

# ANALYSIS OF

# THE POLITICAL PARTICIPATION OF PERSONS WITH DISABILITIES



**ANALYSIS of  
the Political Participation of  
Persons with Disabilities**

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## LIST OF ACCRONYMS

<b>SEC</b>	– State Election Commission
<b>ECHR</b>	– European Convention for the Protection of Human Rights and Fundamental Freedoms
<b>ECtHR</b>	– European Court of Human Rights
<b>LAAVMS</b>	– Law on Audio and Audio-visual Media Services
<b>LNLP</b>	– Law on Non- litigation Proceedings
<b>LPPD</b>	– Law on Prevention and Protection against Discrimination
<b>EC</b>	– Electoral Code
<b>EB</b>	– Electoral Board
<b>CSCE</b>	– Conference on Security and Co-operation in Europe
<b>CRPD</b>	– Convention on the Rights of Persons with Disabilities
<b>HRC</b>	– Human Rights Committee
<b>MoES</b>	– Ministry of Education and Science
<b>ICCPR</b>	– International Covenant on Civil and Political Rights
<b>MRT</b>	– “Macedonian Radio Television” (public broadcaster)
<b>MLSP</b>	– Ministry of Labour and Social Policy
<b>OI</b>	– Ombudsman Institution
<b>OSCE</b>	– Organization for Security and Co-operation in Europe
<b>OSCE/ODIHR</b>	– Organization for Security and Co-operation in Europe/Office for Democratic Institutions and Human Rights
<b>UN</b>	– United Nations
<b>CoE</b>	– Council of Europe
<b>UDHR</b>	– Universal Declaration of Human Rights

# INTRODUCTION

The effective political participation of persons with disabilities in national decision-making processes is an issue of interest and, as of recently, has become a frequent topic of debate both at the international and regional level. In the context of the right to political participation and pursuant to international human rights standards, political participation (access to and full participation in the decision-making process) is the key element for the realization and protection of the rights of persons with disabilities.

The existent measures and activities, the new improved policies and laws that the state adopted following the ratification of the Convention on the Rights of Persons with Disabilities (CRPD) in 2011, are not exactly conducive to creating conditions for equal opportunities and for the realization of civic and political rights.

Such constitutional/legal obstacles are closely associated with other less apparent and highly complex forms of exclusion, concerning the political culture, the absence of political will, the understanding of disability from a human rights aspect, the system of values i.e. the behaviour and mind-set of individuals and of society in general, that a fully inclusive process and participation of persons with disabilities in the political and public life does not only benefit this group of persons, but the whole of society.

In this regard, the analysis explores the direct impact that the CRPD and existent constitutional and legal provisions have on the political participation of persons with disabilities in the country; the state of affairs; and also provides suggestions and recommendations for further discussion and review by the political and academic community, as well as the community of persons with disabilities.

The legal framework presented in this analysis is based on the CRPD, which, pursuant to Article 29, assesses the principle of the political participation of persons with disabilities as a tool that empowers the community of persons with disabilities, instead of merely protecting their rights.

In this context, the first part of the analysis provides an overview of the international legal standards and norms that regulate the political participation of persons with disabilities. In the second part, the analysis focuses on the existent

policies and mechanisms regulating this matter in the country; the third part presents and analyses the perception, both of persons with and without disabilities, about the participation of persons with disabilities in politics and political life.

Data collection was conducted through a combination of desk research and fieldwork. The research was conducted using a method of analysing the legal framework and existing public policies, as well as the available research in the respective areas. National law, international law, existing analysis of legal acts, as well as analyses and reports on their implementation, academic and other literature were also used in the process of drafting the analysis. The legal analysis of the text enabled the analysis of the national legislation, guided by the content of the Convention of the Rights of Persons with Disabilities.

Interviews were used as another method to collect data from 100 respondents without disabilities and 100 respondents with disabilities, as well as an in-depth interview with a politician with a disability who is a member of the Council of the Municipality of Prilep. Moreover, the survey was also conducted with political parties, through analysis of questionnaires that were sent to them, i.e. to the municipal branches and headquarters of each party. In total, responses of four political parties were analysed, with a total number of 40 questionnaires, that is, responses from: VMRO-DPMNE, SDSM, DOM, and BESA.

The concluding part of the analysis, based on the research, includes proposals for measures to be taken in order to harmonize the existing legal framework with the CRPD, as well as issues which could be surpassed and which could and should trigger discussions and analyses by various stakeholders, including persons with disabilities, aimed at ensuring a high(er) level of political participation of persons with disabilities as a step forward in achieving substantial equality.



# CHAPTER ONE

## 1. INTERNATIONAL LEGAL STANDARDS

### 1.1 The Right to Political Participation of Persons with Disabilities in the United Nations

#### 1.1.1 *The Convention on the Rights of Persons with Disabilities*

The Convention on the Rights of Persons with Disabilities<sup>1</sup> and its Optional Protocol, were signed by the country in 2006 and ratified on 5 December 2011 without reservation.

The CRPD does not stipulate any new rights. On the contrary, the CRPD and its Optional Protocol are designed to create correctional mechanisms to address the clearly disadvantageous position of persons with disabilities and promote their participation with equal opportunities in civil, economic, social and cultural life<sup>2</sup>.

A significant part of the CRPD concerns matters of discrimination on the ground of disability. Article 5 of the CRPD has general (horizontal) applicability. In this respect, States Parties are obliged to ensure the implementation of the principle of universal design and reasonable accommodation. Namely, it encompasses all forms of discrimination, including the lack of provision of reasonable accommodation.

The Committee on the Rights of Persons with Disabilities (hereinafter referred to as: the Committee) in General Comment No.2<sup>3</sup> notes that “persons with disabilities should have equal access to all goods, products and services that are open or provided to the public in a manner that ensures their effective and equal access and respects their dignity ... denial of access should be considered to constitute a discriminatory act, regardless of whether the perpetrator is a public or private entity” (para.13). In those terms, guaranteeing the right to accessibility *pro futuro* shall be analysed in the context of the application of the general obligation to set up and implement the universal design concept, both with regard to provision of various goods, services and provision of equipment and facilities.

In the analysis of the area concerning the political participation of persons with disabilities, the main pillar is Article 29, which in conjunction with Article 5, states that “States Parties shall guarantee to persons with disabilities political rights and the opportunity to enjoy them on an equal basis with others, and shall undertake to ensure that persons with disabilities can effectively and fully participate in political and public life on an equal basis with others, directly or through freely chosen representatives, including the right and opportunity for persons with disabilities to vote and be elected” (Article 29 paragraph 1(a)).

That is to say, the political participation of persons with disabilities shall be enabled on an equal basis with others, regardless of the legal status of the person with disabilities. In parallel, the States also have an affirmative obligation to accommodate and provide support to persons with disabilities in the realization of their right to political participation.

<sup>1</sup> The Law on Ratification of the Convention on the Rights of Persons with Disabilities and the Optional Protocol to the Convention on the Rights of Persons with Disabilities, „Official Gazette”, No.172/2011, dated 14 December 2011, available at: <http://www.mtsp.gov.mk> and <http://www.slvesnik.com.mk> [Accessed on: 10 March 2017].

<sup>2</sup> Poposka Z., “From Idea to Reality”, Polio Plus – Movement against Disability, 2005, p.13.

<sup>3</sup> Committee on the Rights of Persons with Disabilities, General Comment No. 2 on Article 9, CRPD/C/GC/2, available at: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G14/033/13/PDF/G1403313.pdf?OpenElement> [Accessed on: 11 March 2017].

Article 29 stipulates the responsibilities of States to ensure, free from discrimination and unsubstantiated limitations, the participation of persons with disabilities in the election process, participation in political organizations/parties and participation in the decision-making process in relation to issues of interest to persons with disabilities.

The right to participation in political and public life is interlinked, interdependent and inseparable with the other rights under the CRPD. Hence, Article 29 is directly linked to Article 3 (General principles), Article 4 (General obligations), Article 5 (Equality and non-discrimination), Article 8 (Awareness-raising), Article 9 (Accessibility), Article 12 (Equal recognition before the law), Article 21 (Freedom of expression and opinion, and access to information), as well as to Article 31 (Statistics and data collection).

Article 12 is deemed extremely important because, in the absence of legal recognition of the person by law, “the person is degraded to a simple legal object where he/she is not considered to be a person in the legal sense and is deprived of all other rights ... for these reasons, recognizing the legal subjectivity of the person is a precondition for the realization of this person’s other rights”<sup>4</sup>. The core issue is the implementation of Article 29 in conjunction with Article 12, considered from the aspect of the legal capacity of persons with disabilities. According to the CRPD, Article 12 emphasizes the support needed for persons with disabilities in exercising their rights, including the right to vote. In this respect, the CRPD sets the obligation for the State Parties to recognize and respect the legal capacity of the person with disabilities on an equal basis with others, in all aspects of life. Thus, the article stipulates no exceptions, including the right to vote. Instead, the article underlines that State Parties shall take “appropriate measures to provide access by persons with disabilities to the support they may require in exercising their legal capacity” (Article 12 paragraph 3). The support in this context refers to the entire electoral process: voters’ information and education, registration, web pages, electoral campaigns, ballots, and voter’s monitoring and post-electoral evaluation.

In correlation with Article 12 considered from the aspect of Article 29, the CRPD requires the States Parties to facilitate the exercising of the right to vote and to support the decision-making of persons with disabilities in the context of their political participation, while Article 5 includes the obligation to provide reasonable accommodation in exercising this right. Such measures may include, for instance, assisted voting by a designated person chosen by the voter who needs assistance, as well as provision of alternative polling stations, availability of sign language interpreters, introducing tactile voting guidelines or electronic voting machines or provision of guidelines with simple voting instructions in a user-friendly format, or designating individuals or a group of individuals who will assist persons with intellectual and mental disabilities to understand the electoral process, etc<sup>5</sup>.

In the same context are the considerations of the Committee in General Comment No. 1<sup>6</sup>, that is, “person’s decision-making ability cannot be a justification for any exclusion of persons with disabilities from exercising their political rights, including the right to vote [and] the right to stand for election” (para.48). Accordingly, the Committee clearly highlights that the CRPD does not allow for the deprivation of legal capacity on the grounds of mental or intellectual disability. It is clear that neither general, nor individual court decisions shall be deemed acceptable grounds for denying the right to vote to persons with disabilities.

This opinion was applied in the recent decision in the case *Zsolt Bujdosó, Jánosné Ildikó Márkus, Viktória Márton, Sándor Mészáros, Gergely Polk and János Szabó v. Hungary*. Namely, in this particular case, persons with intellectual disability, who were placed under full or partial guardianship, were automatically removed from the voters list. In this case, the Committee noted that “an exclusion of the right to vote on the basis of a perceived, or actual psychosocial or intellectual disability, including a restriction pursuant to an individualized assessment, constitutes discrimination on the basis of disability” (para.9.4)<sup>7</sup>.

<sup>4</sup> Poposka Z., “From Idea to Reality”, Polio Plus – Movement against Disability, 2005, p.8.

<sup>5</sup> Janet E. Lord et al., Human Rights. YES! Action and Advocacy on the Rights of Persons with Disabilities 31–43 (2d ed. 2012).

<sup>6</sup> Committee on the Rights of Persons with Disabilities, General Comment No.1 on Article 12, CRPD/C/GC/1, available at: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G14/031/20/PDF/G1403120.pdf?OpenElement> [Accessed on: 11 April 2017].

<sup>7</sup> Opinions of the Committee on the Rights of Persons with Disabilities for the case Communication No. 4/2011, CRPD/C/10/D/4/2011, available at: [http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CRPD/C/10/D/4/2011&Lang=en](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRPD/C/10/D/4/2011&Lang=en) [Accessed on: 11 April 2017].

Additionally, the Committee has reviewed this issue as part of the large number of Concluding Observations of States Parties, such as Spain<sup>8</sup>, Hungary<sup>9</sup>, China<sup>10</sup>, Australia<sup>11</sup>. In its Report on Tunisia<sup>12</sup>, the Committee recommends the following to the State: “urgent adoption of legislative measures to ensure that persons with disabilities, including persons who are currently under guardianship or trusteeship, can exercise their right to vote and participate in public life on an equal basis with others”.

In addition, the Committee expressed serious concerns to Spain about the newly introduced system of individual assessment of persons with disabilities, in particular about persons with intellectual disabilities in terms of whether they are able to exercise their right to vote<sup>13</sup>.

For instance, in the case of Kenya, the Constitution of Kenya (Article 27(4) and Article 82) explicitly prohibits discrimination on the grounds of disability, and sets forth the obligation to take into consideration the needs of a person with disabilities when exercising the right to vote. However, the Constitution of Kenya (Articles 83 and 99) denies the right to persons who are “declared as persons with disabilities without legal capacity” to register as voters or to be elected. In 2015, the Committee recommended that Kenya “repeal the constitutional provisions that restrict the right of persons with disabilities to be elected as members of Parliament and to vote on an equal basis with others” (paragraph 52 (a))<sup>14</sup>.

In this context, one cannot omit to mention Article 8 of the CRPD that urges the States Parties to “foster respect for the rights and dignity of persons with disabilities” (Article 8 paragraph 1 (a)) and to take measures to “combat stereotypes, prejudices and harmful practices” (Article 8 paragraph 1 (b)). This comprises “encouraging all organs of the media to portray persons with disabilities in a manner consistent with the purpose of the CRPD” (Article 8 paragraph 2 (c)). In correlation with Article 29, the media are not only obliged to promote the political rights of persons with disabilities, but also to foster and present practices for the effective participation of persons with disabilities in the realization of the right to vote.

Furthermore, according to Article 21, all States Parties “shall take all appropriate measures to ensure that persons with disabilities can exercise the right to freedom of expression and opinion, including the freedom to seek, receive and impart information and ideas on an equal basis with others and through all forms of communication of their choice” (Article 21 paragraph 1). This Article, in conjunction with Article 29, states that all information in all phases of the process of the realization of the right to vote shall be in accessible and available formats.

Still, one should mention Article 30 of the CRPD, as well. Namely, paragraph 4 of Article 30 relates to the special right of persons with sensory impairments to enjoy their cultural and linguistic identity, particularly the right to use their language. In the context of Article 29, this means that the electoral process shall provide for full accessibility of information for promotion and exercise of the minorities’ rights, in this case, the persons with sensory disability – to enjoy their cultural and linguistic identity, and particularly the right to use their language when practicing the right to vote.

<sup>8</sup> Concluding observations for the implementation of the CRPD by Spain, Committee on the Rights of Persons with Disabilities, CRPD/C/ESP/CO/1, available at: <http://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2fPPRiCAqhKb7yhsxq2MulDp%2fqMKQ6SGOn0%2fnZ5trZrfgNmKdTjE%2fScMKF96xMrtyzhDx7aguCpqqK4xQVGCY502yRGHBFyeVZXNwrzzLUz9%2b%2fi%2fvG1YYZdxJ8> [Accessed on: 18 April 2017].

<sup>9</sup> Concluding observations for the implementation of the CRPD by Hungary, Committee on the Rights of Persons with Disabilities, CRPD/C/HUN/CO/1, available at: [http://www.ohchr.org/Documents/HRBodies/CRPD/8thSession/CRPD-C-HUN-CO-1\\_en.doc](http://www.ohchr.org/Documents/HRBodies/CRPD/8thSession/CRPD-C-HUN-CO-1_en.doc) [Accessed on: 18 April 2017].

<sup>10</sup> Concluding observations for the implementation of the CRPD by China, Committee on the Rights of Persons with Disabilities, CRPD/C/CHN/CO/1, available at: <http://www.legco.gov.hk/yr12-13/english/panels/ca/papers/cacb2-119-1-e.pdf> [Accessed on: 18 April 2017].

<sup>11</sup> Concluding observations for the implementation of the CRPD by Australia, Committee on the Rights of Persons with Disabilities, CRPD/C/CHN/CO/1, available at: [http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CRPD%2fC%2fAUS%2fCO%2f1](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRPD%2fC%2fAUS%2fCO%2f1) [Accessed on: 18 April 2017].

<sup>12</sup> Concluding observations for the implementation of the CRPD by Tunisia, Committee on the Rights of Persons with Disabilities, CRPD/C/CHN/CO/1, available at: [http://www2.ohchr.org/SPdocs/CRPD/5thsession/CRPD-C-TUN-CO-1\\_en.doc](http://www2.ohchr.org/SPdocs/CRPD/5thsession/CRPD-C-TUN-CO-1_en.doc) [Accessed on: 18 April 2017].

<sup>13</sup> Concluding observations for the implementation of the CRPD by Spain, Committee on the Rights of Persons with Disabilities, 48, U.N. Doc. CRPD/C/ESP/CO/1, available at: <http://www.ohchr.org/EN/HRBodies/CRPD/Pages/Session6.aspx> [Accessed on: 18 April 2017].

<sup>14</sup> Concluding observations for the implementation of the CRPD by Kenya, Committee on the Rights of Persons with Disabilities, CRPD/C/CHN/CO/1, available at: <http://www.refworld.org/pdfid/55eed6bc3.pdf> [Accessed on: 18 April 2017].

The right to participation in political and public life is interrelated, dependent and inseparable from the other rights provided in the CRPD. This means that the violation of the right to participation in political and public life can result in the denial of other human rights of persons with disabilities. Similarly, the violation of other human rights, such as the right to education, can also affect the capacity of persons with disabilities to fully participate in political and public life. For example, restricting the right to education influences the capacity of the person to run for Parliament or, if elected, to successfully hold an office.

### *1.1.2 The Universal Declaration of Human Rights*

The Universal Declaration of Human Rights<sup>15</sup> (UDHR) in Article 2 states that “Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status”. In terms of participation in political and public life, the UDHR envisages “a universal and equal right to vote” (Article 21). Namely, Article 21 includes the right of every person to participate in state governance, indirectly or through freely elected representatives, as well as to have equal access to public services in the country of living, underlining the importance of the will of people as the basis of any government, expressed in regular and free elections, with a universal and equal right to secret vote or by equivalent free voting procedures.

Despite the lack of provisions in the UDHR that specifically safeguard persons with disabilities and their political participation, the principle of equality in the enjoyment of human rights and fundamental freedoms should be considered from the aspect of Article 7. This Article stipulates the principles of: equality before the law, equal protection by the law and equality in the application of the law. Accordingly, it implies that States should play a more active role, as well as undertake affirmative actions aimed at the realization and enjoyment of human rights, including the right to political participation.

