- *“Generally I go to the polling station with my daughter who is helping me with everything and she is allowed to the booth with me”;*
- *“Parents helped me fill out the ballot paper”;*
- *“Help from a sign language translator”;*
- *“Help from civil organization volunteers”;*
- *“Nobody cares”;*
- *“Chairperson of the polling station sent a car to bring me to the polling station”;*
- *“Help from a person accompanying myself and a confidant”;*
- *“Friends helped visit the polling station and vote”;*
- *“Always vote with my mother”;*
- *“I called for taxi to vote. A taxi driver helped me get inside the polling station, get my direction, receive the ballot and drop it in the ballot box”;*
- *“I always receive help from my wife when we go to the elections together”;* and
- *“I always prepare for the voting in advance, therefore on the day of voting I do not need help.”*

Among other answer options given by voters with disabilities, the most frequently mentioned options were help from family and friends. Some mentioned help from volunteers. A small number of responses described help from election commission members, participation of specialists such as translators, however, such cases are quite rare. Often voters with disabilities mentioned the spontaneous assistance of people nearby.

Needs of voters with disabilities to exercise their voting rights

When asked: “What help or measure you need to be taken to fully exercise your voting right?,” **in first place** respondents with disabilities indicated the answer choice “Ensuring architectural accessibility of the polling station in accordance with the state construction standards”; **in second place** they chose the answer “Assistance of an attendant for getting to the polling station”; in third place they mentioned “Assistance of another person (attendant) in filling out the ballot paper”; in fourth place they said, “Clarification of the content of election campaign materials”; and finally, “Accessible video-visual information on elections and candidates”.

What is important is that the law already includes requirements to ensure these needs, therefore there is nothing new or unusual in them. Thus, in most cases there is a failure of the State to ensure the standards declared by it. Moreover, the most frequent answer option is “I do not need any help.” Of course, a lot depends on the form of disability, but this underlines the fact that the more barriers are removed, the less will be the need for additional measures and the more voters with disabilities will feel that there is no discriminatory approach or discriminatory conditions for them to exercise their right to vote, on an equal basis with others.

The same needs in ensuring transport accessibility and polling station accessibility are indicated in the answer option “Other,” sometimes with details or concrete proposals how to overcome the problem.

No	<i>What help or measure you need to be taken to fully exercise your voting right?</i>	Frequency of choice	Percent
1	Assistance of an attendant to get to the polling station	159	23.6%
2	Assistance of another person (attendant) in filling out the ballot paper	132	19.6%
3	Ensuring architectural accessibility of the polling station in accordance with State construction standards	206	30.6%
4	Accessible video-visual information on elections and candidates	75	11.1%
5	Accessible information in audio format on elections and candidates	54	8.0%
6	Access to the Internet and accessibility of the information from the Internet (including programs for speech synthesis) on elections and candidates	39	5.8%
7	Clarification of content of pre-election campaign materials	99	14.7%
8	Other	22	3.3%
9	I do not need any help	164	24.3%

Civil servants were also asked about their opinion on the needs of voters with disabilities. One portion of answers concerns the need to ensure the accessibility stipulated by legislation, for example: “lack of barriers, accessibility of housing, transport, and administrative buildings.”

The second portion concerns alternative possibilities, for example: “people with disabilities shall have an alternative possibility to exercise their electoral rights through the Internet or by voting at home”.

Another portion of answers touched on issues in some specific localities, for example: “In rural areas it is necessary to have architectural accessibility of polling stations.” Since there are more elderly people in rural areas, it is necessary to allocate more transport vehicles for voting at home or transporting people to the polling stations (the reality now is one car per two or three villages).”

There were suggestions to conduct a special training of election commission members and educational projects among persons with disabilities, for example: “To conduct information sessions with election

commission members on specificities of life limits for persons with disabilities and tolerant attitudes to them. To conduct educational work among people with disabilities, to present information in a simplified form ...”

Another portion of answers were general phrases about the need to observe the law, the Convention on the Rights of Persons with Disabilities, and other legal instruments.

It should be noted that most answers given by civil servants regarding the needs of persons with disabilities were quite general and like the questions that they received in the course of the survey.

Positive impressions of the experience of participating in elections

Survey participants were also asked to recall positive impressions of their participation in elections. Most positive impressions were connected to memories of participating in a process in which one feels connected with others and in which one’s vote counts as well as memories associated with a sense of citizenship, even festivity, a process for which one prepares oneself. Also these memories point to positive examples of mutual help, bona fide fulfillment by election commission members of their duties or simply friendly attitudes. It is important that these memories sometimes sound standard, for compliance with which there is no need for great resources and efforts. They simply must be heard by everyone who, on behalf of the State, participates in the organization of the electoral process. In summary, below are examples of positive memories recalled by voters with disabilities of their experience participating in elections.