### *1.1.3 Other Human Rights treaties in the United Nations system*

In addition to the UDHR, there are other human rights conventions adopted within the UN system, and even though they are general, they can be still invoked by persons with disabilities. Namely, a few articles of the International Covenant on Civil and Political Rights<sup>16</sup> (ICCPR) are of particular relevance for persons with disabilities. Article 2(1) reads as follows: “Each State Party to the present Covenant undertakes to respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the present Covenant, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status”. Concerning persons with disability, Article 25 is also relevant and reads as follows: “Every citizen shall have the right and the opportunity, without any of the distinctions mentioned in article 2 and without unreasonable restrictions: (a) To take part in the conduct of public affairs ...; (b) To vote and to be elected at genuine periodic elections which shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electors; and (c) To have access, on general terms of equality, to public service in his country.”.

Although the ICCPR does allow for restrictions of this right, the Human Rights Committee (HRC) noted in General Comment No.25<sup>17</sup> that, “Any conditions which apply to the exercise of the rights protected by Article 25 should be based on objective and reasonable criteria. For example, it may be reasonable to require a higher age for election or appointment to

<sup>15</sup> The Universal Declaration of Human Rights, UN, 1948, available at: <http://www.un.org/en/universal-declaration-human-rights/index.html> [Accessed on: 18 April 2017].

<sup>16</sup> The International Covenant on Civil and Political Rights, UN, 1976, available at: <http://www.ohchr.org/EN/ProfessionalInterest/Pages/CCPR.aspx> [Accessed on: 18 April 2017].

<sup>17</sup> General Comment No.25, Human Rights Committee, CCPR/C/21/Rev.1/Add.7, available at: <http://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2fPPRiCAqhKb7yhsrdB0H115979OVGGb%2bW PAXiks 7ivEzdmL QdosDnCG8FaJ7 cpkH% 2fR9Y1pwV %2bAPs %2bmcFvCdQgiL4iR9ZkL7Bv4oc2QL Z3AWYcNmMYP35jhOMZ9> [Accessed on: 19 March 2017].

particular offices than for exercising the right to vote, which should be available to every adult citizen. The exercise of these rights by citizens may not be suspended or excluded except on grounds which are established by law and which are objective and reasonable. For example, established mental incapacity may be a ground for denying a person the right to vote or to hold office” (para.4). In addition, the HRC in General Commentary No. 25 notes that restrictions on the grounds of literacy, physical disability, property or political affiliation are considered unreasonable (para.10). Furthermore, according to this Commentary, States are responsible for undertaking positive measures, such as efficient registration of voters and establishment of mechanisms for persons with disabilities, that is, to enable them to vote.

However, despite the existent provisions in the ICCPR, the CRPD imposes no restrictions on the right to participation of persons with disabilities, including persons with intellectual disabilities and persons with psychosocial impairments. In fact, it recognizes the right and freedom of persons with disabilities to participate in the decision-making process<sup>18</sup>, including the right to participate in elections and vote and to be elected, i.e. hold public office.

## 1.2 The Right to Political Participation of Persons with Disabilities in the Council of Europe

The main instrument for the protection of human rights and freedoms within the Council of Europe (CoE) is the European Convention for the Protection of Human Rights and Fundamental Freedoms<sup>19</sup> (ECHR). In respect of the political participation of persons with disabilities, Article 3 of Protocol No.1 of the ECHR, which refers to the right to vote (right to vote and right to fair and free elections), is particularly important. The ECHR sets forth the obligation of States to organize free elections by secret vote within reasonable timeframes, under conditions that allow citizens to freely express their opinion. Its legally binding character (for all States Signatories) ensures that guaranteed rights and freedoms are also applicable to persons with disabilities, although the ECHR does not explicitly mention disability as a ground for discrimination in Article 14 and Protocol No.12.

Despite the inexistence of specific CoE agreements concerning persons with disabilities, different bodies within the CoE have adopted several recommendations on disability. That is to say, recommendations adopted by the Committee of Ministers, the Parliamentary Assembly of the Council of Europe and the European Commission for Democracy through Law (the Venice Commission).

In 2011, the Committee of Ministers adopted the Recommendation on Participation of Persons with Disabilities in political and public life<sup>20</sup>. It stipulates the measures that States Parties should take, whereby emphasis is put on the position of the CRPD in relation to the right to participation in political and public life, including persons with intellectual and psychosocial disability. One such recommendation refers to guaranteeing the principle of equality and non-discrimination, thus providing guidelines for the State Parties to provide a legal framework under which persons with disabilities would not be deprived of the right to vote and be elected, without any restrictions.

Moreover, the document recommends that accessibility and assistance, as well as data collection and statistics, are ensured. Furthermore, the recommendation provides that Member states should request that political parties, associations, broadcasting corporations and other bodies receiving state subsidies or public funding shall be accountable and shall

<sup>18</sup> The Convention on the Rights of People with Disabilities, preamble, paragraph n.

<sup>19</sup> European Convention for the Protection of Human Rights and Fundamental Freedoms, Council of Europe, by Protocols Nos. 11 and 14 supplemented by Protocols Nos. 1, 4, 6, 7, 12 and 13, available at: [http://www.echr.coe.int/Documents/Convention\\_ENG.pdf](http://www.echr.coe.int/Documents/Convention_ENG.pdf) [Accessed on: 18 April 2017].

<sup>20</sup> Recommendation of the Committee of ministers to Member States on the Participation of Persons with Disabilities in the Political and Public Life, CM/Rec (2011)14, 16.11.2011, available at [https://search.coe.int/cm/Pages/result\\_details.aspx?ObjectID=09000016805cbe4e](https://search.coe.int/cm/Pages/result_details.aspx?ObjectID=09000016805cbe4e) [Accessed on: 18 April 2017].

launch active measures in order to enable persons with disabilities access to information on political debates, campaigns and events which fall within the scope of their activity.

The areas identified in the Council of Europe 2017-2023 Strategy on the Rights of Persons with Disabilities<sup>21</sup> are similar to those in the CRPD. Namely, it identifies the following five priority areas: equality, non-discrimination, awareness raising, accessibility and equality before the law. The Strategy emphasizes that persons with disabilities are entitled to enjoy equal recognition before the law and requires that States Parties must as soon as possible replace the decision-making system for persons with intellectual disabilities with a system of decision-making with support (point 63, p.25).

In 2011, the Venice Commission amended its position and its restrictive approach in enabling the right to vote for persons with mental and intellectual disability. The new Code of Good Practice in Electoral Matters<sup>22</sup>, from 2011 states that: "Universal suffrage is a fundamental principle of the European Electoral Heritage. People with disabilities must not be discriminated against in the exercising of their right to vote, as per Article 29 of the Convention of the United Nations on the Rights of Persons with Disabilities and the case-law of the European Court of Human Rights" (para.2). The Code additionally encompasses the equality and non-discrimination principle, the need to respect the principle of universal design and reasonable accommodation, as well as the need to ensure accessibility and availability of voting processes and procedures, availability of information in alternative formats, and provide assistance by a designated person chosen by the persons with disabilities. Moreover, it is worth noting the case law of the European Court of Human Rights. In the case of *Mathieu-Mohin and Clerfayt v. Belgium*<sup>23</sup>, the ECtHR held that the right to vote could be subject to restrictions by law if there is a legitimate goal and if the test of proportionality is satisfied. In the case of *Alajos Kiss v. Hungary*<sup>24</sup>, the ECtHR was required to determine if the applicant's exclusion from the electoral register on the strength of his placement under guardianship is in conformity with the ECHR. The ECtHR rejected the argument of Hungary, noting that the country applies a narrow interpretation of electoral rights, due to the vulnerability of the group and determined that the exclusion can be justified only "in highly restrictive cases". "The Court therefore concluded that an indiscriminate removal of voting rights, without an individualised judicial evaluation and solely based on a mental disability necessitating partial guardianship, cannot be considered compatible with the legitimate grounds for restricting the right to vote" (para.44).

The ECtHR judgment in the *Alajos Kiss* case is considered a precedent for the repealing of general restrictions on the voting of persons with disabilities across Europe. Namely, only 56 out of 60 countries have imposed restrictions on the right to vote on the grounds of intellectual disability<sup>25</sup>. However, in the *Alajos Kiss* case, many complex matters remain unresolved concerning the equal political participation of persons with disabilities. Given the modest jurisprudence and analysis, as well as the controversial political nature of the matters, most of the reservations about the CRPD, in fact, refer to depriving persons with disabilities of their legal capacity.

That being the case, these are considered to be key human rights issues that would require efforts for further regulation.

<sup>21</sup> Strategy on the Rights of Persons with Disabilities 2017-2023, Council of Europe, available at: <https://rm.coe.int/16806fe7d4> [Accessed on: 18 April 2017].

<sup>22</sup> Code of Good Practices on Electoral Matters, CDL-AD (2011)045, Venice Commission, 2011, available at: <http://mdac.info/sites/mdac.info/files/CDL-AD%282011%29045-e.pdf> [Accessed on: 19 July 2017].

<sup>23</sup> *Mathieu-Mohin & Clerfayt v. Belgium*, App. no. 9267/81, Judgment from 2 March 1987, available at: <http://echr.ketse.com/doc/9267.81-en-19870302/view/> [Accessed on: 19 July 2017].

<sup>24</sup> *Alajos Kiss v. Hungary*, App.no. 38832/06, Judgment from 20 May 2010, available at: <http://hudoc.echr.coe.int/eng?i=001-98800> [Accessed on: 19 July 2017].

<sup>25</sup> Blais A., Massicotte L., Yoshinaka A. "Analysis: Deciding Who has the Right to Vote: Comparative Analysis of Electoral Legislation", 2001, available at: [https://www.academia.edu/22980128/Deciding\\_who\\_has\\_the\\_right\\_to\\_vote\\_a\\_comparative\\_analysis\\_of\\_election\\_laws](https://www.academia.edu/22980128/Deciding_who_has_the_right_to_vote_a_comparative_analysis_of_election_laws) [Accessed on 19 July 2017]. The Analysis notes that 56 out of 60 countries have restricted the right to vote on the ground of disability.

### 1.3 The Right to Political Participation of Persons with Disabilities in the European Union

The Charter of Fundamental Human Rights of the European Union<sup>26</sup> recognizes the universal nature of rights and freedoms. Article 21 paragraph 2 entails provisions that prohibit discrimination that include, among others, the ground of disability. In Article 26, the Charter gives due weight to the prohibition of discrimination by recognizing the need for active participation of persons with disabilities, as well as taking measures aimed at ensuring their independence, social and professional integration and their participation in community life. Articles 39 and 40 of the Charter stipulate that every person has the right to vote and to stand as a candidate at the elections for the European Parliament and local elections. Following the accession of the CRPD by the European Union, several guidelines and strategies have been adopted, which, among other areas, also cover the political participation of persons with disabilities.

In the context of the European Union, it is worth noting the European Disability Strategy (2010-2020)<sup>27</sup>, which aims to ensure full participation of persons with disabilities through: creation of possibilities to enjoy all the benefits of EU citizenship; removal of administrative barriers and equal participation. The Strategy underlines that the Commission will work on implementing accessibility and removing existing barriers for the realization of the right to vote, also with the support of the Member States to ensure that women and men with disabilities can fully realize their electoral rights through development and dissemination of standards for accessible electoral facilities.

The European Parliament's Resolution on the Use of Sign Language<sup>28</sup> stipulates that "public and government services, including the online content, must be made accessible via live intermediaries such as on-site sign language interpreters, but also alternative internet-based and remote services" (paragraph 10). In relation to political participation, the Resolution "reiterates its commitment to making the political process as accessible as possible, including through the provision of professional sign language interpreters; notes that this includes elections, public consultations and other events" (paragraph 11). In terms of the application of Article 29 of the CRPD, the Committee in its Concluding observations on the situation of persons with disabilities in the European Union<sup>29</sup>, notes with deep concern that "across the European Union, persons with disabilities, especially those deprived of their legal capacity or residing in institutions, cannot exercise their right to vote in elections and that participation in elections is not fully accessible" (paragraph 68). The Committee recommends that "the European Union take the necessary measures, in cooperation with its Member States and representative organizations of persons with disabilities, to enable all persons with all types of disabilities, including those under guardianship, to enjoy their right to vote and stand for election, including by providing accessible communication and facilities" (paragraph 69).

<sup>26</sup> Charter on Fundamental Rights and Freedoms of the European Union, Official Journal of the European Communities, C 364/1, 2000, available at: [http://eeas.europa.eu/archives/delegations/the\\_former\\_yugoslav\\_republic\\_of\\_macedonia/documents/more\\_info/publications/charteroffundamentalrights\\_mk.pdf](http://eeas.europa.eu/archives/delegations/the_former_yugoslav_republic_of_macedonia/documents/more_info/publications/charteroffundamentalrights_mk.pdf) [Accessed on: 20 June 2017].

<sup>27</sup> European Disability Strategy (2010-2020), available at: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2010:0636:FIN:EN:PDF>. [Accessed on: 19 June 2017].

<sup>28</sup> European Parliament Resolution on Sign Language, 2016, 2016/2952[RSP], available at: <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+TA+P8-TA-2016-0442+0+DOC+XML+V0//EN>. [Accessed on: 19 June 2017].

<sup>29</sup> Concluding Observations on the Initial Report of the European Union by the Committee on the Rights of Persons with Disabilities, CRPD/C/EU/CO/1, available at: [http://www.eesc.europa.eu/resources/docs/un\\_concluding-observations-on-the-initial-report-of-the-european-union.pdf](http://www.eesc.europa.eu/resources/docs/un_concluding-observations-on-the-initial-report-of-the-european-union.pdf) [Accessed on: 19 July 2017].

## 1.4 The Right to Political Participation of Persons with Disabilities in the Organization for Security and Co-operation in Europe

In this context, it is also worth noting the commitments adopted by the CSCE, later on the Organization for Security and Co-operation in Europe (OSCE) in Copenhagen in 1990, also known as the Copenhagen Document<sup>30</sup>. This key document underlines the central role that elections play in guaranteeing citizens' right to participate in the work of their government. In this document, Participating States confirm that in respect of exercising the right to vote, their domestic laws shall conform with their obligations under international law (paragraph 4), as well as to guarantee that all persons are equal before the law and have the right to equal protection in the exercising of the right to vote without any bias. In this respect, the law shall prohibit any discrimination on any ground (para.5.9) and shall guarantee the right to freedom of expression, including the right to receive and impart information to all persons (paragraph 9). Paragraph 8 of the Copenhagen Documents importantly describes the role of the national and international observers in the OSCE region, claiming that "the presence of observers, both foreign and domestic, can enhance the integrity of the electoral process".

### CHAPTER 1 CONCLUSION:

Political participation is recognized as a fundamental human right. However, given the historical perspective, not every person was entitled to enjoy that fundamental right, as a result of societal and social constructs about the perceived capacities and incapacities of particular groups and individuals, including persons with disabilities. Concurrently, international human rights law, calls for strict restrictions and a restrictive interpretation of the interference on the part of the State in individual rights, including the right to vote. Despite the adoption of the CRPD, compared to other vulnerable groups and communities, persons with disabilities are still marginalized with respect to exercising their civil and political rights. Nevertheless, being an adopted standard, the CRPD facilitates and clarifies the approach and the application of human rights with regard to persons with disabilities. The decision in the *Bujdosó* case is closely related to General Commentary No. 25 of the HRC. Considering that the ICCPR and General Commentary No. 25 precede the CRPD, one can possibly claim that the CRPD standard is of highest importance. During the fourth interactive debate of the Human Rights Council, the HRC was requested to revise General Commentary No. 25<sup>31</sup>. In the meantime, it seems that the HRC supports the CRPD's standard urging the States Parties to "abolish any existing exclusion or restriction for persons with disabilities, including those persons with psychological, mental or intellectual disabilities to ensure they have the opportunity to participate effectively and fully in political and public life..." (paragraph 7)<sup>32</sup>. It appears that the HRC signals that when it comes to persons with disabilities, the CRPD's standards are *lex specialis* and *lex posterior*.

<sup>30</sup> Copenhagen Document, available at: <http://www.osce.org/odihr/elections/14304?download=true> [Accessed on: 19 July 2017].

<sup>31</sup> Conclusions from the Fourth Debate of the Human Rights Council, Participation of Persons with Disabilities in Political and Public Life, available at: <http://www.ohchr.org/EN/Issues/Disability/Pages/politicalpubliclife.aspx> [Accessed on: 19 July 2017].

<sup>32</sup> UN Human Rights Committee, Rights of Persons with Disabilities to Participate in Political and Local Life, A/HRC/19/L.9/Rev.1, 2012, available at: [http://www.ohchr.org/Documents/Issues/Disability/A-HRC-19-L.9-Rev.1\\_English.pdf](http://www.ohchr.org/Documents/Issues/Disability/A-HRC-19-L.9-Rev.1_English.pdf) [Accessed on: 19 June 2017].



Persons with disabilities represent the biggest minority in the world<sup>33</sup>. When it comes to the measures needed to ensure proactive political participation for persons with disabilities, this issue is still questionable and dependent on the context of each State. It is conceivable that CRPD standards and affirmative measures, as well as the empty chair and quota systems, combined with the Lund Recommendations<sup>34</sup> can ensure a useful framework of possible solutions leading towards ensuring the effective political participation of persons with disabilities, both at the national and local level.

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<sup>33</sup> Facts about Persons with Disabilities, UN, available at: <http://www.un.org/disabilities/documents/toolaction/pwdfs.pdf> [Accessed on: 19 July 2017].

<sup>34</sup> The Lund Recommendations are drafted in 1999, OSCE. Helsinki Monitor, Volume II, No. 4, 2000. In 2001, ODIHR published a set of Guidelines to support participation of national minorities in electoral processes, available at: [http://www.osce.org/ODIHR/documents/guidelines/gl\\_nmpa\\_eng.pdf](http://www.osce.org/ODIHR/documents/guidelines/gl_nmpa_eng.pdf). [Accessed on: 19 July 2017].

# CHAPTER TWO

## 2. NATIONAL LEGAL FRAMEWORK

At the national level, the electoral policy is regulated in several laws, including the Constitution, the Electoral Code, the Law on Political Parties, the Law on Financing of Political Parties, provisions of the Criminal Code, the Law on Media and the Law on Audio and Audio-visual Media Services, as well as in regulations adopted by the State Election Commission (SEC). All these laws set the framework within which the parliamentary, local and presidential elections are organized and conducted, as well as the modalities in which every citizen can exercise his/her right to vote.