Examples of positive memories:

- *“On election day I along with my family, in a festive mood, go to the polling station”;*
- *“If the weather permits and my health permits, I always try to visit the polling station. I think that every person of the age 18 years+ is obliged to participate in elections and in this way influence what the government will be like in the coming years. Or at least try”;*
- *“The most positive impression is that I voted at the polling station”;*
- *“Constant help of a social worker, carefulness of the Precinct Election Commission [PEC] members”;*
- *“In the last election the PEC Chairperson called me on the eve of the day of voting and asked to be at home in the period between 11 and 13 hours. I did not have to wait all day long and I could prepare for the arrival of the commission”;*
- *“At the polling station where I vote, they always treat us nicely and understand the problems of people with hearing impairments”;*
- *“When my name was not included in the voter list for the first time, the PEC member helped me write an application and I could vote. Moreover, the PEC member knew sign language, which really helped in writing the application”;*
- *“Being among the people!”*

3.2. Main results and policy recommendations

This study shows the active social position of people with disabilities in Ukraine and their desire to participate in the political life of society, including in electoral processes. Unfortunately, along the way most of them are faced with numerous obstacles, especially those with a high level of functional limitation (disability group 1 in Ukraine). In the practice of the Precinct Election Commissions, insufficient attention is paid to voters with disabilities in the voter lists, and that in turn affects their ability to ensure voting according to the voter's preferred method and to ensure the accessibility of voting conditions, according to survey results. Such personal data is contained in part in the State Voter Register, in particular, information on the permanent inability of a voter to move independently. Among the data for office use may be the date a person was determined to be incapable as well as the date a person's legal capacity was restored. Responsible authorities should also collect data from voters' applications regarding their choice of voting method and data on the need for any special conditions related to a disability to ensure voting.

At the same time, the Law of Ukraine On State Voter Register stipulates that only information relating to a voter's inability to move independently and data on declaring a voter incapable, or renewal of his or her legal capacity, is entered in the Register. However, inclusion in the register of a voter's personal data, including the disability nosology, or peculiarities of the health condition, is also unnecessary. This issue is extremely important due to the fact that polling stations are inaccessible for voters with disabilities, and in the practice of the Precinct Election Commissions the essential features in terms of movement, information receipt and transfer, communication, among other things, are not given due attention.

Election commissions should carefully analyze the data available to them from the State Voter Register, as well as the applications of voters with disabilities, in order to ensure voting is conducted in a certain way as indicated by the voter, and to ensure the accessibility of the voting process. It is important to verify the information from voters' applications taking into consideration those conditions that the polling station can control.

Polling stations should meet all the requirements of accessibility and be universal in this sense, because the State Voter Register may not contain all the necessary personal information that should be considered to organize the accessibility of the voting process for all voters, including voters with disabilities.

It is worrisome that voters with eyesight impairments face unequal conditions with others with regard to access to information on candidates and their programs. And while some voters make their own efforts to receive information during the campaign period in audio format using computer technology and the Internet, in reality it is not possible to find information about candidates in the scope ordered by the law at the polling station during the voting. In particular, the State does not provide any methods of providing information such as Braille scripts, devices for magnifying text, or such methods that would provide the information in audio format.

People with hearing disorders face similar problems. Obstacles are created because information on candidates and their programs, including pre-election debates broadcast on television or transmitted through the Internet in video format, is disseminated without translation into sign language.

The same problems exist for those voting at home. Voters with disabilities have no possibility to acquaint themselves with the candidates and review their programs to the extent specified by law.

In law and in practice it is necessary to ensure that information on candidates and their programs is produced in formats accessible for persons with vision and hearing impairments at all stages of the electoral process, including the stage of campaigning, voting and reviewing of results.

The information resources of the Central Election Commission should also be adapted to the needs of people with eyesight and hearing impairments.

Broadcasts on State television and radio channels should create conditions of informational accessibility for people with eyesight and hearing disabilities.

Polling stations should be provided with all the necessary equipment and materials for ensuring the accessibility of information on candidates and their programs according to the specific needs of people with vision, hearing and mental disabilities.

The architectural accessibility of polling stations is still a big problem, despite the fact that polling stations are usually located in the premises of educational establishments or public administrative institutions, which, according to the law, should be architecturally accessible for groups of the population with limited mobility. Problems of architectural accessibility often are found within the surrounding area where a polling station is located, as well. Even if there is access to the premises, often the barriers may arise inside the building. There are many cases when a polling station is located on the second floor, while the building has no elevator. Inconvenient location of the polling station without due consideration of the width of corridors, premises area, and lighting, is also a problem.

It is necessary to ensure the full architectural accessibility of polling stations for users with restricted mobility, including surrounding areas, entrances and exits, internal premises, location of equipment, etc. Conditions of architectural accessibility must correspond to standards set out in national and international law.

Transportation inaccessibility is a common issue in population centers in Ukraine, which affects the participation of persons with disabilities in the electoral process.

In most cases, voters with disabilities try to vote at the polling station wherever possible. However, often due to transportation inaccessibility and other barriers, it is not possible to do so, and many people feel they are not on par with other citizens.

Problems of transportation accessibility arise first of all for voters with musculoskeletal impairments, but also for those who are visually impaired.

Polling stations should be located in the most convenient places that are close to transportation links.

Public transport should be accessible for persons with disabilities and other people with restricted mobility.

In the case of home voting, different problems may arise since the procedure and principles of voting are applied in a “reduced” format. There is no possibility to review candidate information in the way it can be done at the polling station, and there are occasional problems with ensuring the secrecy of voting. Often people have a long wait, and strangers in the room may create significant discomfort, a sense of privacy invasion that may be painful under the circumstances.

It is necessary to pay special attention to cases when voters vote at home. Election commission members and observers should understand that they are intruding into a private abode, the owners of which do not necessarily enjoy their visit, and that it is a situation when a person willing to be an active citizen is compelled to vote in this way.

Election commission members and observers, accordingly, should be trained in matters of communication with voters who vote at home. A procedure and principles of voting should be established so as to be as close as possible to the experience of voting at the polling station and should correspond to all standards and norms of the electoral law.