### 2.1 Constitution

Article 22 of the Constitution<sup>35</sup> guarantees an equal, universal and direct right to vote, exercised at free elections by secret ballot. Article 9 states that citizens are “equal in their freedoms and rights, regardless of sex, race, colour of skin, national and social origin, political and religious beliefs, property and social status”. Although disability is not listed as ground of discrimination, following the ratification of the CRPD and in respect of the *pacta sunt servanda* principle, the provisions of Article 22 also apply to persons with disabilities. Namely, Article 22, paragraph 2 of the Constitution, states: “Persons deprived of their legal capacities do not have the right to vote”. This provision, considered from the aspect of CPRD principles and Article 29, is restrictive, especially because a person is deprived of legal capacity in court proceedings, that is “the court decides on partial or full deprivation of the legal capacity of a person who is not able to take care of himself/herself and protect his/her rights and interests due to mental illness, insanity, consumption of alcohol or other nerve agents, narcotic drugs, psychotropic substances and precursors”, as specified in Article 34 of the Law on Non-litigation Proceedings<sup>36</sup>.

The UN Committee on the Rights of Persons with Disabilities in its General Commentary No.1 in relation to Article 12 of the CRPD notes that denying persons with disabilities their right to vote by depriving them of their legal capacities on the ground of disability, guardianship or individual assessment of person’s capacities to vote, is impermissible and that it constitutes discrimination against persons with disabilities. In addition, the terminology used in the Law on Non-litigation Proceedings: “mental illness” and “insanity”, refers to the retrogressive understanding of disability from the aspect of the medical model, which, in fact, violates their right to freely and democratically express their will, on the one hand, and to vote and be elected, on the other hand, hence, to participate in the electoral process on an equal basis with all other citizens.

Furthermore, Article 22 of the Constitution needs to be considered in relation to the other provisions of the Constitution that guarantee the civil and political rights, such as: Article 20 paragraph 1 (freedom of association), and Article 25 (guaranteeing the privacy of citizens, as well as guaranteeing their reputation and dignity), as well as Article 16 that guarantees free access to information and freedom to receive and impart information. In general, the Constitution guarantees the rights and stipulates the protection of citizens, including citizens with disabilities; however, it needs to be amended and harmonized with the CRPD in future.

<sup>35</sup> Constitution, „Official Gazette“, no. 91/2001, Parliament, available at: <http://www.sobranie.mk/content/Odluki%20USTAV/Odluka%20za%20proglasuvanje%20na%20Ustavot%20na%20RM.pdf> [Accessed on: 25 March 2017].

<sup>36</sup> Law on Non-litigation Proceedings, „Official Gazette“, no. 09/2008, available at: <http://www.pravdiko.mk/wp-content/uploads/2013/11/Zakon-za-vonparnichna-postapka-18-01-2008.pdf> [Accessed on: 25 March 2017].

## 2.2 Electoral Code

The same provision of the Constitution is also part of the Electoral Code (EC)<sup>37</sup> which states that “every citizen who is at least 18 years of age, has legal capacity and has domicile in the constituency, municipality, i.e. in the city of Skopje where the election takes place (Article 6, paragraph 1), who is also registered in the Voters List based on the records of the competent organ and the application for voting (Article 6, paragraph 2), shall have the right to vote”.

According to the EC, the right to vote can be exercised by all persons above 18 years of age who have legal capacity. A provision formulated in this way, same as the Constitution, provides for a restrictive and limited definition of legal capacity, given that the Glossary of the EC (Article 2) does not provide a definition of legal capacity, so one can conclude that legal capacity is interpreted in conformity with the provisions of the Law on Non-litigation Proceedings.

Moreover, the provision stipulates that citizens can exercise their right to vote only in the constituency of their domicile. This means that the provision excludes a certain number of citizens with disabilities who reside in institutions such as S.I. Banja BANSKO and S.I. Demir Kapija, including the institutions for persons with mental disabilities. This group also includes citizens who are dealing with certain types of health issues during the election period and who are temporarily placed in medical centres and health institutions.

Given the principles of the CRPD and respective provisions concerning the right to participation in political and public life (Article 29), independent living and inclusion in the community (Article 19), as well as statistics and data collection (Article 31), a provision formulated in this way puts citizens with disabilities in an unfavourable position. Therefore, it is recommended that these provisions be amended and harmonized with the CRPD, to allow every citizen with disabilities, or placed in an institution and medical centre to exercise their right to vote.

Although the SEC keeps separate records (Article 46), it is necessary to keep records of persons with disabilities disaggregated per characteristic, namely per sex, ethnicity, age, etc. The provisions on registration and keeping records on the Voters Lists, which are under the competence of SEC, are based on the Rulebook on the “Methodology for Full Access, Adding and Deleting Data in the Voters List” (Article 42, paragraph 3). Special extracts of the Voters List are kept for citizens who temporarily work or reside abroad during the elections (Article 46, paragraph 1, line 1); for citizens who are detained or serving a prison sentence during elections (Article 46, paragraph 1, line 2) and for the voting of the members of the electoral boards in the SEC, i.e. the consular offices (Article 46, paragraph 1, line 3).

No statistical data on persons with disabilities is available in the country, which is considered a serious deficiency, especially in view of policy creation and undertaking measures to promote the position of persons with disabilities, including the realization of the right to vote. For the purpose of ensuring increased harmonization with Article 29 of the CRPD, the SEC shall introduce and keep special records and registers for persons with disabilities during the electoral process, but also for persons with disabilities who are placed in special public and private institutions, incapacitated or sick persons (in accordance with the terminology of the EC), persons under guardianship, as well as persons who are placed in medical institutions. Additionally, the country is responsible to keep records in compliance with Article 31 of the CRPD, in a manner that ensures the accessibility and availability of the records.

Family voting and voting for another person are deemed unlawful acts. In this regard, “a violated secrecy of voting” which implies family voting and voting for another person, by means of Article 151 “if any person or persons voted for another person(s)”, are stated as grounds for annulment of voting. The EC prescribes an exception (Articles 107 and 111), i.e. provides the possibility for assisted voting (according to SEC’s Guidelines), for “a voter who due to a physical

<sup>37</sup> Electoral Code, State Electoral Commission, draft version prepared by the Professional Service of the State Electoral Commission, “Official Gazette”, no. 40/06, 136/08, 148/08, 155/08, 163/08, 44/11, 51/11, 54/11, 142/12, 31/13, 34/13, 14/14, 30/14, 196/15, 35/16, 97/16 and 99/16, available at: <https://drive.google.com/open?id=0B8ZpCwro9h-zM2lkMkZERFo0NXc> [Accessed on: 20 March 2017].

disability or illiteracy [...] is unable to vote in the manner defined by the EC". The voter shall have the right to be accompanied by a person to assist him/her with voting (Article 112, paragraph 1) or another person to be designated by the Electoral Board from among the voters (Article 112, paragraph 2), taking into account that the same person may provide voting assistance to no more than two voters (Article 112, paragraph 4). In cases when a voter cannot enter the polling station (Article 112-a), the Electoral Board shall enable the voting in accordance with the SEC Guidelines. According to the Guidelines on the Application of Article 112<sup>38</sup>, the Electoral Board is obliged to enable a person with disabilities appropriate entry, i.e. access to the polling station. Also, if a person is not accompanied by a person who will assist him/her, the Electoral Board shall appoint persons from among the present voters in the polling station to assist the voter to enter and access the polling station.

Article 112 and the Guidelines are indicative of an attempt to enable persons with disability to exercise their voting right. The Guidelines focus on the physical access to the polling stations. Polling stations shall be located at accessible places, and various measures should be stipulated not only to ensure access to the polling station, but also to the ballot boxes. Article 112, the Glossary of the EC (Article 2) and the Guidelines on the Application of Article 112, fail to define accessibility, and the concepts for reasonable accommodation and universal design have not been taken into consideration, according to the CRPD. The lack of this provision is considered as discrimination, and furthermore, one should also take into consideration other elements based on the type of disability which contribute to the exercising of the right to vote. An additional challenge in the Guidelines is that the notion of illness interferes with the concept of disability, that is, Article 111 and the Guidelines (No. 02-337/1)<sup>39</sup> of SEC on the application of Article 111, paragraph 1, 2 and 3 of the EC. Namely, according to the Guidelines, a sick and incapacitated person is "a person not able to satisfy basic life needs (unable to move independently in his/her apartment, neither by use of adequate aids, to maintain personal hygiene, to dress, to take food, or to perform other actions to satisfy his/her basic needs), i.e. the person is immobile, totally blind, dystrophic or suffers from similar muscular or neuro-muscular diseases, cerebral or children paralysis or paraplegia" (line 1).

Pursuant to the Guidelines on Article 111 paragraph 1 of the EC (line 2), the person shall submit a notification supported by medical documentation about the illness, or, the Decision entitling them to use care from a third person, or the person may also authorize another person, a member of the family or a third person, to submit the notification (Article 111, paragraph 3). These persons (Article 111, paragraph 4) are given the possibility to vote from the comfort of their home, on the day before the elections. The Guidelines from 2016<sup>40</sup> provide for an exception, that is, there is the possibility for the person to vote in the home of a relative or a close friend at an address different from the residence of the voter, provided that the address is in the same municipality, and such address must be indicated in the notification.

SEC Guidelines for the Local Elections from 2017, also entail guidelines on the use of Braille for persons with visual impairments. Even though one should commend the intention to introduce Braille, this issue is disputable, given the fact that the SEC Guidelines on the application of Article 111<sup>41</sup> were not amended for the local elections, where it is stipulated that an ill person shall be considered "...to be a totally blind person".

The flaws concerning these Guidelines are that the legislator opted for the medical model in the definition of persons with disabilities. Hence, instead of defining this group of persons

<sup>38</sup> Guidelines of the State Election Commission on the application of Article 112, No 07-493/2, 2014, available at: [http://old.sec.mk/files/izbori2014/upatstva/\\_\\_\\_112-\\_.PDF](http://old.sec.mk/files/izbori2014/upatstva/___112-_.PDF) [Accessed on: 20 March 2017].

<sup>39</sup> Guidelines of the State Electoral Commission on the Application of Article 111, paragraph 1, 2 and 3 of the Electoral Code No. 02-3317/1 from 23.11.2016 on Sick and Incapacitated Persons, State Electoral Commission, available at: <https://drive.google.com/file/d/0B8ZpCwro9h-zLXRONHd35kNBSIk/view> [Accessed on: 20 March 2017].

<sup>40</sup> Guidelines of the State Electoral Commission on the Application of Article 111, paragraph 4, 5 and 6 of the Electoral Code No. 08-3317/1 from 23.11.2016 on Sick and Incapacitated Persons, State Electoral Commission, available at: <https://drive.google.com/file/d/0B8ZpCwro9h-zUkRaUEdWQTINZE0/view> [Accessed on: 20 March 2017].

<sup>41</sup> Guidelines of the State Electoral Commission on the Application of Article 111, paragraph 1, 2 and 3 of the Electoral Code No. 02-3317/1 from 23.11.2016 on Sick and Incapacitated Persons, State Electoral Commission, available at: <https://drive.google.com/file/d/0B8ZpCwro9h-zLXRONHd35kNBSIk/view> [Accessed on: 20 March 2017].

in line with the CRPD, the Guidelines include a list of medical diagnoses, and if those do not coincide with the conditions of citizens with disabilities, they will not be able to exercise their right to vote. Moreover, persons with sensory disabilities can exercise their right to vote with assistance provided in accordance with Article 112. In order to simplify the application of Article 112 of the EC, it is necessary to provide an additional explanation on the terminology related to reasonable accommodation, non-discrimination, universal design and communication, as well as a definition of the term person with disabilities, in line with the CRPD.

As a result of using the medical approach to categorize persons with disabilities and the inexistence of an adequate functional approach in defining the condition and persons with disabilities in accordance with the CRPD, not every person with disabilities is entitled to financial benefits for disability-related care, while at the same time, some persons with disabilities who use disability-related care have the right to vote with assistance, according to Article 112 of the EC. Such an approach leaves space for misuse. In any future changes and amendments of the EC, SEC should attempt to redefine these Guidelines.

By providing the possibility for the sick or incapacitated person to vote at another place, is only a small step forward in terms of providing alternative polling facilities, which should become a practice for all persons with disabilities, in line with Article 112 of the EC. In future, the scope of these measures should be extended with activities that will enable assisted voting for persons with intellectual disabilities by designating a person, introduction of alternative polling facilities, availability of sign language interpreters, and introduction of tactile voting guidelines or electronic voting machines or providing guidelines for simple voting instructions in an easy to understand format, etc.

In respect of the electoral campaign (Article 69-a), the EC stipulates that “An election campaign is: a public gathering and other public events organised by an election campaign candidate, a public display of posters, video presentations in public spaces, electoral media and online presentations, dissemination of printed materials and public presentation of verified candidates by the official electoral bodies, as well as their programmes”.

The Law lists the elements which constitute electoral material, so that Article 89 is further elaborated in detail in the Guidelines for Voting published by SEC and displayed in a visible place (Article 90), as well as Article 93 which states that: “The ballot and the electoral materials shall be printed in Macedonian language and its Cyrillic alphabet, as well as in the languages and the alphabets of the communities”. With regard to voting facilities, according to Article 99, the list of candidates shall be displayed in the premises of each polling station. Other criteria for selection of polling stations (Article 163) are the location of the polling station (Article 164) and the number of voters.

The chapter of the EC on the electoral campaign fails to indicate the principles for implementing the election campaign according to the CRPD. Even though citizens with disabilities are not recognized as a community, Article 90 and Article 93 are neither harmonized with Article 21 of the CRPD and the Marrakesh Agreement, nor with Article 5 in conjunction with Article 29 of the CRPD. Namely, the Guidelines for Voting shall be displayed in a visible place on the voting booth, however, no due consideration is given to the placement and design of the guidelines in different formats (audio format, video format in sign language, materials in Braille, or reader-friendly guidelines) so that citizens with disabilities can access them. The same should be considered in respect of Article 93, which fails to stipulate that a ballot is printed in Braille to enable persons with sensory impairments to exercise their right to vote. None of the criteria for selection of the polling stations require that a polling station is accessible and approachable. Any future changes and amendments to the Law should ensure harmonization of these parts of the Law with Article 5 and Article 9 of the CRPD, given that lack of accessibility is considered discrimination, in line not only with the CRPD, but also in line with the national Law on Prevention and Protection from Discrimination.

As regards media reporting, the EC emphasizes the responsibility of the broadcasters to ensure fair, balanced and impartial reporting on elections, thus giving space to all candidates

in all of their programmes (Article 75, paragraph 1). Along the same lines are the provisions on informing citizens about the manner and techniques of voting and the obligation of the Public Broadcasting Service to broadcast other information related to the electoral process (Article 76-b).

Concerning the campaigns on the education of voters on how to exercise the right to vote, and fair and democratic elections (Article 76, paragraph 7) which are conducted by SEC, there is no prescribed obligation that a campaign must be done in an accessible and approachable manner, that is, to be able to reach out to voters with disabilities, as well.

Despite the exhaustive explanation included in the provisions on media reporting about the conduct of broadcasters during the election process, these provisions still fail to be harmonized with the CRPD. That is, the legislator failed to provide a single provision that instructs the broadcasters to broadcast the programs and information during the elections in an accessible and available format. Hence, any future changes of the law should include provisions that stipulate timely, balanced and fair transmission of accessible and available information for persons with disabilities.

One of the competencies of the SEC, according to the EC, is to adopt a programme and establish standards for mandatory education of all electoral bodies as well as to ensure coordination of all trainings (Article 34, paragraph 6), including issuance of certificates of completed training (Article 37, paragraph 5).

In the Manual on Education of Electoral Board Members for Voting in the Diplomatic and Consular Representative Offices of the Country Abroad, i.e. the consular offices<sup>42</sup> from 2016, the State Election Commission provides guidelines for assisting a person in need of assisted voting, i.e. it is a replication of the respective provision from the EC. However, the Manual does not include examples or information about the manner of communication and access of persons with disabilities, the provision of electoral materials in an accessible and available manner, nor does it provide guidelines about the placement of the voting booths for persons with disabilities. Therefore, for the next elections, it is necessary to introduce mandatory training of electoral bodies that will be conducted by persons with disabilities.

### 2.3 Law on Media and Law on Audio and Audio-visual Media Services

Media content is regulated by the Law on Media (LM)<sup>43</sup> and the Law on Audio and Audio-visual Media Services (LAAMS)<sup>44</sup>. According to Article 4 of the LM: "it is prohibited, by broadcasting content in the media, to... incite or spread discrimination, intolerance or hatred on the grounds of race, sex, religion or nationality". The ground of disability is completely omitted both in the LM, and the principles set forth in the LAAMS. The current prohibition of discrimination refers only to four grounds. In future, it is recommended that this obligation is extended by adding disability as a ground for protection from discrimination. In addition to this, obligations of the media (both private and public) to incorporate measures and ensure that the content is available and accessible for persons with disabilities are not prescribed, nor is the responsibility to work on raising public awareness about disability in order to tackle perceptions and stereotypes.

The legislator prescribes minimum and mandatory requirements for the public broadcaster MRT, as well as for broadcasting services of public interest, for providing accessible and available content for persons with disabilities, with a focus on persons with sensory disabilities.

<sup>42</sup> Guidelines on Education of Electoral Board Members on Voting in the Diplomatic and Consular Missions of the country abroad, i.e. the consular offices, State Electoral Commission, 2016, available at: <https://drive.google.com/file/d/0B8ZpCwro9h-zcUswUnUxTGN0UGs/view> [Accessed on: 20 June 2017].

<sup>43</sup> Law on Media, „Official Gazette“, no. 07-5069/1, 2013, available at: [http://www.avmu.mk/images/Zakon\\_za\\_mediumi\\_mkd.pdf](http://www.avmu.mk/images/Zakon_za_mediumi_mkd.pdf) [Accessed on: 18 June 2017].

<sup>44</sup> Law on Audio and Audio-visual Media Services, „Official Gazette“, no. 07-5068/1, 2013, available at: <http://www.slvesnik.com.mk/Issues/b063254742a44129b8dfe1221762ddb4.pdf> [Accessed on: 23 June 2017].

Thus, private media are totally excluded. This is further connected with Article 64 paragraph 1, stipulating that the broadcasters are also responsible to “broadcast the programme in Macedonian language and its Cyrillic alphabet, and in cases when the programme is intended for a non-majority community, in the language and alphabet of that community”. In future, this provision will pose a serious challenge, given that it needs to be improved by introducing provisions that would lead towards the promotion and realization of the right of minorities, in the case of persons with sensory impairments – to exercise their cultural and linguistic identity and their special right to use their own language.

The Code of Journalists<sup>45</sup> addresses the issue of elections only in Article 1, stipulating that “reporting about the political processes, in particular about elections, should be impartial and balanced...”. The Code states several principles, some of which are the following: “the journalist shall adhere to the generally accepted social standards of courtesy and respect for the ethnic, cultural and religious diversities in the country” (line 11) and “the journalist shall foster the culture of speech and ethics, whereupon it is considered incompatible with the journalist profession to keep an improper communication with the public” (line 15). The Code does not contain any principles and guidelines that would ensure respect for the principles of the CRPD by the journalists and the media, which should be amended in future.