There is a problem of voters’ communication with election commission members and observers. Sometimes there are comments about pleasant impressions and a sense of support, but there are also numerous testimonies of negative cases when improper interaction with a voter, unwillingness or helplessness in a situation when help is needed becomes a problem. When a citizen with hearing impairments comes to vote, for example, the absence of a sign language interpreter makes communication complicated.

Problems may arise when voters in wheelchairs require assistance. At the polling station there is no one trained on how to provide assistance and support in such cases.

The parallel opinion polls of voters with disabilities and civil servants of different levels point to a gap in understanding of disability issues, as well as knowledge and skills regarding the rights of persons with disabilities during the electoral process.

In many cases civil servants are well aware of the existence of certain barriers, but in reality, in their activities they do not push for their resolution. At times, the opinions of civil servants significantly diverge from the experience and needs of voters with disabilities. This suggests a lack of understanding of how to avoid or reduce barriers through the efforts of those civil servants responsible for it.

The training programs for all levels of election commission members, starting with the CEC, public officers and civil servants whose duties are connected with organization of the electoral process or the interests of persons with disabilities, should address the issues surrounding the participation and human rights of citizens with disabilities in the electoral process. The State should facilitate such training for observers as well.

The process of organization of elections should include, to the extent possible, the involvement of specialists that understand the peculiarities of communication, sign language interpreters, and those with skills to help persons who use wheelchairs.

To a great extent, existing barriers in the electoral process for persons with disabilities are caused by insufficient control over the situation by the State authorities with duties connected to the organization of the electoral process or work in the interest of persons with disabilities.

State authorities responsible for the organization of the electoral process should provide for constant monitoring of the situation, ensuring the electoral rights of persons with disabilities

IV. Recommendations for Changes in Policies and Procedures to Ensure the Electoral Rights of Citizens with Disabilities

At the legislative level:

- Exclude from the Constitution of Ukraine, and laws on elections and referendums, the discriminatory provisions stating that citizens declared incapable by court shall have no right to vote;
- Provide for entering in the Register database information on a voter's temporary inability to move independently, a voter's stay as of the day of voting in an inpatient care establishment, data on voters with visual impairments, etc.;
- Oblige the CEC and electoral stakeholders, among them candidates, to adapt their websites so that the information posted meets the requirements established by resolution No. 730 of the Cabinet of Ministers of Ukraine (September 26, 2013);
- Oblige the CEC and electoral stakeholders, including candidates, to take measures to create materials in accessible formats at all stages of the electoral process (registration documents, campaign materials, programs, debates, advertisements, leaflets, posters, newsletters, etc.) and authorize the CEC to approve the respective requirements;
- Increase the number of alternative methods of voting, in particular: use of mobile ballot boxes for voting; voting in the territory adjacent to the territory of the polling station (for example, in the parking lot by the polling station, in the car by which a voter has come or was brought); voting by mail or the Internet;
- Allow for a voter with disabilities who cannot fill out the ballot paper independently or drop it in the ballot box, to use assistive devices while voting (magnifying glass, stencils and other means);
- Provide priority voting for voters with disabilities;
- Unify in the laws on elections and referendums the terminology relating to persons with disabilities, and procedures and mechanisms to allow them to exercise their right to vote (timelines for their implementation); and
- Provide for entering election and referendum data on the number of voters who voted in the relevant elections or referendums at the place of residence who are permanently (or temporarily) unable to move independently, as well as information on legally incapable voters and voters with vision impairments. Provide for publication of the respective information and access to it.

Cabinet of Ministers of Ukraine:

- Approve a strategy for creating favorable conditions for persons with disabilities in both the pre-election process as well as voting;
- Allocate budget funds to create favorable conditions for persons with disabilities during the electoral process (training of the employees [members] of the CEC and other election commissions, adaptation of premises of polling stations and adjacent territories, purchasing auxiliary devices, etc.); and
- Approve a schedule for ensuring the accessibility of premises in which polling stations will be located (both inside and outside), including the adjacent territories.

Central Election Commission:

- Conduct, jointly with disabled persons organizations, a comprehensive and systemic analysis of the laws on elections and referendums on the accessibility of the electoral process for persons with disabilities, as well, as the monitoring of its fulfillment, by providing relevant conclusions and developing recommendations;
- Detail the requirements for premises in which election commissions and commissions for referendums operate, in order to create favorable conditions for persons with disabilities during both the pre-election campaign process and voting;
- Establish requirements for materials used at all stages of the electoral process (registration documents, campaign materials, programs, debates, advertisements, leaflets, posters, newsletters, etc.);
- Approve guidelines on exercising the right to vote by persons with disabilities by alternative ways of voting;
- Supplement the lists of equipment and devices that should be available at the polling station, and procure them;
- Approve guidelines as to what assistance can be provided to a voter with a disability (for example, for the blind, for persons with impairments of upper extremities, etc.) who cannot fill out the election ballot independently or drop it in the ballot box;
- Develop and ensure approval in the prescribed manner of training programs (courses, manuals, reference materials, etc.) for employees (members) of the CEC and other election commissions in order to create favorable conditions for persons with disabilities during the electoral process. Provide in the relevant materials information on the needs and capabilities of persons with disabilities of various nosology, including impairments of vision, hearing, musculoskeletal system, developmental and mental disabilities, as well as the rules of conduct and communication with them, and train employees (members) of election commissions in voting methods for persons with disabilities;
- Introduce the practice of appointing at the CEC and within election precincts relevant staff (members) who are directly responsible for creating favorable conditions for persons with disabilities during the electoral process;
- Introduce the practice of involving representatives of disabled persons organizations, on a regular basis, to participate in the preparation of issues relating to creating favorable conditions for persons with disabilities during the electoral process, and to engage researchers, specialists and experts on these issues;
- Conduct educational work and training of staff (members) of the CEC and other election commission members to create favorable conditions for persons with disabilities in the electoral process;
- Engage in permanent activities to facilitate the rights of persons with disabilities in the electoral process including in CEC planning; and
- Monitor the accessibility of premises (inside and outside) in which the CEC is located as well as adjacent territories.