## 2.4 Law on Prevention and Protection from Discrimination

The Law on Prevention and Protection from Discrimination (LPPD)<sup>46</sup> prohibits all forms of discrimination. Of particular importance for persons with disabilities are Article 5, paragraph 1 line 12 and Article 8, paragraph 2 which prescribe measures to eliminate all restrictions, such as adjustments in the infrastructure and the environment, use of publicly available resources or participation in public and social life. It is deemed positive that any denial or restriction on the use of goods and services by persons with disabilities constitutes discrimination (Article 11). The Law was annexed with the 2016-2020 National Strategy on Equality and Non-Discrimination on the grounds of ethnicity, age, mental and physical disability and gender<sup>47</sup>. Even though the Strategy fails to stipulate measures specifically in reference to exercising the voting right by persons with disabilities, nevertheless, it does include measures on awareness raising about disability, in accordance with Article 8 of the CRPD which envisages activities for raising public awareness, recognition of the forms of discrimination and promotion of the concept of non-discrimination and equal opportunities.

### **CHAPTER 2 CONCLUSION:**

The legislation related to the political participation of persons with disabilities does not ensure a systematic and holistic approach. The transitional processes have triggered changes in the political participation of the vulnerable groups; however, those changes still do not address the needs of persons with disabilities. In addition, the established medical model of seeing disability, the inconsistencies in the wording of the Constitution and the entire legal corpus in view of protection from discrimination, as well as the restrictive approach in general, excludes all persons with disabilities, in general, but, in particular, persons with intellectual and psychosocial disability. National policies tend to ensure a uniformed and strategic approach, especially with regard to accessibility and availability; however, without significant success as a result of diverse approaches and views on this matter.

<sup>45</sup> Code of Journalists, AJM, 2001, available at: <http://www.znm.org.mk/drupal-7.7/mk/node/440> [Accessed on: 23 June 2017].

<sup>46</sup> Law on Prevention and Protection from Discrimination, „Official Gazette“, no.50/2010, from 13 April 2010, available at: <http://www.mtsp.gov.mk> [Accessed on: 23 June 2017].

<sup>47</sup> National Equality and Non-Discrimination Strategy on grounds of age, gender, ethnic affiliation, and mental and physical disability 2016-2020, MLSP, 2016, Strategic goal 3, available at: [http://arhiva.vlada.mk/registar/files/Nacionalna\\_strategija\\_zaednakvost\\_inediskriminacija\\_2016-2020.pdf](http://arhiva.vlada.mk/registar/files/Nacionalna_strategija_zaednakvost_inediskriminacija_2016-2020.pdf) [Accessed on: 18 July 2017].

This leads to a situation where many persons with physical and sensory disabilities are not able to exercise their right to vote, as result of the non-systematic approach towards accessibility and availability, both of facilities and information. Moreover, one can note serious deficiencies in the capacities of SEC and other stakeholders in the electoral process in terms of understanding the issue of disability, given that, to date, there were no persons with disabilities in their compositions. Meanwhile, persons with disabilities are also excluded from the election observation processes.

The standards on accessibility and availability are not incorporated in the provisions on the place and the manner of exercising one's right to vote, and the legislation does not prescribe any other measures that would enable persons with disability to vote on an equal basis with others, on the day of elections. Namely, no ballots in Braille are provided, another person is required to sign the list confirming that the person with visual impairments has cast the vote, there is no use of sign language interpreters, no tactile guidelines for voting or accessible machines for electronic voting or for providing guidelines with simple voting instructions in a user-friendly format are available.

The scarce judicial and quasi-judicial case-law is another significant obstacle to ensuring complete realization and enjoyment of the right to political participation. The complexity of the process imposes the need for systemic reforms that would provide for and guarantee equal access to the realization of the right to political participation of all citizens with disabilities and its full harmonization with the principles and provisions of the CRPD.



# CHAPTER THREE

## 3. ANALYSIS OF PERCEPTIONS

In all the ten different compositions of the multi-party Parliament in the country, from 1990 to the current composition of the Parliament elected in 2016, there has been no parliamentarian with a disability. Moreover, a person with a disability has neither been appointed as minister, nor elected as mayor.

### 3.1 Perceptions and Stereotypes

Research shows that discrimination on the ground of disability is a widespread phenomenon in the country. 42% of respondents believe that discrimination on the ground of disability is a frequent phenomenon in our society<sup>48</sup>, which is more often perceived by women (44%) than men (40%) and by ethnic Albanians (51%) compared to ethnic Macedonians (39%). Another research has shown similar results, that is, 48.8% of the respondents consider that discrimination on the ground of mental disability and 49.5% on the ground of physical disability frequently occurs in our society<sup>49</sup>.

The field research conducted for the purposes of this analysis shows that persons with disabilities agree that persons with disabilities are among the most discriminated citizens in the country and that they are put in the least favourable position in society. However, their perception of disability is based on the charity and medical models of disability, which largely indicates that citizens without a disability are not open towards this group of citizens.

*Persons with disabilities are perhaps the most discriminated group, but no one speaks about it.*

*It is easier to speak about other groups, the Roma, Albanians, homosexuals, but not about them.*

Stated by a respondent without disabilities

*That is given by God, do not mess around with it.*

Stated by a respondent without disabilities

Persons with disabilities believe that they are the most discriminated against and are in the least favourable position compared to other vulnerable groups. In circumstances when other things are considered of higher priority, their needs cannot come to the fore.

<sup>48</sup> Popovikj, M., Mihailovska, J., "Barometer of equal opportunities" - 2013, MCIC, Skopje, 2013, p.12-29.

<sup>49</sup> Simoska, E., Gaber, N., Jovevska, A., Atanasov, P., Babunski, K., Research project: How inclusive is the Macedonian society", Foundation Open Society Institute, 2008, available at: <http://www.soros.org.mk> [Accessed on: May 22, 2017].

*Nowadays, this is seen as outdated. Nobody wants to do anything... as to a dog... give it some crumbs and leave. There is no law. Nothing happens.*

Stated by a respondent with disabilities

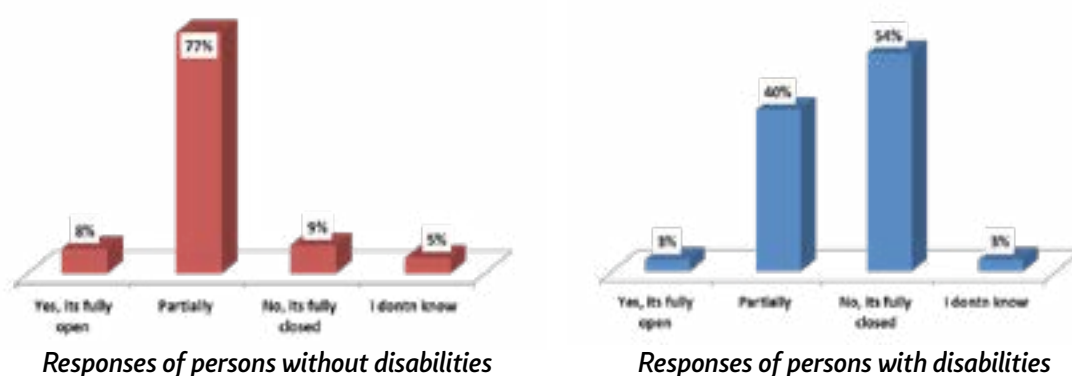
*Politicians find greater interest in dealing with the LGBTI community. That makes show and money. With us, there is only suffering – I doubt they would deal with us!*

Stated by a respondent with disabilities

The medical model of seeing disability prevails in the country, as shown by UNICEF research<sup>50</sup> where only 30% of citizens believe that the barriers in the environment should be removed; 44% state that citizens with disabilities need medical care and services, while 25% think that citizens with disabilities should be included in the society as much as possible.

In respect of the question “Is the state open towards persons with disabilities?”, presented in Figure 1, people with and without disabilities have different views. That is, 9% of persons without disabilities consider that the state is completely closed, unlike 54% of the persons with disabilities who think that the state is completely closed to them. 77% of persons with disabilities consider that the state would take action only when necessary, i.e. it is only partially open to the disability community, in contrast to persons with disabilities, where 40% of them believe that the state would take action only when it is necessary. People without disabilities show more optimism concerning the positive attitude of the state towards the disability community (8%), unlike 3% of persons with disabilities who think that the state is open towards them.

**Figure 1.** Perception of persons with and without disabilities concerning the attitude of the state towards persons with disabilities

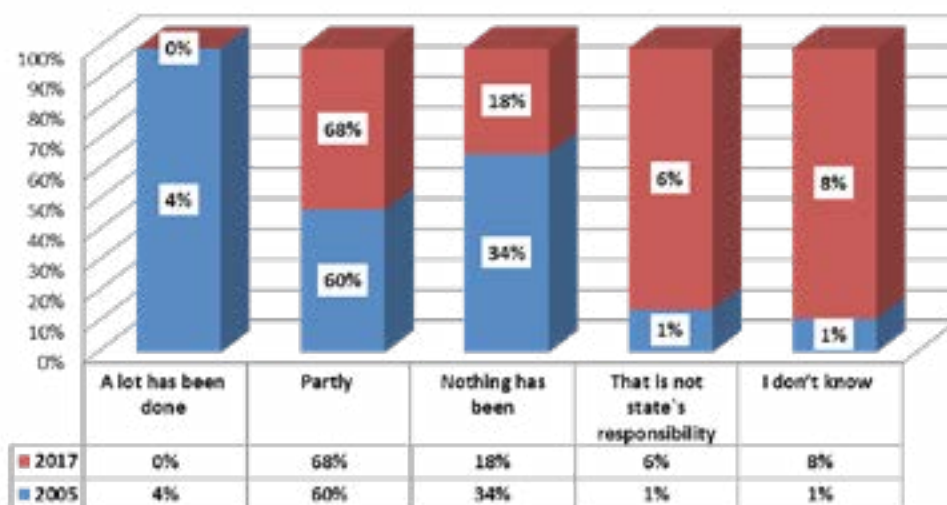


Comparing respondents' answers with those from 2005<sup>51</sup> it can be concluded that thoughts have changed in these 12 years. Namely, unlike in 2005, when 6% of citizens believed that the state has no obligation about these matters, and 34% thought that the state had practically done nothing, one can note a significant decline in 2017, where only 18% think that the state has done nothing. On the other hand, there is an increase in the percentage concerning the perception about fragmented and incidental action by the state; namely, 68% stated that the state is partially active in creating conditions to ensure a dignified life for persons with disabilities, compared to 2005, when only 60% stated that the state is only partially active. Incidental actions taken by the state also influenced the public opinion that the state has failed to take systematic measures on this issue (Figure 2).

<sup>50</sup> UNICEF, “The Right to Education of Children with Disabilities: An Approach to Inclusive Education, Responding to Human Rights in the State”, 2012, p.10, available at: [http://www.unicef.org/ceecis/UNICEF\\_Right\\_Children\\_Disabilities\\_En\\_Web.pdf](http://www.unicef.org/ceecis/UNICEF_Right_Children_Disabilities_En_Web.pdf) [Accessed on: July 30, 2014].

<sup>51</sup> Shavreski, Z., Postolovska, N., Analysis “Let’s Ask Each Other”, Polio Plus - Movement against Disability, 2005, available at: [www.polioplus.org.mk](http://www.polioplus.org.mk) [Accessed on: May 22, 2017].

**Figure 2.** How do you assess the state activities in creating conditions for the decent living of persons with disabilities?

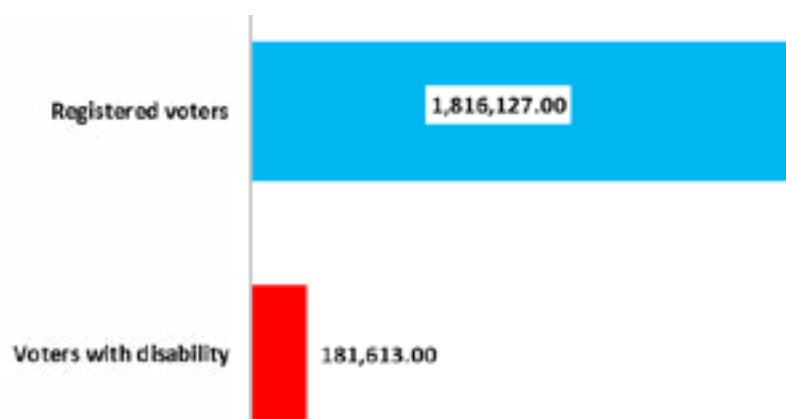


Although this research is based only on the perception of the general population, they are indicative, to a large extent, of the current situation of persons with disabilities.

### 3.2 Registration and Right to Vote

The State has no statistical data about the number of persons with disabilities. According to the World Health Organization (WHO) indicators, approximately 10-15% of citizens are persons with disabilities. Taking into consideration the dynamic development of disability as a condition resulting from interaction with society, which deprives a certain group of citizens from being able to enjoy their fundamental human rights, then the percentage of persons affected by these conditions may increase. According to the SEC report<sup>52</sup>, there were a total of 1,816,127 voters as of 15.10.2017. If one also applies the 10% WHO indicator to this figure, the number of voters with disabilities would amount to 181,613 (Figure 3).

**Figure 3.** Projection of voters with disabilities



At the last elections in 2016, there were 1,784,524 registered voters and 20,629 out-of-country voters, that is, 5,746 voters who were sick and incapacitated, and 999 were rejected, which amounts to 0.3% of the total number of registered voters. According to SEC, one of the conditions to issue approval for voting at home is that the person is taken care of by

<sup>52</sup> Report of the State Election Commission on the status of the Voters List and submission for public review for the local elections on 15.10.2017, State Electoral Commission, available at: <https://drive.google.com/file/d/0B8ZpCwro9h-zOWxNd0NHbVp1Vm8/view>

another person, supported by a document or decision/certificate for receiving care from a third person. The manner in which the right to vote at home is exercised, and the exercising of the right to vote are rather questionable<sup>53</sup>. Starting from the manner in which the sick and the infirm and persons with disabilities are defined pursuant to the SEC guidelines, all the way to the submission of a certificate associated with certain rights pursuant to the Law on Social Protection<sup>54</sup>, which is discussed in more detail above.

Concerning the registration and change of data in the Voters List, citizens are able to undertake these activities throughout the whole year. In election years, voters can check their data during a designated period for public review. Despite the legal provision (Article 48), voters were only able to check their personal data at the SEC office or online.

*On the basis of the established perception of persons with disability, they are neither registered nor is there any interest to register them in the Voters List. In their view, the reasons for this are the inaccessibility of the facilities and the methods of informing them.*

Special institutions are considered an additional problem concerning the registration of persons with disabilities. In S.I. Banja BANSKO there are 65 residents who are persons with physical disabilities. The discussion with the residents revealed that they exercise their right in their municipalities, while some of them do not exercise their right at all, on the ground of having no residence and therefore cannot be registered. The situation is similar in S.I. Demir Kapija. Namely, in S.I. Demir Kapija, according to the State Statistical Office<sup>55</sup>, there are currently 227 residents who are persons with disabilities. Most of them have legal capacity, and some have been appointed a guardian. According to the data from 2011<sup>56</sup>, at that time there were 224 people who had legal capacity, and only 37 of them were deprived of their legal capacity. Out of the total number, only 35 had their parents appointed as guardians, and 8 had their guardians appointed by the Center for Social Services.

As part of the deinstitutionalization process, there are currently 16 operational residential units for organized supported living, nine of which are located in Negotino and seven residential units in the City of Skopje, where a total of 76 persons with disabilities reside.

In order to ascertain the reasoning of political parties concerning the procedures for registration in the voters list, questionnaires were sent to all political parties' municipal branches and headquarters. Feedback on the submitted questionnaires was received from 4 political parties, i.e. a total of 40 questionnaires from the following political parties: BESA, SDSM, VMRO-DPMNE, and DOM.

On the basis of the received answers to the question "Are the application procedures for registration in the voters list accessible and available to persons with disabilities?" (Figure 4), one can conclude that political parties have quite divided opinions. Namely, 40% think that the procedures are accessible, while the same percentage consider that the procedures are partially accessible, 13% answered that they do not know whether the procedures are accessible or not. Unlike them, persons with disabilities provide more specific answers to this question. That is, 16% of persons with disabilities consider the procedures to be accessible, while 37% stated that the procedures are partially accessible. Unlike the political parties, where only 7% stated that the procedures are not accessible, the percentage for persons with disabilities is 30%.

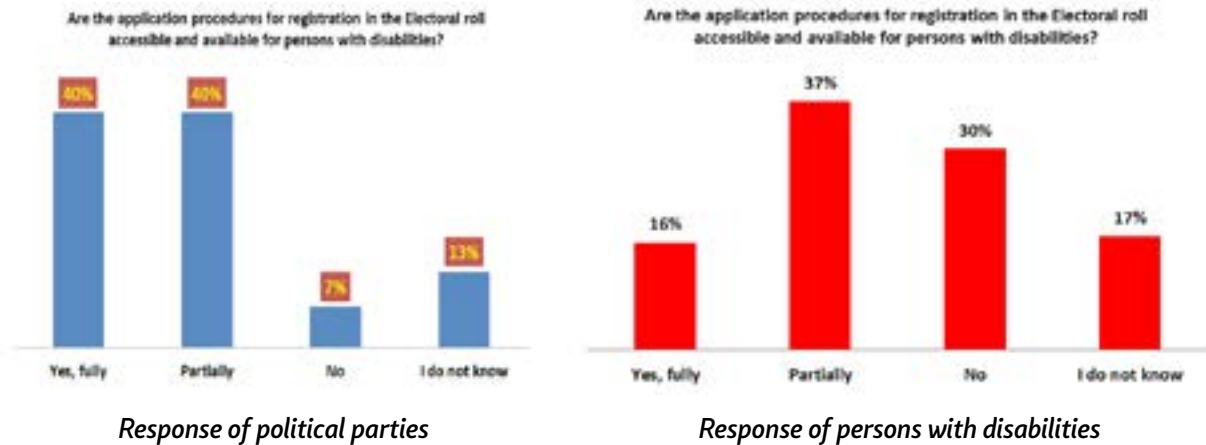
<sup>53</sup> <http://www.osce.org/mk/odhr/elections/fyrom/302261?download=true>

<sup>54</sup> Law on Social Protection, consolidated text, MLSP, available at: <http://www.mtsp.gov.mk/content/pdf/zakoni/ZSZ%20konsolidiran%20%20IX-2015.pdf> [Accessed on: 11 July 2017].