Organizations representing the interests of persons with disabilities:

- Ensure the registration of their representatives as election observers in order to monitor the creation of favorable conditions for persons with disabilities in the electoral process, or initiate the inclusion of relevant indicators to the checklists used by other observers as well as to publish relevant results of the observation, and

- Create educational materials for voters in order to motivate persons with disabilities to participate in the elections as voters, observers, candidates, officials, etc.

Appendices

Appendix 1

Letter of response from the CEC to the information request on the implementation of electoral rights for persons with disabilities



**UKRAINE
CENTRAL ELECTION COMMISSION**

01196, Kyiv, Lesi Ukrainky Square, 1

tel./fax: (+380 44) 286-82-88,

24.04.2015 No. 21-17-669

Ukrainian civil association "*National Assembly of
Persons with Disabilities in Ukraine*"

Reitarska St. 8/5A, office 110, Kyiv, 01030

In connection with the receipt by the Central Election Commission on 20 April 2015 of the information request from Ukrainian civil association "*National Assembly of Persons with Disabilities in Ukraine*" No. 92/2 dated 17 April 2015 with attached list of questions on the implementation of the electoral rights for persons with disabilities, within the competences of the Commission, we inform you about the following.

Special polling stations are created for organization and conduct of the voting of citizens of Ukraine eligible to vote under Article 70 of the Constitution of Ukraine (hereinafter referred to as voters), in the establishments, institutions and other places of their temporary stay. However, the common feature of these establishments (institutions) in which under the laws of Ukraine on elections special polling stations are formed, is the special **regime which limits the possibilities of movement of the voters that stay therein temporarily.**

Thus, the places of temporary stay of voters with limited mobility defined by the laws of Ukraine on elections are inpatient care establishments, as well as penal institutions, detention centers, ships that on the day of voting are at sea, etc.

According to Article 21 of the Law of Ukraine *On Elections of Members of Parliament of Ukraine*, in inpatient medical establishments special election commissions shall be formed by the Central Election Commission on a permanent basis.

At the same time the Law of Ukraine *On Elections of President of Ukraine* (Article 20) and the Law of Ukraine *On Elections of Deputies of the Verkhovna Rada of the Autonomous Republic of Crimea, Local*

Councils and Village, Town, City Mayors (Article 18) provide that for the preparation and conduct of the voting and vote counting in the respective election in inpatient care establishments special polling stations shall be used that are formed on a permanent basis according to the Law of Ukraine *On Elections of Members of Parliament of Ukraine*.

In the view of the said laws, concepts of “inpatient medical establishment” and “inpatient care institution” shall deem identical.

1. Laws of Ukraine *On Elections of President of Ukraine, On Elections of Members of Parliament of Ukraine, On Elections of Deputies of the Verkhovna Rada of the Autonomous Republic of Crimea, Local Councils and Village, Town, City Mayors, On Ukrainian Referendum* provide a possibility for voters that because of age, disability or health condition are unable to move independently to vote at the place of their stay.

No specific criteria regarding age, type of disability, or health condition were defined by the legislator. A necessary prerequisite for allowing a voter to vote at the place of their stay is his or her **inability to move independently**.

2. Secret ballot is one of the principles of the electoral law which lies in prohibition of control over the expression of a voter’s will.

3. However, the electoral legislation of Ukraine provides for the right of citizens with disabilities to receive help from other persons, with the purpose to adapt and make electoral procedures accessible for citizens with disabilities.

Thus, a voter who because of his or her physical disability is unable to complete a ballot paper and drop it in the ballot box independently, shall have the right, with the consent of the chairperson or another district election commission member, to take the help of another voter (part four, seven of Article 76 of the Law of Ukraine *On Elections of President of Ukraine*, part five, nine of Article 85 of the Law of Ukraine *On Elections of Members of Parliament of Ukraine*, part nine, fourteen of Article of the Law of Ukraine *On Elections of Deputies of the Verkhovna Rada of the Autonomous Republic of Crimea, Local Councils and Village, Town, City Mayors*).

Similar provisions are contained in the Law of Ukraine *On Ukrainian Referendum* (part five, eight of Article 82), according to which a Ukrainian referendum participant, who because of physical disability is unable to fill out the ballot paper independently and drop it in the ballot box, shall have the right, with the consent of the chairperson or other member of a precinct commission for referendum conduct, to authorize another participant of a Ukrainian referendum to do so in their presence.

However, the laws of Ukraine that regulate the organization and conduct of elections and referendums, do not contain the list of physical disabilities entitling voters (referendum participants) to receive help from another person when filling out the ballot paper and dropping it in the ballot box. Such right shall be given to a person who is eligible to vote in the relevant election or referendum, if he or she has such physical disabilities that prevent him or her from performing the said actions independently, with compulsory informing thereof the election commission chairman or another member.