<sup>55</sup> State Statistics Office, Statistical Review No. 2.4.16.12/859, available at: <http://www.stat.gov.mk/Publikacii/2.4.16.12.pdf> [Accessed on: 11 July 2017].

<sup>56</sup> "White Paper - (De) institutionalization our reality", 2011, Polio Plus - Movement Against Disability, available at: [www.polioplus.org.mk](http://www.polioplus.org.mk) [Accessed on: 11 July 2017].

**Figure 4. (Not) accessible procedure for registration in the Voters list**

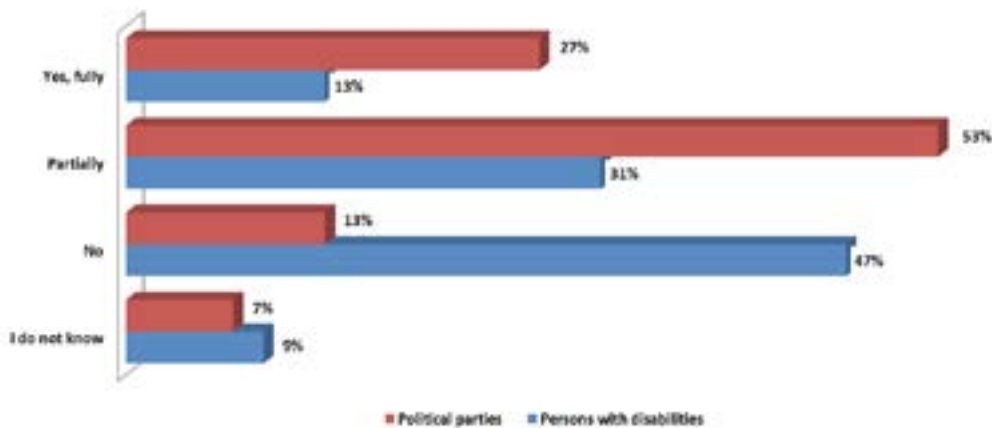


### 3.3 The Right to Vote and be Elected

Based on research conducted back in 2008<sup>57</sup>, 29.9% of respondents would not vote for a candidate with a physical disability who runs for MP or another official position. Also, the results from the field research, done as part of this analysis, again, portray stereotypes about persons with disabilities who are seen as individuals who should be taken care of by their family and the society, and not as people who can make decisions for themselves, as well as for other people.

Only 27% of responding political parties believe that persons with disabilities fully participate in political and public life, while 53% believe that it is only partial participation. In contrast, 47% of persons with disabilities think that they do not participate in political and public life, while 31% of them reported that they partially participate (Figure 5).

**Figure 5. Do persons with disabilities effectively, fully and equally participate in political and public life in the same manner as others?**

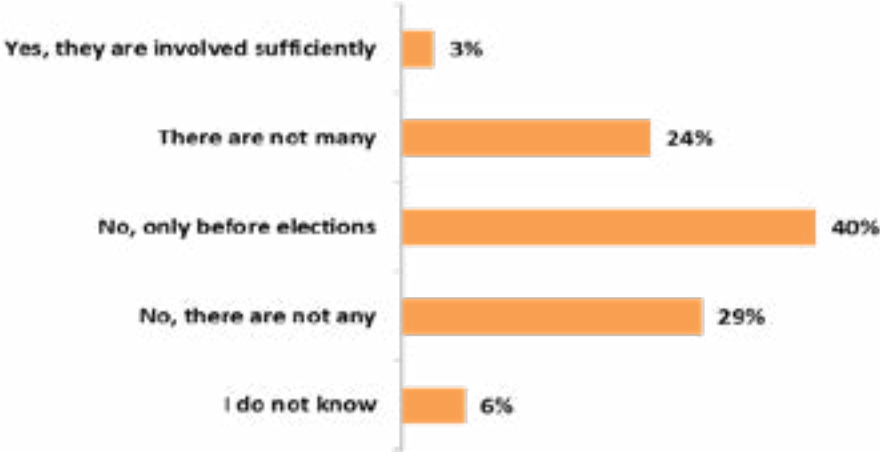


Unlike these two groups, 40% of persons without disabilities (Figure 6) believe that persons with disabilities are involved in political life only before elections; 29% think they are

<sup>57</sup> See footnote 49

not involved at all, while only 3% stated that their involvement is sufficient. If we summarize the opinions of citizens without disabilities, it reveals that 69% are of the opinion that persons with disabilities are not included in political and public life.

Figure 6. Are persons with disabilities involved in political life, according to persons without disabilities?



The findings reveal that persons with disabilities are not sufficiently represented in political life. Even the small percentage of them who are involved in political and public life, are not visible and not perceived by the general public due to the lack of sufficient promotion by the political parties, but also by the media.

*“What particularly worries me is that most of the members of the associations of persons with disabilities are not informed that there is a member in the Council of Municipality of Prilep who carries the same burden and shares the same problems as them. One should blame the ruling parties and the opposition equally for failing to provide this basic information.”*

*“Imagine I were a councillor from another ethnic community, then the media and the political parties wouldn’t stop bickering”.*

Statement made by a Councillor in the Municipality of Prilep, a person with disabilities

A person with disability was elected as member of the Council of the Municipality of Prilep during the local elections in 2014. In her opinion, the government considers matters related to disability only in the period before elections.

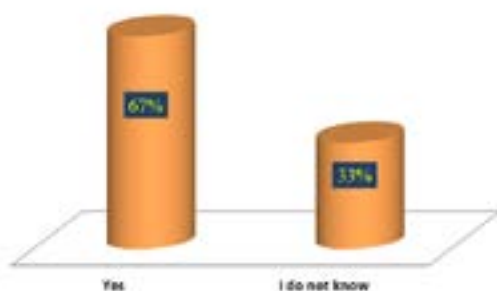
*“State institutions exert huge influence over the work of various associations of persons with disabilities. The associations are not only financially dependent on the state, but the ruling party exerts huge political influence and pressure on them. The Government shows interest in the problems and the needs of persons with disabilities only before elections. Once elections are over, their interest is gone.”*

Statement made by a Councillor in the Municipality of Prilep, a person with disabilities

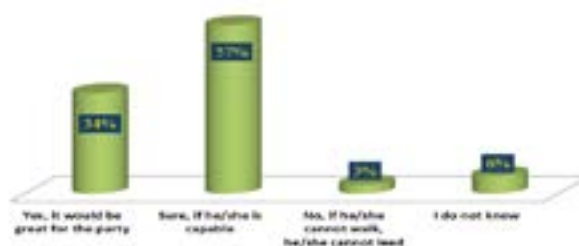
Based on the perception about persons with disabilities in politics, their political participation is partially acceptable for all actors, both for the general public and political parties; however, perceptions diverge concerning leadership of a political party.

That is, 67% of political parties would accept a person with disabilities as a leader of a political party, while 33% stated they do not know (Figure 7). The analysis of the questionnaires answered by the political parties reveals that major political parties have more dilemmas concerning this matter, which is not the case with smaller parties. On the other hand, 57% of persons without disabilities think that they would become a member of a political party whose leader is a person with a disability, but only if the person is capable, while 34% think that it may be great for the party itself. There are a very small percentage of people without disabilities who provided a negative answer (Figure 8).

**Figure 7.** Would you accept a person with a disability as your leader?



**Figure 8.** Would you be a member of a party if the leader of the party is a person with a disability?



The opinions expressed by the political parties and persons without disabilities are seemingly indicative of some willingness and openness to be led by a party whose leader is a person with a disability.

However, if one considers the correlation between these findings with the findings presented in Figures 10 and 11, that is, where 67% of the political parties are not prepared to nominate a person with a disability for the position of president of the country, and persons without disabilities would feel uncomfortable if the president of the state is a person with a disability, one can get the impression that the first set of findings (Figures 7 and 8) are only a matter of political correctness and do not reflect the real attitudes.

In relation to the question about which criteria a person with a disability/leader of political party should meet, the answers of the respondents from political parties range from criteria that would be valid also for people without disabilities, such as integrity, leadership, etc., to answers such as – to be knowledgeable especially about the rights of persons with disabilities.

*To be a prominent member who fights for the rights of persons with disabilities.*

*To possess great knowledge about international rights of persons with disabilities.*

*To be recognized as a person who has previously fought for the rights of persons with disabilities.*

*To be able to assist other people from the municipality, especially persons with disabilities.*

Some of the respondents from political parties stated that their members would expect that a leader with a disability should:

*Have high coefficient of mental ability,*

*Be approachable, and above all, should have organizational and managerial skills.*

*The majority of the responses indicated that:*

*The person should not have an intellectual disability and a sensory disability.*

Yet, on the question “Would you vote for an MP, president or mayor who is a person with a disability” (Figure 9), the respondents gave opposing answers. Namely, most persons without disabilities would vote for a person with a physical disability to become an MP, president or mayor, or more specifically a man with a physical disability (69%), but the same respondents expressed resistance towards persons with sensory disabilities and persons with intellectual and psychosocial disabilities.

*How can a person in a wheelchair be a President... There are ceremonies, parades to be held ... That person would not be able to do that.*

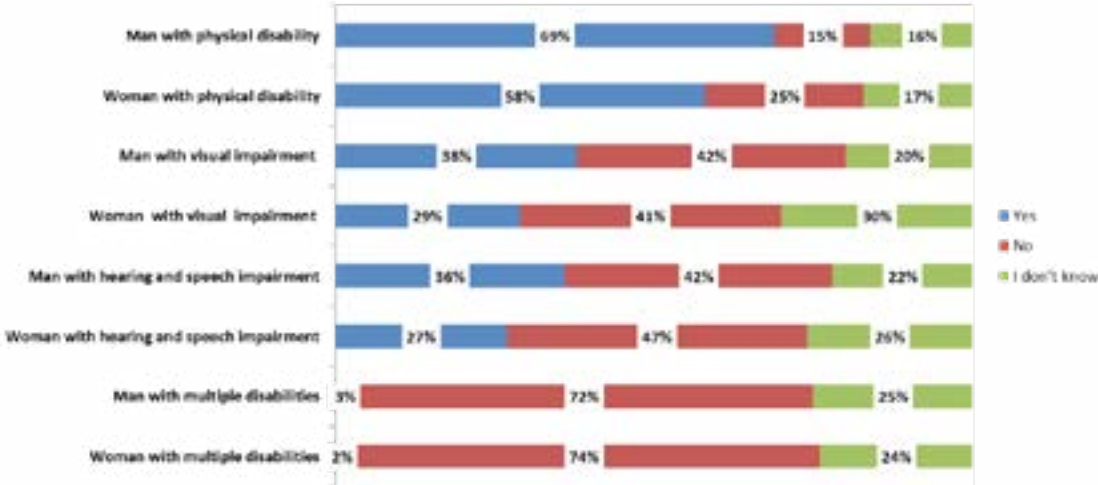
Stated by a respondent without disabilities

Namely, 69% of citizens without disabilities would vote for a man with a physical disability to become a Member of Parliament. In respect of women with disabilities, this percentage declines by 11% which is a reflection of a society where stereotypes persist not only about disability, but also on the ground of gender combined with disability. These negative perceptions are also indicated in other findings in the analysis. The general public shows resistance towards people with sensory disabilities, that is, both towards men with impaired sight and impaired hearing. Their willingness to vote for these persons ranges from 38% for a man with impaired sight, to 36% for a man with impaired hearing. In respect of women with sensory disabilities, one can also note differences. That is, compared to men with sensory disabilities, only 29% of citizens would vote for a woman with visual impairment and only 27% for a woman with hearing impairment.



69% of the citizens would vote for a man with physical disability to become MP, whereas 58% would vote for a woman with physical disability. The resistance to accept people with sensory disabilities is more pronounced, that is, 47% would not vote for a woman with hearing impairment, and 41% would not vote for a woman with visual impairment. 42% of persons without disabilities would not vote for a visually impaired man and the percentage is the same in relation to a man with hearing impairment. A small percentage of citizens without disabilities would vote for a person with multiple disabilities, even though, again, there is difference between men and women with disabilities. 74% would not vote for a woman with multiple disabilities and 72% would not vote for a man with multiple disabilities. In all categories there are a high percentage of people who did not know whether they would vote for a person with disabilities.

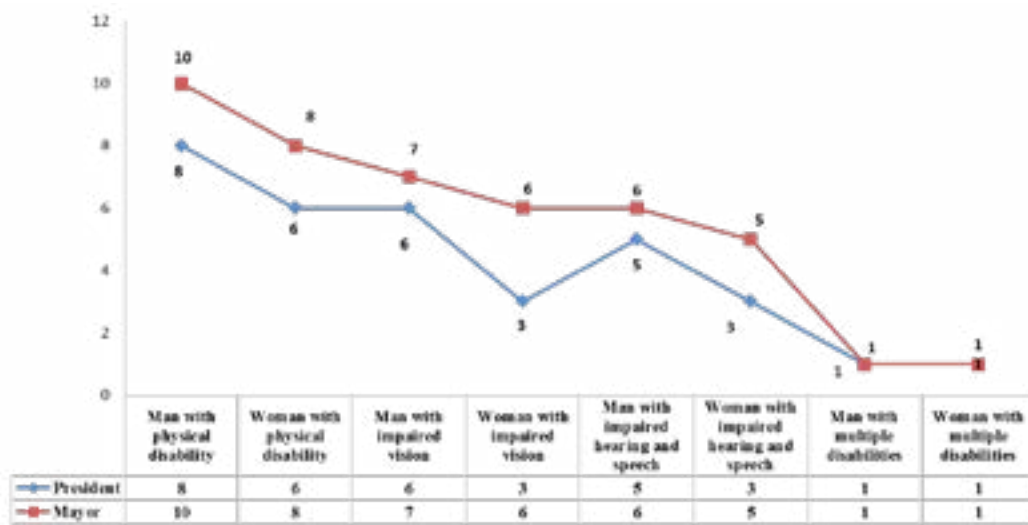
Figure 9. Would you vote for a candidate for MP who is:



With regard to the question, “how would you feel if one of the following categories of citizens with disabilities were president of the country or mayor?” (Figure 10), on a scale where 1 to 5 means very uncomfortable and 6 to 10 means very comfortable, persons without disabilities provided different opinions. Similar to the previous figure, one can again note the difference in feelings expressed by persons without disabilities, in terms of whether it is a man or a woman, the type of disability, and showed different opinions about the public/political function of the president of the country and the mayor.

There is a higher tendency among the general public to accept that a person with disabilities runs for mayor, rather than for president. On the scale from 6 to 10, they opted for 10 when a man with a physical disability runs for mayor, and the number dropped to 8 concerning a person who runs for president. Respondents opted for 8 for a woman with a physical disability who runs for mayor, and it dropped to 6 for the position of president. With regard to other groups with disabilities, visually impaired people are in a more favorable position than people with both hearing and visual impairment. They opted for 7 for a man with visual impairment who runs for mayor, compared to a woman with visual impairment, who was rated 6 on the scale for very comfortable.

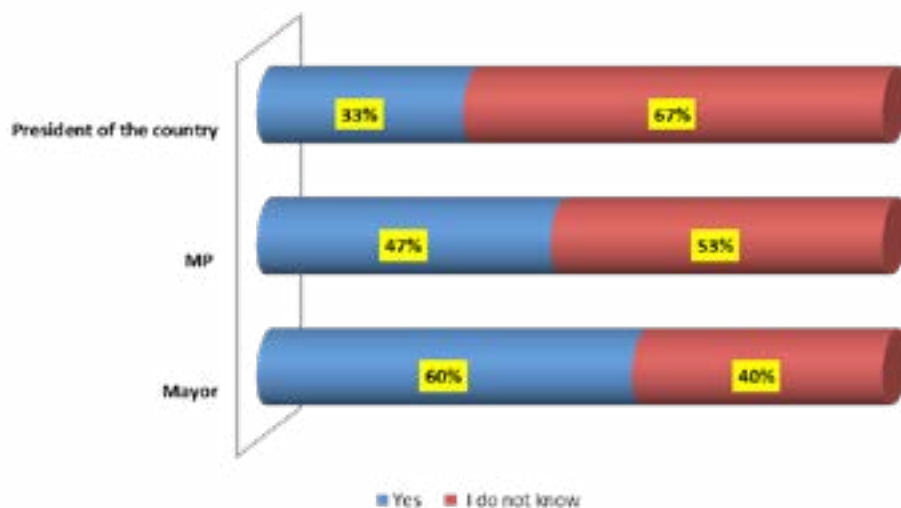
**Figure 10.** How would you feel if one of the following categories of citizens with disabilities would be the President of the country or the Mayor?



Unlike the attitudes concerning a mayor, persons without disabilities would feel more uncomfortable (rated 3) with a woman with visual impairment, while they gave a rating of 6 for a man with visual impairment. They are also uncomfortable with women with hearing impairment and speech impairment running for the position of president (rated 5), however they are more comfortable with a woman with hearing impairment running for the position of mayor (rated 6). According to the opinions of persons without disabilities, they feel least comfortable when people with multiple disabilities, irrespective of their gender, run as candidates for president and mayor.

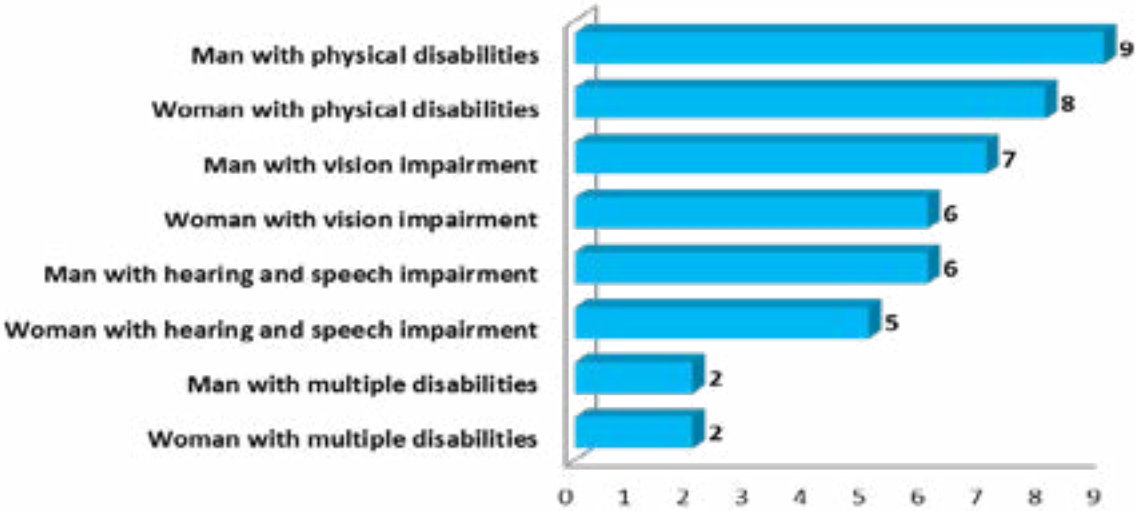
Regarding the opinion of political parties (Figure 11) in terms of whether they would nominate a person with disabilities as a mayor, 60% provided an affirmative answer, whereas 40% did not know. That opinion declines as the function increases, from the local to the national level. In fact, 53% of respondents from political parties do not know whether they would nominate an MP with a disability, while this percentage increases by 14% for the position of president of the country. Similar to the public, i.e. the citizens without disabilities, political parties tend to accept a nomination of a person with disabilities to run for mayor, rather than for MP, and the President of the country.

**Figure 11.** Would you nominate a person with disabilities for Mayor, MP and President of the country for the next elections?



In relation to the question, “how would you feel if one of the following categories of citizens with disabilities is the president of the country?”, the opinion of the political parties on a scale where 1 to 5 is very uncomfortable and 6 to 10 is very comfortable, is illustrated in Figure 12. Namely, the political parties would feel more comfortable if the person (man or woman) has a physical disability, although there are noticeable differences based on gender stereotypes. This tendency declines in relation to persons with sensory disabilities (the visually impaired and people with hearing impairment), while they feel borderline uncomfortable with a person with hearing and speech impairment, and especially with a woman with these disabilities. For all categories, both the general public and the political parties would feel more comfortable with a man with disabilities, rather than a woman with disabilities in all categories, except that political parties feel least comfortable, irrespective of the gender, when a person has multiple disabilities.

**Figure 12.** How would you feel if one of the following categories of citizens with disabilities is the president of the country?



Opinions and perceptions of citizens without disabilities, in terms of their choice to cast their vote for an MP with disabilities, indicate that both the state and stakeholders failed to take measures and actions to raise public awareness and change the paradigm toward persons with disabilities from a medical to a human rights approach, where the state of disability would be considered as an element of social diversity.

In addition, the CRPD stipulates the obligation of the State to work on raising public awareness about disability and persons with disabilities, especially in societies where stereotypes and prejudices contribute to the development of discriminatory practices. Furthermore, the State has the obligation to adopt immediate, effective and appropriate measures for raising public awareness, including in their families, for respecting their rights and dignity. Finally, the State has the obligation to combat stereotypes and prejudices that affect these individuals in all areas of social life, including those that are faced with multiple and intersectional discrimination, as well as to promote awareness of the capacities and contributions of persons with disabilities.

### 3.4 Voting

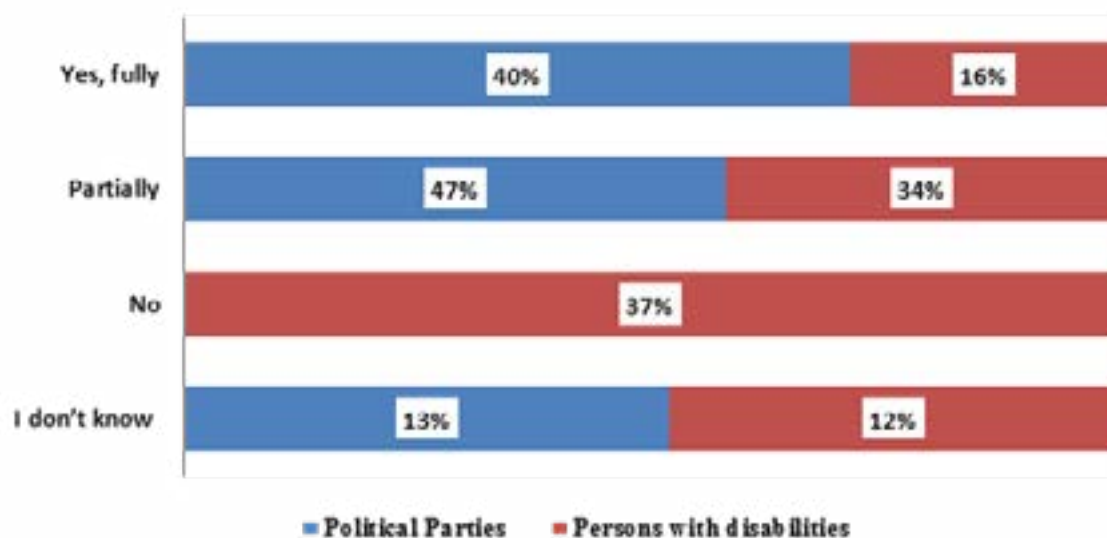
At the last election in 2016, a total of 8,099 people (about 0.5 percent of all registered voters), including 5,746 sick and incapacitated voters, were registered for early voting. Sick and infirm voters have the obligation to submit a notification to the relevant MEC seven days prior to the Election Day. This practice has become quite unclear, which was also listed in the conclusions in the report of civil society organization CIVIL<sup>58</sup>.

The following is indicated in the Report on the Review and Assessment of the Accessibility of Polling Stations<sup>59</sup> for persons with different abilities: 56% of the polling stations have no stairs leading to the voting facility, while 22% of voting facilities with stairs have no more than five stairs. The hallways are mainly cleared of obstacles and allow free movement. In 88% of polling stations, the voting facilities are on the ground floor, while 12% are on a higher floor. Regretfully, there is an elevator in only 1.51% of voting facilities which are not on the ground floor. In other polling stations, where 198,723 voters cast their vote, there are no elevators.

Compared with the information from the SEC Report, the views of political parties and persons with disabilities are different (Figure 13). That is, according to the views of political parties, 40% stated that the voting procedure and facilities are accessible for persons with disabilities, while 47% consider that the procedure and facilities are only partially accessible. Only 16% of persons with disabilities stated that the procedure and voting facilities are accessible, while 34% stated that they are partially accessible.

Interestingly enough, none of the political parties stated that the procedure and the facilities are inaccessible. On the other hand, 37% of persons with disabilities expressly responded that the procedure and the facilities are not accessible.

**Figure 13.** Are the voting procedures and polling stations accessible to persons with disabilities?



<sup>58</sup> Report of the organization Civil, combining reports from various election observation missions: "Elections 2016", 2017, pp.92-93, available at <https://civil.org.mk/wp-content/uploads/2017/02/CIVIL-ELECTION-REPORT-2016-English.pdf> [Accessed on: 11 July 2017].

<sup>59</sup> Report on the Review and Assessment of the Accessibility of Polling Stations for persons with different abilities, 2017, SEC, available at: <https://drive.google.com/file/d/0B8ZpCwro9h-zELiRmx1S2RoMDQ/view> [Accessed on: 10 October 2017].

*The voting booth was placed on the desk. Following my reaction, they moved the booth to a lower level; however, it was placed in the corner of the room. I asked the members of the board to place the booth in the middle, between the booths for persons without disabilities. The officials reluctantly did so, making it clear that I should be quiet.*

*Well, that booth is not only for “the disabled”, others can vote too...*

Stated by a person with disabilities

Conclusions about identified deficiencies with regard to the elimination of physical architectural barriers, as well as the inability to use the booths were also observed. In addition, in several cases, election mission teams noted<sup>60</sup> that the Electoral board members failed to take appropriate measures to ensure the secrecy of voting for sick and disabled persons.

*In the previous elections, I voted on the ground floor of the school, I don't know what has happened this time, as they have moved the polling station to the third floor... ”*

Stated by a person with disabilities

With regard to citizens with different types of disabilities exercising their rights, based on field observations, in addition to physical barriers in the polling stations, no adjustments have been made for persons with sensory disabilities. Such a system prevents persons with intellectual disabilities and legal capacity to exercise the right to vote. Whereas persons with mental disabilities, who are deprived of legal capacity, cannot vote at all.

<sup>60</sup> Report of the organization CIVIL, combining reports from various election observation missions: “Elections 2016”, 2017, pp.92-93, available at: <https://civil.org.mk/wp-content/uploads/2017/02/CIVIL-ELECTION-REPORT-2016-English.pdf> [Accessed on: 11 July 2017].

*I think that electronic ballot boxes with a sound program should be introduced, and this will allow visually impaired persons to vote independently and individually without assistance. I propose that Braille ballots are introduced so that the visually impaired can vote independently.*

Stated by a person with disabilities

*If persons with physical disabilities and people in wheelchairs cannot reach the voting booth, they should be allowed to vote in a corner which is available and easily accessible in the polling station.*

*The format is not available in Braille and there is no sound interpretation.*

Stated by a person with disabilities

*Access ramps should be made available since not all polling stations have them.*

*A sign with the universal symbol of accessibility should be made available to indicate where persons with disabilities should enter the building.*

*The building should be equipped with an elevator if the polling station is located on a higher floor.*

*The polling stations should be well lit to enable visually challenged people to read the ballots, and for people who are deaf or have a hearing impairment to be able to see people's faces and to better understand their speech.*

*The polling stations should be wide, clean, with flat floors, so the voters can move around as they need.*

*The ballots boxes should be placed at an appropriate height (75 cm) or placed on the ground so they are easily accessible to all voters.*

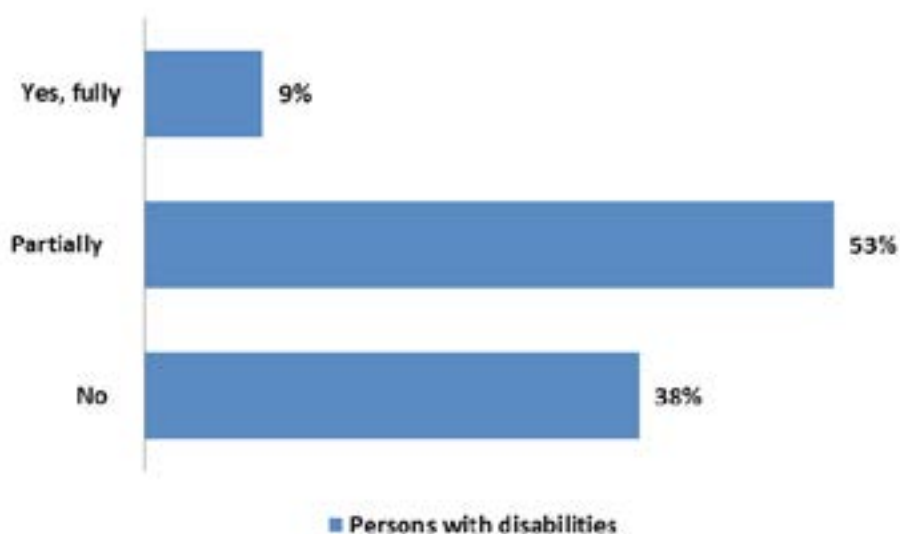
*Blind people should be enabled to vote independently.*

Stated by a person with disabilities

With regard to access to information<sup>61</sup> during elections, such as information provided at public debates, rallies of political parties, electoral process, and similar, 53% of persons with disabilities think that information is only partially accessible, while 38% think that it is not accessible (Figure 14).

<sup>61</sup> States Parties pursuant to Article 21 of the CRPD shall take all appropriate measures to ensure that persons with disabilities can exercise the right to freedom of expression and opinion, including the freedom to seek, receive and impart information and ideas on an equal basis with others and through all forms of communication of their choice, inter alia through "accepting and facilitating the use of sign languages, Braille, augmentative and alternative communication, and all other accessible means, modes and formats of communication of their choice by persons with disabilities in official interactions" (Article 21, paragraph 1 (b)).

**Figure 14.** *Is information on elections accessible and available?*



*It would be better if I leave the Institute and travel to vote in Skopje. The only problem is the transport, how to get there and return. Buses are not accessible, as I am in my wheelchair ... that is a really difficult day, so sometimes I go to vote, and sometimes I do not.*

Stated by a person with disabilities

There is a need to provide opportunities that would enable people with health problems, who have been admitted to medical centres, to cast their vote. There is a need to provide conditions for the residents of S.I Demir Kapija and S.I. Banja BANSKO, as well as residents in other special institutes for mental disorders, to be able to exercise their right to vote. This is one of the conclusions stated in the Ombudsman's Annual Report for 2016<sup>62</sup> which states that: "There is discrimination against sick and incapacitated people. ... and it is not the first time, but during all election cycles, through no fault of their own, they have been denied their right to vote, and they are left alone to solve the problem or seek help from the Ombudsman... Discrimination against this category of persons arises from the fact that, without having any objective justification, the SEC does not enable them to vote in places of their long-term or permanent residence - nursing homes and similar institutions, gerontology facilities, hospitals and other medical institutions".

<sup>62</sup> Annual Report of the Ombudsman for 2016, Ombudsman, 2017, p.42, available at: <http://ombudsman.mk/upload/Godisni%20izvestai/GI-2016/GI-2016.pdf>, [Accessed on: 13 July 2017].

*Access ramps should be installed at the polling stations; on Election Day personal assistance should be provided to persons with disabilities so they can easily reach the polling station and be able to enter the polling station...*

Stated by a person with disabilities

### 3.5 Providing Information and the Media's Role in the Electoral Process

Reporting about elections constitutes an important part of freedom of expression. Given that elections should be fully free and democratic, so should the reporting on elections, but, above all, it should be accessible and available to citizens with disabilities. Most of the topics that media covered during the presidential and parliamentary elections in 2014, according to the findings of the portal "My Choice"<sup>63</sup> were topics related to economic development, i.e. 2,725 articles, as well as topics concerning the multicultural society, i.e. 427 articles. The main topic of most of the public opinion polls conducted by the media is related to changes on the political scene. In this context, in previous elections, media never covered topics such as: what will the impact of the projected macroeconomy be on persons with disabilities?

According to the Electoral Code, the Public broadcasting service is obliged, free of charge and in cooperation with the SEC, to inform citizens about the manner of voting and to broadcast other information related to the electoral process. However, one can note that there is no adherence to the obligation to broadcast information in compliance with the CRPD and the Treaty of Marrakesh<sup>64</sup>. Unlike previous years, during the last elections, one of the debating programs broadcast on MTV provided sign language interpretation, in addition to one television channel, 24 News, which broadcast debates with sign language interpretation. Another important task is the sharing of information by the SEC in order to educate citizens about the electoral process, voters' rights and responsibilities, voter registration, voting facilities, ensuring secrecy of voting, who the candidates in their polling station are etc. The manner in which persons with disabilities are informed about this, does not comply with the standards of the CRPD. In fact, none of the resources provided by the SEC (information for the voters, video materials, as well as the website) can be found in an accessible and available format.

In 2013, on the initiative of the organizations of persons with disabilities, the SEC produced a video aimed to inform citizens about their right to vote, entitled "Free, fair and democratic"<sup>65</sup>, accompanied by sign language. Instead of developing this as a practice, sign language was not available in any video for the next elections.

*Political campaigns and programs shown on television can also be broadcast in sign language, which is currently not the case, in order to make all the information available for persons with hearing impairment.*

Stated by a person with disabilities

<sup>63</sup> Research of the portal "My choice", available at: <http://www.mojotizbor.mk/izbori-2014/mediumi.html> [Accessed on: 13 July 2017].

<sup>64</sup> Treaty of Marrakesh, available at: [http://ec.europa.eu/internal\\_market/copyright/docs/wipo/130627\\_marrakesh-treaty\\_en.pdf](http://ec.europa.eu/internal_market/copyright/docs/wipo/130627_marrakesh-treaty_en.pdf) [Accessed on: 10 June 2017].

<sup>65</sup> Video clip "Free, fair and democratic", available at: <https://www.youtube.com/watch?v=On28wyQYc04> [Accessed on: 15 July 2017].



Media outlets cover the exercising of the right to vote by citizens with disabilities through activities that organizations of persons with disabilities undertake during election campaigns. One can notice certain differences in the media coverage of such events – as if people live in two different worlds. Institutions provide information and the media report about elections only from the aspect of the political situation, with an emphasis on ethnic communities; whereas the issue of disability is completely excluded and it is left only to the organizations to inform, educate and refer citizens with disabilities to exercise their right to vote.

*The organization Polio Plus (2000) has been working on this issue ever since it was established. In fact, the campaigns “Sad mathematics” (2002-2006), “Voice of Honour”, “Dignified voice”, “My vote counts” (2008-2016), left a mark on the electoral processes, accompanied with the voting right campaign for persons with disabilities, as well as the organization of workshops and activities to promote the legislation. In parallel, since 2008, the first debates took place where candidates for mayors and MPs presented their programs before their fellow citizens with disabilities. Such a debate was organized with the presidential candidates in 2009 for the first time.*

*In 2016, this practice was embraced by other organizations of persons with disabilities. In the last elections, one could notice the activities of Mobilnost - Tetovo, Open the windows, and the parent organization Inkluziva from Kumanovo.*

During the elections, media focus on the issue of disability exclusively emphasizing the topic of sick and incapacitated persons, who vote on the day prior to the election, specifically providing regular information about the number of sick and incapacitated persons that exercised their right to vote<sup>66</sup>.

Hence, one can conclude that the media fail to recognize persons with disabilities in the capacity of experts or analysts who could add to the political diversity; which further enhances the stigmatization and prejudices against persons with disabilities. In addition one can note the inexistence of educational programs that would familiarize the audience that certain leaders or historical figures were persons with disabilities and despite their condition, were able to govern the global political scene; and even no mention whether some of the parties have candidates who are persons with disabilities.

No research has been undertaken in the field of information and communications related to disability and discriminatory practices in the media. Also, no analysis has been conducted on the extent to which operators of public electronic communication networks are accessible and available to persons with disabilities and to what extent their information is adapted and available to persons with disabilities<sup>67</sup>.