4. According to the Law of Ukraine **On State Voter Register** (part one Article 7) the information on a voter's permanent inability to move independently shall deem such personal data that shall determine the place and conditions of the voting for him or her that shall be entered in the database of the State Voter Register.

Information on voters, whose permanent inability to move independently has been established, shall be submitted to the State Voter Register maintenance body by heads of district (district in cities, city) health care establishments, social protection institutions, village, town, city mayors (part eleven of Article 22 of the Law of Ukraine *On State Voter Register*).

Thus, the question of establishing a permanent voter's inability to move independently lies within the jurisdiction of the above subjects.

At the same time, according to the electoral legislation of Ukraine and the legislation on Ukrainian referendum, in the voter lists opposite the names of the voters, who are permanently unable to move independently, a respective record shall be made.

A voter who is permanently unable to move independently, regarding which in the voter list a relevant record is made, shall be included in the excerpt from the voter list, on the basis of which the voting of voters at the place of their stay shall be organized (unless he or she expresses his or her wish to vote in the premises of the polling station).

5. Unlike those voters who are permanently unable to move independently, voters who are temporarily unable to move independently, shall be included in the excerpt from the voters list, on the basis of which the voting of voters at the place of their stay shall be organized, by a decision of the precinct election commission (precinct commission for referendum) that shall be made on the basis of consideration of their applications submitted in the manner prescribed by law.

Thus, a voter included in the voter lists at the polling station (polling station for referendum) but because of age, disability or health condition is temporarily unable to move independently, must take his or her own initiative to vote at the place of their stay.

6. The laws of Ukraine on elections have established that a voter, who is temporarily unable to move independently, shall enclose a certificate issued by a health care establishment when filing an application requesting to ensure voting at the place of his or her stay.

The Law of Ukraine *On Ukrainian Referendum* does not contain a requirement to provide such certificate.

It has to be noted that the Central Election Commission, which shall be obliged to operate on the basis, within the powers and in the manner envisaged by the Constitution of Ukraine and the laws of Ukraine, has not been entitled to establish a form of such certificate and grounds for its issuance, as well as the list of health care establishments that issue such certificates.

However, the Central Election Commission, according to the requirements of the Law of Ukraine *On Elections of Members of Parliament of Ukraine* (part fifteen of Article 86), in its Resolution No. 126

dated 27 July 2012, has approved the Procedure for verification of the facts of temporary inability of the voters to move independently for organization of the voting in the elections of Members of Parliament of Ukraine at the place of voters' stay.

In order to ensure uniform application of the electoral legislation of Ukraine during the organization of the preparation and conduct of the elections of the President of Ukraine, the Commission in its Resolution No.276 dated 15 April 2014 has approved the Clarification on the procedure of verification of the facts of temporary inability of the voters to move independently for the organization of the voting in the election of the President of Ukraine at the place of the voters' stay.

In the said documents it is stated that an application of a voter who is temporarily unable to move independently, requesting to provide him or her a possibility to vote at the place of his or her stay, shall be laid out in an arbitrary manner.

The said Acts of the Commission have been sent to the Ministry of Healthcare of Ukraine – the main body in the system of the central executive authorities responsible for developing and ensuring the implementation of the public policy in healthcare, to ensure the issuance by healthcare establishments, upon addresses of voters who are temporarily unable to move independently, of medical certificates stipulated by law, as well as to provide answers to inquiries of precinct election commissions on verification of authenticity of issued medical certificates.

7. Laws of Ukraine *On Elections of President of Ukraine* (part four Article 77), *On Elections of Members of Parliament of Ukraine* (part fifteen Article 86), *On Elections of Deputies of the Verkhovna Rada of the Autonomous Republic of Crimea, Local Councils and Village, Town, City Mayors* (part eight Article 70) contain provisions regarding the verification by precinct election commission members of the fact of temporary inability of a voter to move independently. At the same time the Law of Ukraine *On Ukrainian Referendum* does not contain similar provisions. We have to pay your attention to the fact that the only legislative body in Ukraine is the Parliament – the Verkhovna Rada of Ukraine.

Applicable acts of the Central Election Commission of Ukraine pertaining to the procedure of verification of the facts of temporary inability of the voters to move independently have been indicated above in this document. As far as the Resolution of the Central Election Commission No. 412 dated 20 September 2007 is concerned (*On Clarification on the procedure and conditions of verification and confirmation of the data contained in an application of a voter, temporarily unable to move independently, during the preparation for the voting in the extraordinary elections of Members of Parliament of Ukraine dated 30.09.2007*), which is referred to in an information request, we inform you that the validity of this Resolution has been exhausted by its use in the said elections of Members of Parliament of Ukraine.

8. Article 22 of the Law of Ukraine *On State Voter Register* has defined bodies, establishments, institutions, that shall submit data to the State Voter Register maintenance bodies, on the basis of which periodic updates of the data base of the State Voter Register are made (hereinafter referred to as 'Register').

Pursuant to part thirteen of the said Article, the Central Election Commission, as the Register

maintenance body has established forms of submissions, on the basis of which such data are submitted (Resolution No. 6 of the Commission dated 13 January 2011 *On Forms of Submissions containing Data on Voters (Persons) on the Basis of Which Periodic Updates of Personal Data of the State Voter Register shall Be Made*).