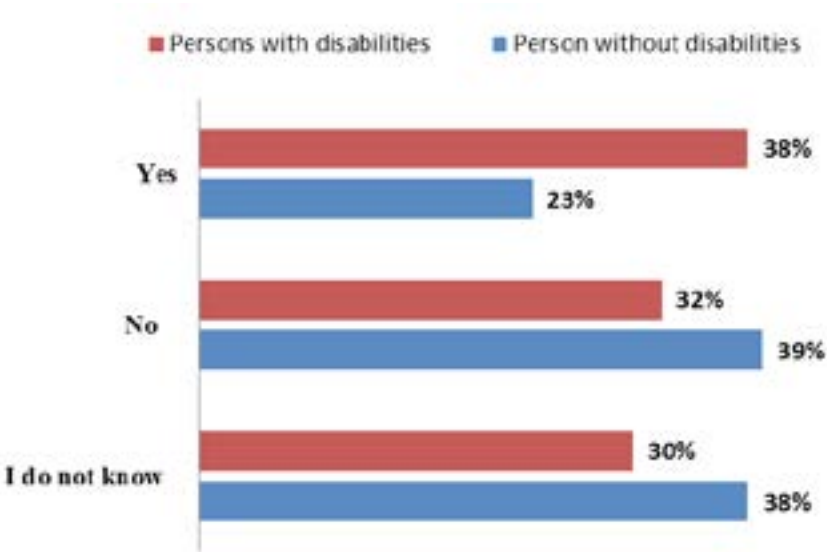
The poor promotion of the issue of disability domestically is further shown by the findings obtained from the field research conducted as part of this analysis (Figure 15). In fact, only 23% of persons without disabilities know about a person/leader with disabilities, while 39% of them said they do not. That is, 38% of them mentioned a leader with a disability, as opposed to 32% who could not do that. A significant number of respondents from both categories answered ‘I do not know’. Awareness about the perception and knowledge of disability is relatively low not only among the general public, but also among persons with disabilities. The findings suggest that the state has failed to promote the “cultural life” of persons with disabilities, by

<sup>66</sup> List of media that reported about the prisoners, voters from the Diaspora and the sick, available at: <http://www.time.mk/c/f87de03afa/prvicni-rezultati-od-glasanjeto-vo-sabota-3-1-za-vmro-dpmne.html> [Accessed on: 15 July 2017].

<sup>67</sup> Analysis of discriminatory practices in the media, OSCE Mission to Skopje, 2017.

not promoting and including certain elements of the history of mankind in which persons with disabilities were included and actively took part.

**Figure 15.** Do you know or have you heard of a world politician/leader who has a disability (contemporary or historical figure)?



Media outlets, as powerful instruments, can influence perceptions and change attitudes about disability, as well as the attitudes of citizens with disabilities. Given Article 29 of the CRPD and the General Comments of the Committee on the Rights of Persons with Disabilities, as well as the jurisprudence of the European Court of Human Rights, the state will have to ensure improvement of the existing legal framework, that is, primarily the Constitution, providing the citizens with disabilities with conditions to exercise their right to vote freely and efficiently.

### 3.6 Education provided by the State Election Commission

SEC provides mandatory education to the Electoral Boards which is implemented by the Municipal Electoral Commissions. The training refers to the methods of administering elections, rules on exercising the right to vote, including training sessions on the management of the polling stations. The trainings do not cover topics of communication and support for persons with disabilities in exercising their right to vote. The education for persons with disabilities is provided by organizations of persons with disabilities themselves, in order to familiarize citizens with their rights, the registration and reporting of irregularities if they are denied their right to vote.

### 3.7 Monitoring the Electoral Process and Filing Complaints and Appeals

According to the EC, the monitoring of the entire electoral process, by both domestic and international observers shall be allowed. The rights and obligations of all observers are regulated in the Code of Monitoring adopted by the SEC.

During the elections in 2016, several state institutions opened telephone lines for citizens and civil society organizations to report any suspicious election-related activities. In the Ombudsman Institution's report<sup>68</sup> on the latest elections, the following was concluded: "discrimination exists with regard to exercising the right to vote of sick and incapacitated persons".

Reported cases concerning the right to vote showed indications of mistreatment of sick and incapacitated people, where the Ministry of Internal Affairs acted upon received information about serious allegations of mistreatment of sick and incapacitated persons voting from home, who according to the law, vote on the day prior to the election. In addition, even though a large group of people is involved in monitoring the elections, there is no record of how many of them were persons with disabilities. This situation requires that persons with disabilities be hired in the monitoring process of the elections, both on the day prior to the elections and during the elections.

#### **CHAPTER 3 CONCLUSION:**

The field analysis illustrates that all stakeholders involved in guaranteeing the right of political participation to citizens with disabilities have different views concerning the realization of this right. The majority of citizens without disabilities believe that in matters regarding the rights of persons with disabilities, the state takes action only incidentally, and fails to undertake any systemic reforms. 30% of citizens with disabilities stated that they were unable to exercise their right to vote due to the inaccessibility of the polling stations. Only 9% of persons with disabilities consider that information during the elections is accessible and available. Regarding participation in politics, 40% of persons without disabilities consider that persons with disabilities are involved in political life only before the elections. The research findings point out the existing stereotypes about persons with disabilities who are seen as people who should be taken care of by their family and the society, rather than as people who can make decisions for themselves and for others.

In addition, the general public has various negative perceptions about persons with disabilities, and women with disabilities are especially vulnerable. For the general public, most acceptable to become holders of public office are men with physical disabilities and they would vote for them only if they run for mayor. As the public office functions increase from the local to the national level, there is less support for candidates with disabilities, which poses a serious problem in the fight against stereotypes - that persons with disabilities would not be able to perform the function of MP or president of the country. Perceptions that lead to inter-sectional discrimination are significantly present, that is, intersection between the grounds of gender and disability.

During elections, the media report only about the voting of the sick and incapacitated persons, and fail to recognize persons with disabilities in the capacity of experts or analysts who could add to the political diversity. In addition, there

<sup>68</sup> Annual report of the Ombudsman for 2016, 2017, available at: <http://ombudsman.mk/upload/Godisni%20izvestai/GI-2016/GI-2016.pdf> [Accessed on: 11 July 2017].

are no educational programs which would familiarize the public with the fact that certain leaders or historical figures were persons with disabilities. No research has been carried out on the information and communications related to disability and discriminatory practices in the media. No analysis has been conducted about the extent to which operators of public electronic communication networks are accessible and the extent to which their information is adapted and available to persons with disabilities.

The poor promotion of the issue of disability domestically is attested with the findings obtained from the field research. In fact, 77% of the persons without disabilities do not know any politician with disabilities. There is a relatively low level of awareness about perceptions and knowledge in relation to disability, not only among the general public, but also among persons with disabilities themselves.

# CHAPTER FOUR

## 4. POLITICAL PARTIES AND THE DISABILITY ISSUE

Of great importance is how the candidates in presidential, parliamentary and local elections approach the issue of persons with disabilities and what kind of measures they propose to ensure they exercise their rights.

### 4.1 The Disability Issue in the Election Platforms

At the presidential elections in 2014, presidential candidates Gjorge Ivanov<sup>69</sup> and Stevo Pendarovski did not propose concrete measures for persons with disabilities. Even though their efforts in the election platform were addressing the respect for human rights, respecting differences, different cultures; still, citizens with disabilities were neither included nor mentioned.

Following the early parliamentary elections in 2014, the Parliament was composed of six political parties and coalitions. The Program "Verified - Projects that have proven to be realized"<sup>70</sup> recommended a series of measures and activities aimed to improve the position of persons with disabilities. The measures mainly refer to the areas of education (2), social protection (7) employment (6), accessibility (4), and health care (1). The design of the measures and the used wording implied the medical and charity approach, which is outdated and contrary to the CRPD. Although these measures are set aside in a separate chapter, the party specified all of the measures to be under the authority of the Ministry of Labour and Social Policy (MLSP), including the provision of audio books for persons with sensory disability, which should normally be the responsibility of the Ministry of Education and Science.

Along the same lines is the program "Changes for a new beginning"<sup>71</sup>, where a separate chapter is dedicated to persons with disabilities. The proposed measures imply the same medical approach. The program entails measures for: social protection (6), accessibility and availability of facilities and information (3), education (6), employment (5), health care (3), and measures to raise public awareness (1). The program "Who are we"<sup>72</sup>, provides subsidies to persons with 100% impairment. In 2014, one of the programs that can be distinguished among other programs was the program of political party GROM<sup>73</sup>. Proposed measures addressed the problem of deinstitutionalization and establishment of a system of services for supported living.

In 2016, 5 coalitions and 6 political parties took part in the early parliamentary elections. Their programs offered 20 measures in the social protection sector, 7 measures in the health care sector, 3 in the employment and labor relations sector, 4 in the education sector, 1

<sup>69</sup> Program of Gjorge Ivanov for the presidential elections in 2014, available at: [http://www.mojotizbor.mk/images/programi2014/programa\\_gjorge\\_ivanov.pdf](http://www.mojotizbor.mk/images/programi2014/programa_gjorge_ivanov.pdf) [Accessed on: 11 July 2017].

<sup>70</sup> VMRO - DPMNE - Program "VERIFIED, Projects that have proven to be realized", available at: <http://www.mojotizbor.mk/images/programi2014/vmro-2014.pdf> [Accessed on: 11 July 2017].

<sup>71</sup> SDSM program Changes for new beginning, available at: <http://www.mojotizbor.mk/images/programi2014/sdsm-2014.pdf> [Accessed on: 11 July 2017].

<sup>72</sup> Program of DUI for parliamentary elections 2014-2018, available at: <http://www.mojotizbor.mk/images/programi2014/dui-bdi-2014.pdf> [Accessed on: 11 July 2017].

<sup>73</sup> Program of the party GROM for 2014-2018, available at: <http://www.mojotizbor.mk/images/programi2014/grom-2014.pdf> [Accessed on: 11 July 2017].

measure for ensuring accessibility, 1 measure in the field of sports, and 2 measures in the IT and administration sector. In respect of the realization of human rights, the program offers general measures that aim to ensure respect for the human rights of all. The program "Real", in respect of persons with disabilities, included 6 measures in the education sector, 12 measures in the social protection sector, 3 in the health care sector, 11 measures in the employment sector, 2 measures in the IT and administration sector, 3 measures regarding sporting activities, 4 measures in the transport sector and 1 measure regarding the civil society. One can notice an increase in the number of measures aimed for persons with disabilities at every subsequent election. Despite the fact that a separate chapter has been dedicated to the measures, which are also listed quite extensively, it is obvious that the spirit of the CRPD is completely missing. The majority of measures, especially the ones designed by the two major parties, focused on the social protection sector and mainly address the provision of benefits to persons with disabilities from the aspect of the medical model of seeing the disability.

Regarding the question referred to the political parties: "How would you define the issue of disability in the program of the party?", the received responses lead to the conclusion that political parties consider disability in terms of the outdated medical model:

*"Disability is a mental and physical impairment of human beings.*

*"According to the platform, the issue of disability is a condition of a person that requires proper treatment and a place in society"*

*"According to the program .... disability refers to a person with developmental difficulties*

In most of the questionnaires, instead of providing a definition of disability, the political parties stated what will be undertaken in respect of persons with disabilities.

*The party ....in its platform included a section dealing with the care for persons with disabilities, however, this is not sufficient. No specific measures or objectives that address this population have been specified. There are no specific items in respect of education by categories, and no measures to ease movement; no access ramps, no due consideration is given to easing the categorization of persons with disabilities in other towns in the Republic and many other problems they are confronted with have not been addressed...*

*... disability is a condition of some of our fellow citizens which creates special needs that should be provided by society; this condition must not impede the fulfillment of all of their civil and human rights; at the same time, the state should ensure inclusion in all aspects of social life, including their daily life and decision-making processes.*

## 4.2 Programmatic Priorities and the Convention

To ensure that measures aimed at improving the situation of citizens with disabilities are created and proposed, it is important that political parties develop knowledge and understanding of the CRPD. Given the answers provided by respondents from political parties, they consider themselves familiar with the CRPD and the obligations deriving therefrom. In relation to the four questions outlined in Table 1, on a scale of 1 to 5 (where 1 is the least and 5 is the best), the political parties gave similar answers and the average score ranges between 2 and 3.

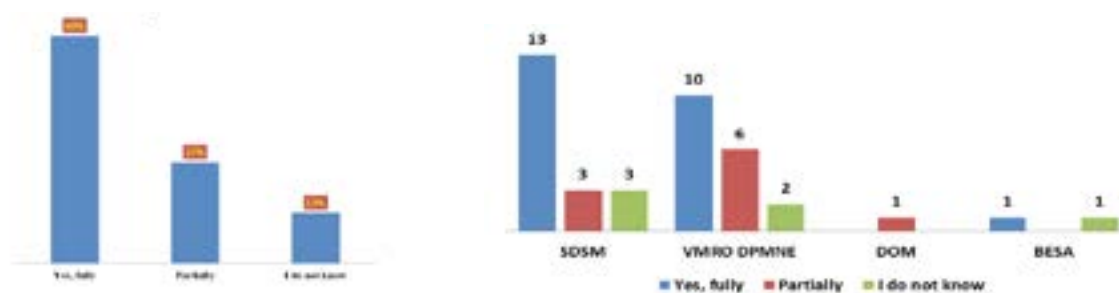
Table 1

Question	BESA	DOM	VMRO - DPMNE	SDSM	total average
How familiar are you with the Convention on the Rights of Persons with Disabilities?	3	5	2	3	3,3
How familiar are you with the obligations that the State has, having ratified the Convention?	2	5	2,5	2,1	2,9
How familiar are you with the areas that the Convention covers?	1	5	1,4	1,8	2,3
How familiar are you with the provisions of the Convention that concern the political participation of persons with disabilities?	1,5	5	1,3	1,8	2,4

In relation to the questions *“How familiar are you with the Convention on the Rights of Persons with Disabilities?”* and *“How familiar are you with the obligations that the State has having ratified the Convention?”*, the average response is 3. The knowledge of the political parties declines with respect to more specific areas of the CRPD. In respect of the question: *“How familiar are you with the areas that the Convention covers?”* the average response of the political parties is 2. The same results were received regarding their knowledge about CRPD provisions on the political participation of persons with disabilities. However, such an opinion is contradictory to the response shown in Figure 16 below. Namely, 60% of the respondents in the participating political parties think that their political party is approaching the full implementation of the CRPD, 27% think that it is only partially implemented, while 13% stated that they do not know.

Viewed in absolute figures, 13 affirmative answers were provided by SDSM, 10 by VMRO-DPMNE and 1 by Besa. 3 branches of SDSM believe that the CRPD is partially implemented, 6 from VMRO-DPMNE and 1 from DOM. There were 3 answers stating “I do not know” from SDSM, 2 from VMRO-DPMNE and 1 from Besa.

**Figure 16.** Does the party approaches to full implementation of the Convention on the Rights of Persons with Disabilities?



*“This composition of the council, in the past 17 months of its mandate, included no item on the agenda of the session dealing with issues relating to socially vulnerable groups. Not once! As municipal councillor, I raised a question about the status of the Local action plan on matters of concern for persons with disabilities in the municipality for the period 2008-2010. The mayor could not recall that the Municipal Council has ever adopted something like that, although at the time when it was adopted in December 2007, he was also the mayor.*

*This speaks for itself that the authorities show no concern for persons with disabilities”.*

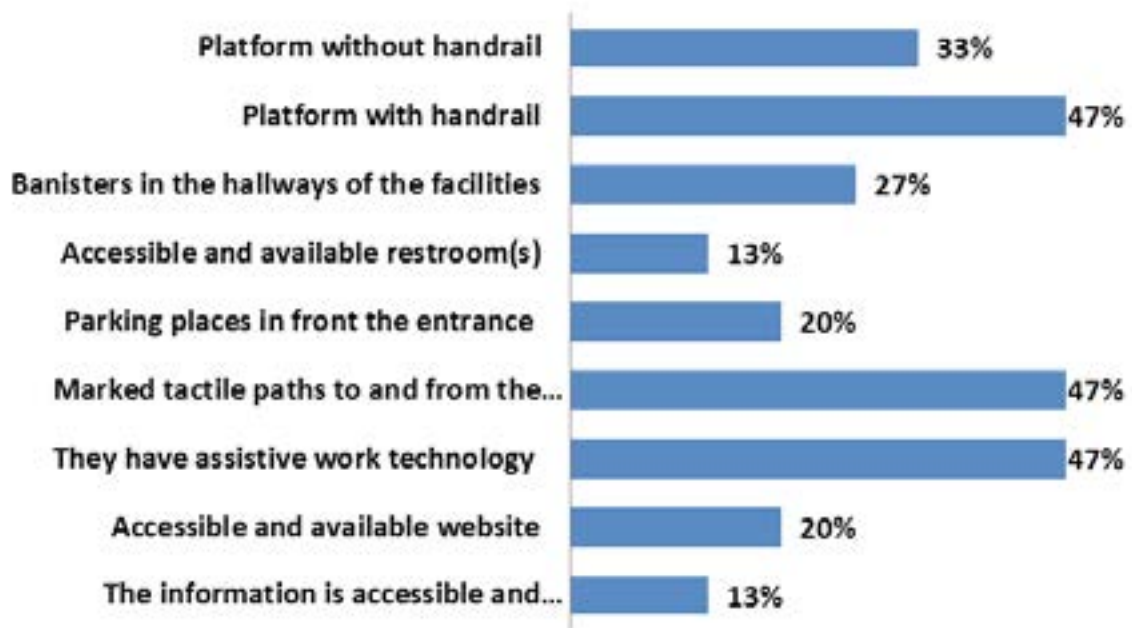
Statement made by Councillor in Municipality of Prilep, a person with disabilities

### 4.3 How Accessible are the Political Parties

Accessibility is one of the key barriers to the participation of persons with disabilities, in particular, the lack of physical accessibility to the party headquarters, information they provide to citizens, etc. In this context, the political parties were asked to indicate which elements they have in terms of accessibility, however, the responses were quite controversial. Namely, according to the responses shown in Figure 18, the parties have the assistive technology (47% of the parties confirmed that they have the assistive technology), but at the same time, only 20% of them have, in their opinion, accessible Internet, whereas 13% of political parties submit information in an accessible and available format. 47% of parties confirmed that they have tactile paving leading to and from the building. Such responses are indicative of the fact that political parties do not understand the concept of accessibility, which, on the other hand, is contradictory to the responses in Figure 16, shown above, where their response that they opt for full implementation of the CRPD accounts for 60%.