The said Resolution of the Central Election Commission has been sent, with the purpose to ensure its implementation, in particular, to the Ministry of Healthcare of Ukraine, Ministry of Social Policy of Ukraine, which are obliged, according to the legislation, to perform the tasks of formation and ensuring the implementation of the public policy, respectively, in the fields of healthcare and social protection.

9. Regarding the statistical information from the Register (questions 9-14) we inform the following.

An automated information and telecommunications system "State Voter Register" has been put into permanent (industrial) operation only in 2009 (by Resolution No. 137 of the Central Election Commission dated 29 September 2009).

According to Part two of Article 2 of the Law of Ukraine *On State Voter Register* (hereinafter referred to as 'Law'), the Register data base, any part of it, a copy of the data base or a part of it, personal data of the voters contained in the Register data base, may be used only for purposes specified in Article 26 of the Law, the list of which is exhaustive.

In the course of preparation for the elections of President of Ukraine, elections of members of parliament of Ukraine, elections of deputies of the Verkhovna Rada of the Autonomous Republic of Crimea, local councils or village, town, city councils, a Ukrainian or local referendum the personal data of the voters may be used only for the following:

- compiling preliminary voter lists at the polling stations; verification of the preliminary voter lists and compiling the final voter lists at the polling stations;
- providing to the Cabinet of Ministers of Ukraine, other executive bodies, local self-government authorities, the Central Election Commission, the election commission of the Autonomous Republic of Crimea, territorial election commissions in the local elections of the statistical information regarding quantitative characteristics of the electorate in the respective territory;
- validation of the authenticity of the data on voters who put their signatures in signature lists in support of the conduct of a Ukrainian referendum, as well as the information provided to the respective election commissions, regarding candidates, proxies and authorized persons, members of the initiative group of the referendum, candidates to election commissions.

Personal data of the Register may be used for purposes of the public control over keeping the Register in the manner and within the limits established by law.

Also the personal data from the Register may be used by the central executive power body that implements the state policy in the field of migration (immigration and emigration), including combatting illegal (unlawful) migration, citizenship, registration of natural persons, refugees and other

categories of migrants determined by the legislation, for the implementation of tasks for registration of the place of residence/stay for natural persons in Ukraine and for keeping registration records.

The use of personal data of the Register for purposes other than those indicated in Article 26, shall be possible only upon the court decision.

The use of statistical information of the Register is regulated by Article 30 of the law, according to part two of this Article the State Voter Register maintenance body shall provide the necessary statistical information only at the request of the President of Ukraine, the Verkhovna Rada of Ukraine, the Cabinet of Ministers of Ukraine, or other central executive power body.

Thus, the Central Election Commission shall have no legal grounds for providing to the Ukrainian civil association “National Assembly of Persons with Disabilities in Ukraine” the statistical information which can be created on the basis of the use of personal data of the Register that are stored in its data base.

Please note that according to Article 5 of the Law only the data about a voter (personal data) specified by the Law shall be entered in the Register and stored in the Register data base. Entering in the Register data base the data on temporary inability of a voter to move independently, stay of a voter on the day of voting in an inpatient care establishment, as well as the data on visually impaired voters has not been provided by law.

In addition, the laws of Ukraine do not provide for entering in the election documents (Ukrainian referendum documents) the data on a number of voters who voted at respective elections (Ukrainian referendum) at their place of residence, who are permanently unable to move independently, as well as those who are temporary unable to move independently.

According to the requirements of part five of Article 30 of the Law, the Central Election Commission shall publish every month on its official website (www.cvk.gov.ua) the data on the number of voters in districts, cities of regional (republican in the Autonomous Republic of Crimea) subordination, districts in cities, Autonomous Republic of Crimea, regions, cities of Kiev and Sevastopol, as well as in the foreign election district as of the last day of a previous month, which are stored in the public domain for three months.

Thus, according to the Register data as of 31 March, 2015, the number of voters within the Autonomous Republic of Crimea, regions, cities of Kyiv and Sevastopol, and the foreign election district was as follows:

Autonomous Republic of Crimea	1 523 861
Vinnitsya region	1 286 915
Volyn region	787 130
Dnipropetrovsk region	2 670 133
Donetsk region	3 327 070
Zhytomyr region	1 004 854

Zakarpattya region	961 726
Zaporizhya region	1 453 368
Ivano-Frankivsk region	1 075 562
Kyiv region	1 475 557
Kirovograd region	782 780
Lugansk region	1 784 936
Lviv region	1 973 201
Mykolayiv region	931 506
Odessa region	1 827 137
Poltava region	1 191 498
Rivne region	875 816
Sumy region	925 396
Ternopil region	848 858
Kharkiv region	2 175 880
Kherson region	865 978
Khmelnysk region	1 048 996
Cherkasy region	1 037 161
Chernivtsi region	705 112
Chernigiv region	868 080
Kyiv city	2 177 535
Sevastopol city	305 593
Foreign election district	517 614
Total	36 409 253

9. Regarding the use of stencils during elections for the election ballots production with the help of relief-dot font (Braille method) (question 15), please note that part six of Article 85 of the Law of Ukraine *On Elections of Members of Parliament of Ukraine* provides for the possibility of production of such stencils to ensure the voting of visually impaired voters. However, a study conducted by the Central Election Commission jointly with experts of the Ukrainian Society for the Blind on the possibility of using the said auxiliary device to ensure independent voting of voters with visual impairments has revealed obstacles to its practical use in the elections of Members of Parliament of Ukraine, caused, in particular, by the following factors:

A significant shift of the information on stencils for the ballots caused by difference of Braille fonts used for their production, and flat fonts used for printing the ballots;

Lack of technical capacity to manufacture stencils for the ballots longer than 30 centimeters;

The significant size of the ballot papers (up to 90 centimeters) due to the large number of political parties - electoral subjects and candidates for Members of Parliament of Ukraine, as well as the scope of information on them that must appear in the ballot.

In the view of these circumstances, stencils for the ballot production by the relief-dot font method (Braille method) were never produced for any parliamentary campaign.

Separately, it has to be noted that the procedure of access to information in possession of government authorities by method of providing it upon inquiries for information is regulated by the Law of Ukraine *On Access to Public Information*.


According to part one Article 19 of the said law, the inquiry for information shall deem a request of a person submitted to an information administrator to provide the public information in their possession.

According to part one of Article 1 of the Law of Ukraine *On Access to Public Information*, the public information is the information reflected and documented by any means and in any media, that was received or created in the course of fulfillment by government agencies of their duties specified by the applicable legislation, or the information that is in possession of government authorities, other administrator of the public information, as specified by this Law.

However, some issues raised in the information request sent by the Ukrainian civil association "*National Assembly of Persons with Disabilities in Ukraine*" are regulated by provisions of the laws of Ukraine and the answers to them may not be given by providing reflected and documented information that was received or created in the process of fulfillment by the Central Election Commission of their duties or is in its possession.

With regard to the above said, the request in this part has been considered according to Articles 14, 15 of the Law of Ukraine *On the Central Election Commission*.

Deputy Chairman of the Central
Election Commission



A. MAГEPA

Appendix 2

Questionnaire used in the survey of persons with disabilities

Questionnaire
<p><i>Dear respondent!</i></p> <p><i>National Assembly of Persons with Disabilities in Ukraine is conducting a survey of persons with disabilities across the country on currently existing conditions in our society for implementation of their right to participate in the electoral and political processes. According to the results of this survey, we will form a general picture of the situation concerning the observance of the electoral rights of persons with disabilities, and will develop recommendations as to how the situation may be improved in the country on the whole as well as in particular regions. All data will be used in generalized format preserving the anonymity of sources.</i></p> <p><i>We invite you to participate in our survey!</i></p>
<p>Dear Interviewer! You are dealing with a particular category of respondents.</p> <p>Stay calm and polite, take your time when reading questions, repeat questions if necessary, carefully record the answer to each question, and carefully record the open responses of respondents.</p> <p>Write legibly and clearly. Good luck!</p>
<p>1. Sex:</p> <p>1. Man 2. Woman</p> <p>2. Age: _____</p> <p>3. Education:</p> <p>1. Higher education 2. Not completed higher education. 3. Secondary 4. Primary 5. Other: _____</p> <p>4. Type of disability:</p> <p>1. Congenital 2. Acquired 3. Temporary</p> <p>5. Nosology (form of disability): <i>SEVERAL OPTIONS may be GIVEN</i></p>

<p>1. Musculoskeletal system</p> <p>2. Vision</p> <p>3. Hearing</p> <p>4. Intellect (development)</p>	<p>5. Speech</p> <p>6. Suffering from special injuries/diseases</p> <p>7. Other (what exactly?) _____</p>		
<p>6. Group of disability:</p> <p>1. First 2. Second 3. Third</p>			
<p>7. Place of residence:</p> <p>1. Region center</p> <p>2. District center</p> <p>3. Town</p> <p>4. Village</p> <p>5. Other _____</p>			
<p>8. Do you follow the political life of our society? <i>ONE option</i></p>			
<p>1. Yes</p> <p>2. Rather yes</p> <p>3. Rather no</p>	<p>4. No</p> <p>5. <i>Difficult to answer</i></p>		
<p>9. How often do you participate in the elections? <i>ONE option</i></p>			
<p>1. Regularly (question 11)</p>	<p>2. Sometimes</p>	<p>3. Never</p>	<p>4. <i>Difficult to answer</i></p>
<p>10. If you not always, or never, participate in elections, why? <i>Select 1-2 main answer options, or add your own.</i></p>			
<p>1. I cannot leave the house</p> <p>2. I do not believe that I can contribute to changes in the political situation</p> <p>3. Based on religious convictions</p> <p>4. I do not know how I can do that, because of health issues</p> <p>5. I cannot get to my polling station by myself</p> <p>6. No help, no support</p> <p>7. Another reason, namely: _____</p> <p>8. <i>Difficult to answer / Refusal to answer</i></p>			
<p>11. When you participate in elections, how you do that? <i>ONE option</i></p>			
<p>1. Vote at home 2. Go to the polling station (<i>go to question 14</i>) 3. Either way</p>			

12. If you vote at home, why? Select 1-2 main answer options, or add your own.

1. It is difficult to get to the polling station because the public transportation is not accessible for me
2. Polling station is not architecturally accessible for me
3. I cannot leave the house / My accommodation is not architecturally accessible
4. I need to be accompanied by someone but I do not have such help
5. It is more convenient for me to vote at home
6. Another reason, namely:

7. *Difficult to answer / Refuse to answer*

13. What are the problems you face when voting at home? Select all possible answer options, or add your own.

1. A long wait during the day
2. A breach of a secret ballot
3. Insufficient information on a candidate from the list in the ballot
4. Fear of strangers' visit
5. Other problems. Specify: _____
6. I do not have any problems voting at home
7. *Difficult to answer*

14. What are the problems you face when voting at the polling station (DEC)? Select all possible answer options, or add your own.

1. Architectural inaccessibility of the polling station
2. Impossible to get help for getting to the premises of the polling station
3. Impossible for me to get the information on candidates and programs before voting
4. Lack of help during registration and voting
5. Other problems. Specify: _____
6. I do not have any problems voting at the polling station
7. *Difficult to answer*

15. How do you get pre-election campaign information on candidates and their programs? Select all possible answer options, or add your own.

<ol style="list-style-type: none">1. Television2. Radio3. Internet4. Printed periodicals5. Outdoor advertising – billboards, posters6. Campaign handouts – newspapers, brochures, etc.7. From other people – friends, family, etc.8. Another way. Specify, which one and why: <hr/><hr/><hr/>
16. Do you encounter any problems in obtaining the pre-election campaign information? <i>ONE option</i>
<ol style="list-style-type: none">1. Yes2. No (<i>go to question 18</i>)3. <i>Difficult to answer</i>
17. What are the problems you encounter in reviewing the information on candidates and their programs? <i>Select all possible answer options, or add your own.</i>
<ol style="list-style-type: none">1. Inaccessibility of video-visual information2. Unavailability of information in audio format3. Inaccessibility of information from the Internet sites because I have no computer / access to the Internet4. Inaccessibility of information from the Internet sites because I have no special program for its conversion into the sound format5. Unclear complex content of election materials6. Other problems. Specify: <hr/><hr/>7. <i>Difficult to answer / Refuse to answer</i>
18. Do you verify the information about yourself in the voter list before the voting? <i>ONE option</i>
<ol style="list-style-type: none">1. Yes2. No (<i>go to question 21</i>)3. <i>Difficult to answer</i>
19. How do you verify the information about yourself in the voter list? <i>ONE option</i>

1. Verify in person at the polling station
2. Verify by telephone
3. In another way, namely:

20. What problems or barriers you face when verifying the information about yourself in the voter list? *Select all possible answer options, or add your own.*

1. Problems of reaching or getting to the polling station (DEC)
2. Problems of preparing a handwritten application at the polling station
3. No social worker or attendant
4. Other problems / barriers. Namely:

5. I do not have any problems with that
6. *Difficult to answer / Refuse to answer*

21. If you do not verify the information about yourself in the voter lists, why?

1. I do not worry that I may be not on the list
2. I do not take part in elections, that is why I do not verify this information
3. I am confident that my name is in the list
4. I have no physical possibility to use this right
5. I do not know where I can verify this information
6. Other, namely:

Difficult to answer/ Refusal to answer

22. Did you personally face a violation of your electoral rights? *ONE variant*

1. Yes
2. No (*question 26*)
3. Difficult to answer

Appendix 3

Survey of officials and stakeholders

A survey of officials and stakeholders at the central and local levels was conducted in 10 regions of Ukraine and Kyiv city on the condition currently existing in society for realizing the rights of citizens with disabilities to participate in electoral and political processes.

Among the respondents were:

- ✓ Deputies of local councils and employees of local administrations (management, education, social protection, urban planning, etc.) – 37 percent
- ✓ Employees of the social protection system – 24 percent
- ✓ Employees of the educational system – 19 percent
- ✓ Employees of social services – 20 percent

Respondents (Office/position):

- ✓ Ministry of Defense of Ukraine: head of unit, member of the precinct commission
- ✓ Ministry of Social Policy: deputy director of the department, chief specialist
- ✓ Ministry of Infrastructure: chief specialist
- ✓ Ministry of Infrastructure: department head
- ✓ CEC: commission member, employee of the secretariat
- ✓ State Architectural and Construction Inspectorate: chief specialist
- ✓ District council: deputy, vice chairman, specialist
- ✓ City Department of Social Welfare: chairman
- ✓ Education Department: head of sector
- ✓ Center for Social Services for Families, Children and Youth: director
- ✓ City council: deputy
- ✓ Department of Labor District Council: chief
- ✓ Regional Branch Fund of Social Protection of the Disabled: deputy manager
- ✓ Social protection sphere: member of the village election commission
- ✓ Education sphere: head of department
- ✓ Postal service: deputy chief of department
- ✓ City State Administration: specialist
- ✓ State Bank: general manager, member of the regional election commission
- ✓ Village Council: chairman, secretary, chairman of the territorial commission
- ✓ Regional Department of Labor and Social Welfare: deputy director
- ✓ Interregional center for professional rehabilitation of the disabled: director
- ✓ State experimental prosthetic and orthopedic company: director
- ✓ City employment center: director
- ✓ Department of Social Welfare: head of sector
- ✓ Ukrainian Transport Inspection: specialist
- ✓ District State Administration: deputy chairman
- ✓ City council: deputy, deputy mayor for humanitarian affairs
- ✓ Department of Culture: head of city house of culture, member of the commission
- ✓ Education department: chief specialist, head of the polling station

- ✓ Social worker
- ✓ Regional State Administration: head of rehabilitation of the disabled, head of the Department of Urban Planning and Infrastructure of the RSA
- ✓ Department of Education of the City Council: head of sector
- ✓ Interregional medical-social expert commission: chief doctor
- ✓ School teacher
- ✓ National Medical University named for Gorky: lawyer
- ✓ City administration: first deputy chairman, chairman for accessibility
- ✓ Regional council: deputy
- ✓ District employment center: deputy director



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