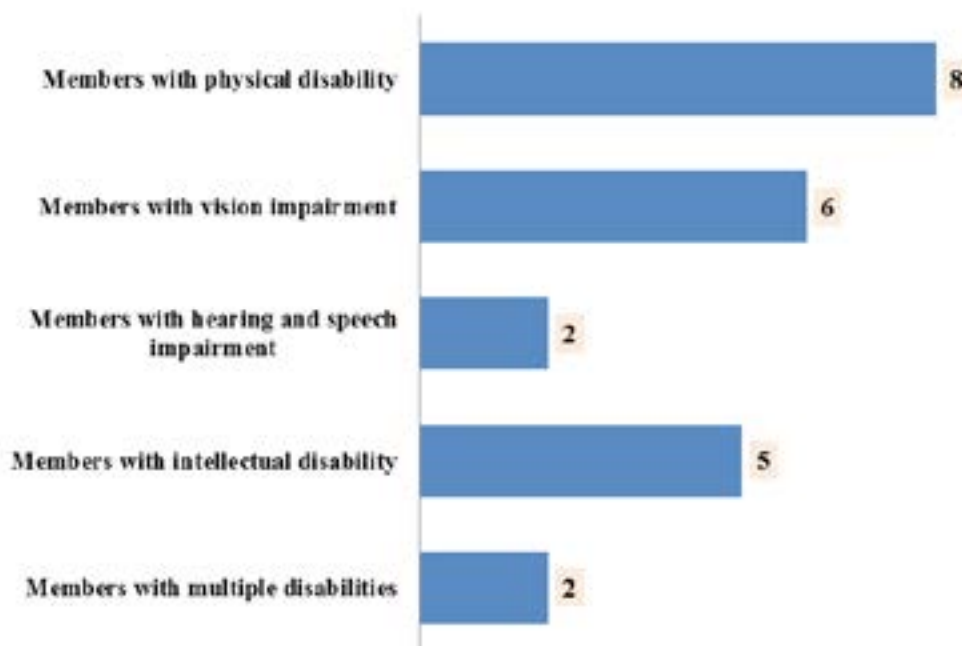


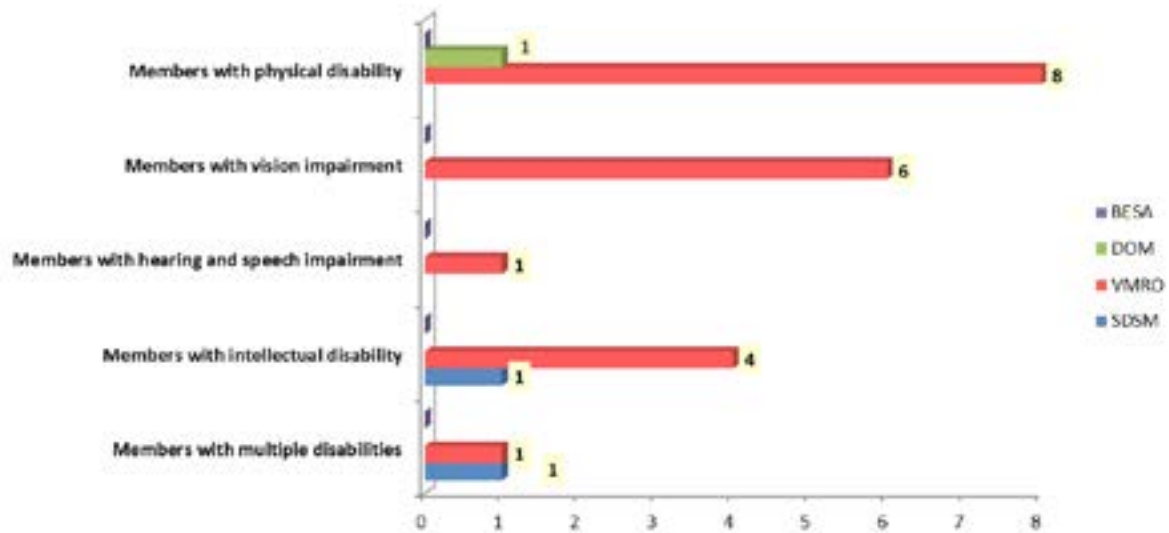
**Figure 17.** Accessible and available elements in the premises of the political party



People with disabilities are very poorly represented in political circles. Even though political parties do not keep official records of members based on disability, in the questionnaires submitted by the political parties, they declare that they have members with disabilities (Figure 18). Out of 23 members with disabilities, 8 members have physical disabilities, 6 members have a visual impairment, 2 members have a hearing impairment, 5 members have intellectual disabilities and 2 members have multiple disabilities.

**Figure 18.** Number of members with disabilities





#### **CHAPTER 4 CONCLUSION:**

Political parties are the driving force that should transform the abstract ideology into legislative effects in practice. Hence, ideas and values in politics cannot exist, be realized and valued separately from each other. The political parties in the country completely fail to include disability as a principle and value. The knowledge of the political parties about the CRPD is very poor, and there is poor understanding of the need for recognition of the rights of persons with disabilities. The programs of the political parties do not comply with the CRPD and usually provide for measures that fail to promote human rights based approaches, which is a serious drawback in terms of adopting a systemic approach about the issue of disability and how it can become part of the political agenda. Political parties are not familiar with the obligations deriving from it and, as a result, their platforms address the outdated medical-charity approach to disability.

There is no developed practice for political parties to provide education on disability matters to their members, at any level. Such a position is also a serious indicator of their perception about persons with disabilities, which is also reflected on the community and the general public. 67% of political parties would accept a person with disabilities as their leader, while 33% do not know. One can notice that persons with disabilities are more accepted by smaller political parties compared to the bigger ones. This perception changes completely, however, when support for a person with disabilities, as a holder of public office is needed. Men with physical disabilities are most acceptable for the political parties; candidates at the local level receive greater support, and that support declines for candidates at a national level, with the candidate for President of the country receiving the least support. Similar to the general public, the political parties would also feel more comfortable to vote for men with disabilities, rather than women with disabilities, whereas political parties feel least comfortable about persons with multiple disabilities irrespective of their sex.

# CHAPTER FIVE

## 5. NOTHING ABOUT US - WITHOUT US

Factors which influence political participation could be divided into three areas: existing resources (“Are you able to participate?”), psychological pressure/momentum (“Do you want to participate?”), and the act of acquiring membership in a political party (“Has anyone invited you to participate?”). Each of these areas have their own specifics. That is, the existing resources imply time, money and skills; psychological factors imply political interest, civic values, sense of efficiency, collective awareness; while political recruitment takes place through formal and informal networks and social gatherings.

In view of these elements, citizens with disabilities have limited resources at their disposal, including reduced mobility as result of inaccessible areas. Persons with disabilities have a lower average income and a lower level of education compared to citizens without disabilities, and their financial resources are further limited due to higher costs for independent living. Political recruitment of persons with disabilities is limited by their systemic isolation. Transport problems and problems with education contribute to the lower probability of them being involved in political and social activities. Both the physical and social isolation can be increased as a result of the approach of the state and the perception that media create about persons with disabilities, the neglect of political parties and the negative messages on disability conveyed through public policies, media and the inaccessible polling stations.

### 5.1 Main Obstacles to Active Inclusion of Persons with Disabilities

The first challenge identified is accessibility. Persons without disabilities, as well as political figures show a tendency to consider accessibility and availability from the aspect of facilities. Usually, there is a common thinking that setting up an access ramp would solve the problem. However, this does not suffice in practice. In order to ensure that persons with disabilities are not treated as second-class citizens, the state should provide full access to polling stations, equal access to political organizations, as well as access to public and private institutions. Another key element is the availability of information. Information on party platforms and electoral processes should be made available in a comprehensible format, including sign language, translation of video materials when needed in Braille, and versions which are easy to read and understand.

If we want to obtain a sustainable solution for persons with disabilities, the adoption of a holistic approach is needed in this area, encompassing all elements of accessibility and undertaking measures to ensure it. Every step of the electoral process should take into account the need for accessibility. Applications for voter registration should not prevent anyone from participation. Also, the complaint mechanisms regarding the right to vote should be clear and accessible.

Given the established electoral system, political parties take action and are the main actors that safeguard the participation and active inclusion of persons with disabilities. They decide whether an individual will be put in a particular position on the list and when. Another problem is that when political parties show interest for someone to be involved in politics, the individual will be expected: firstly, to speak and deal mainly with the disability issue and, secondly, to work predominantly on promotion without being given the power to make decisions.

One of the main elements that must be included in the political parties’ agenda is education. Despite the willingness and interest shown, within their political institutional and organizational systems, the political parties must have mandatory training on the issue of

disability in order to understand the holistic approach to this issue. Furthermore, it would be very helpful if such trainings are delivered by persons with disabilities.

Although the CRPD advocates for the social model of disability, that is, a human rights based approach, political circles have developed an understanding that this model is exclusively related to the social and health sector, thus entirely disregard the approach and substance of the CRPD.

*No government will lose power because of persons with disabilities and your issue.*

Statement made by a political representative

The educational system is perhaps one of the most important links within the system of effective participation of persons with disabilities. A state which desires to have active citizens, both citizens with or without disabilities, must make investments in education. In a situation in which persons with disabilities are faced with impediments to acquire primary education, one cannot expect that those people will develop into independent individuals who are willing and ready to fight for their rights. Additionally, as a result of psychological pressure to “constantly prove themselves”, persons with disabilities are found in a completely disadvantageous position compared to persons without disabilities.

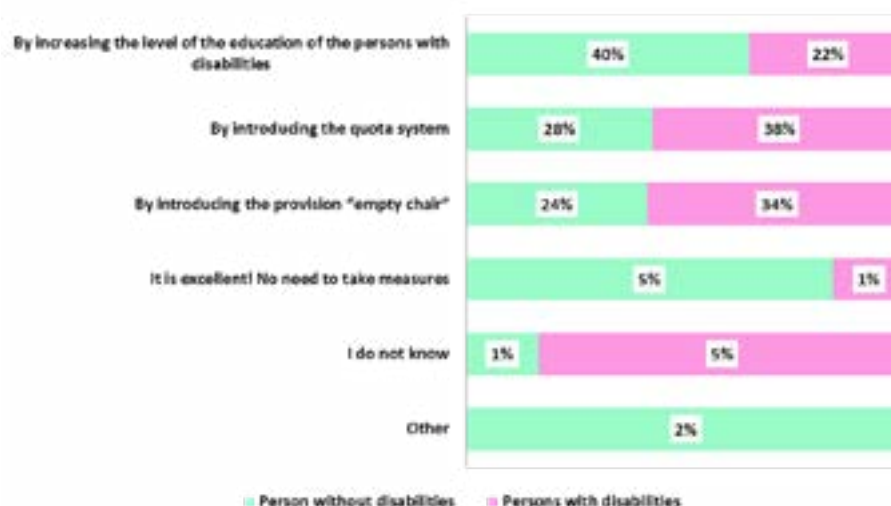
Finally, in a situation when the medical and charity approach prevails, the media and all of the social actors have a key responsibility to continuously work on raising awareness for equal recognition of the rights of persons with disabilities.

## **5.2 Measures that are Necessary for the Participation of Persons with Disabilities in Political and Public Life**

The right to political participation, right to vote and be represented in the legislative, executive and judicial branches of power are important indicators of effective participation in the society. The type of measures necessary for effective political participation in compliance with the CRPD, and activities that would be considered appropriate and acceptable, definitely depend on the system and the perception developed in the state about persons with disabilities. The idea behind the CRPD is that through political participation of persons with disabilities, the cycle of marginalization and discrimination can be broken, that is, by adopting an inclusive approach and by giving a “voice” to persons with disabilities or giving a fair chance to the community of persons with disabilities that their interest and their cultural identity will be taken into account.

In this regard, both persons with and without disabilities were asked to provide only one answer to the question - in which ways should the State enable the active inclusion of persons with disabilities in political life. According to the results shown in Figure 19, 40% of persons without disabilities believe that by raising the level of education of persons with disabilities, their political participation will be enhanced; unlike them, persons with disabilities are more sceptical, that is, only 22% of them think that by raising the level of education, they could be involved in political life. Concerning the quota system measure, 28% of persons without disabilities stated that it is a good measure, while 24% believe that “empty chair” is the most appropriate measure to involve persons with disabilities in political life. 38% of persons with disabilities think that the quota system is the right measure for their involvement, while 34% stated that the “empty chair” system is the appropriate measure for their active involvement in political life.

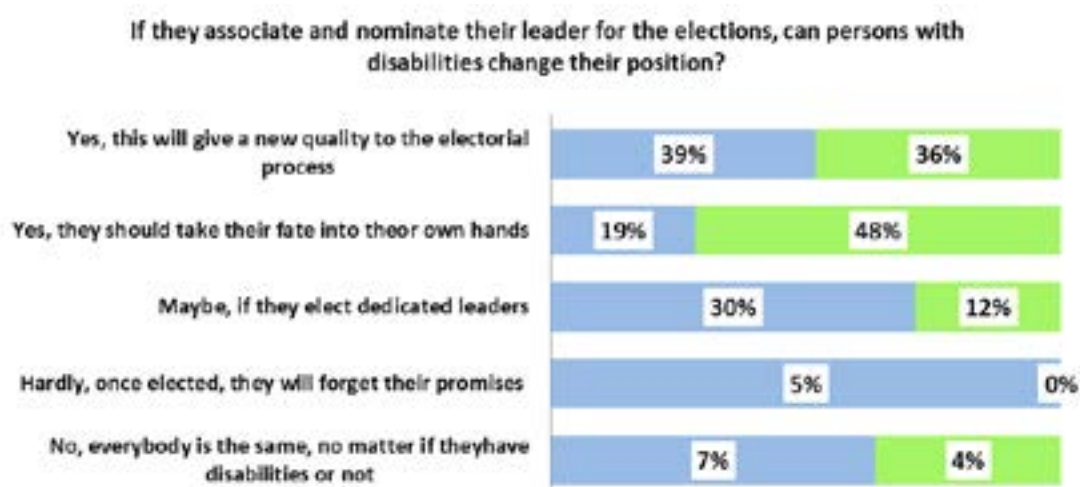
**Figure 19.** *In which way should the state actively include persons with disabilities in political life?*



Based on the research findings, the solution for involving persons with disabilities in political life would be somewhere in between. That is, a combination of measures for raising the educational level of persons with disabilities and affirmative measures, such as "quota system" and "empty chair". Irrespective of the measures that will be taken, the root for the participation lies in the recognition and mutual respect towards persons with disabilities. Perhaps in future, when measures are envisaged for creating fair opportunities for persons with disabilities, the principles that apply to ethnic communities should be simultaneously considered.

Both persons with and without disabilities provided similar answers to the question whether persons with disabilities should organize themselves and act independently on the political scene (Figure 20), or choose the inclusive approach. That is, 48% of persons with disabilities believe they need to take matters into their own hands, and 36% believe that this will bring about a new element that will improve quality, unlike 39% of persons without disabilities who believe this will bring about a new element that will improve quality. Only 19% of them believe that persons with disabilities need to take matters into their own hands and 30% believe that this is only possible if leaders who are committed get elected.

**Figure 20.** *If they associate and nominate their leader for the elections, can persons with disabilities change their position?*



*“We have more work to do on raising awareness among persons with disabilities about their, that is, our rights. We need to be more active, to show our willingness and persistence to improve our status in society. It is obvious that if we do not initiate solutions to our various problems, we cannot expect someone else to do that on our behalf”, said the councilor of the Municipal Council of Prilep, a person with disabilities.*

### **Example of an informal participation of persons with disabilities in the Parliament**

#### **Inter-Party Parliamentary Group for the rights of persons with disabilities**

*On the initiative of Polio Plus – Movement Against Disability, the Inter-Party Parliamentary Group for the rights of persons with disabilities - IPPG, was established in the country in 2003.*

*In the past 14 years, it has been acting as an informal group in the Parliament, composed of members of all represented political parties.*

*Its main role is to articulate the needs of persons with disabilities in the Parliament, before the representatives of the executive power, and to mainstream, primarily, the issue of disability in the legislative acts.*

*The vision for the establishment and existence of this group was to make it work as a link between the organizations of persons with disabilities and the Government; to be the spokesperson who articulates the needs of persons with disabilities before the MPs; and to help in shaping those needs in specific legislative acts that will guarantee the exercise of rights and will create equal opportunities.*

*On the proposal of the IPPG, on 23 June 2003, the Parliament adopted the Declaration on the Protection and Promotion of the Rights of Persons with Disabilities, and through active lobbying and representation as well as the campaigns “Convention Now” of Polio Plus and an active meeting with the Prime Minister, the Convention on the Rights of Persons with Disabilities was ratified.*

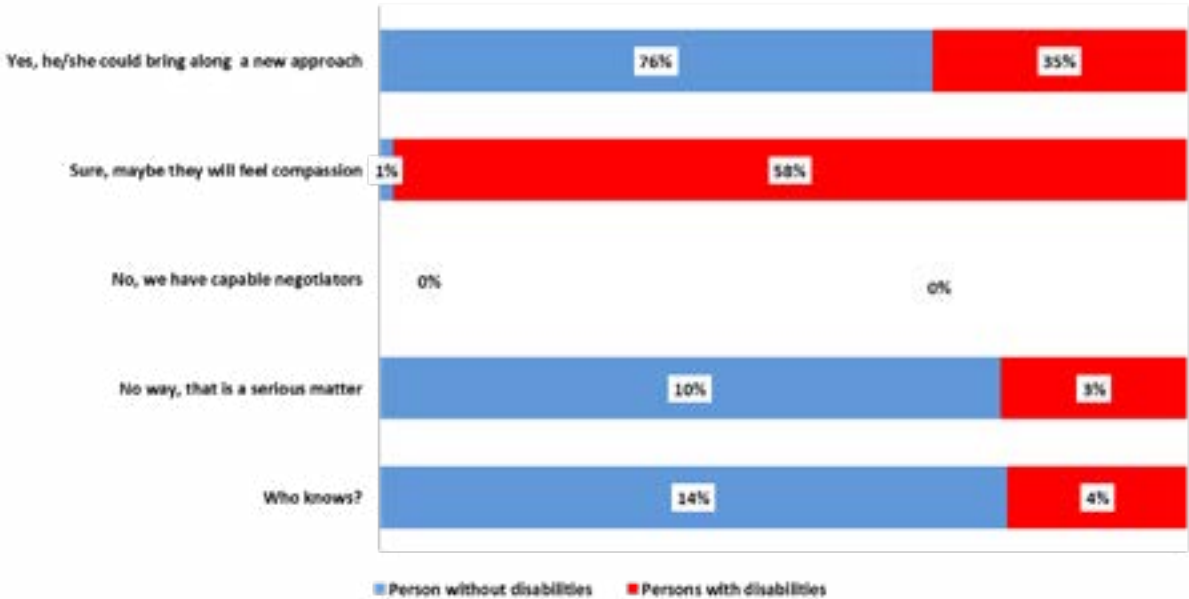
*In the course of these 14 years, the IPPG has taken several steps towards building partnerships (between civil society organizations and between civil society organizations and the Parliament), building and raising public awareness (e.g. presence of persons with disabilities during parliamentary sessions) and legislative changes. The changes in the legal framework include: amendments to the Law on Employment of Persons with Disabilities; amendments to the Law on Construction; Amendments to the Rulebook on the procurement of orthopaedic devices (the user’s participation is reduced from 40% to 10% of the price); amendments to the Law on Social Protection (to include an educational part in the work of persons with severe mental disabilities; amendments to the Road Traffic Safety Law (right to mobility and parking spots). There have been over 50 initiatives and amendments submitted in the past years.*

*In 2016, the example and the model of the IPPG functioning were replicated in the Republic of Serbia. In the first civil society index, the IPPG was taken as a case study and an example of the positive practice of cooperation between the civic sector and the Parliament.*

Given the holistic approach of the CRPD, it entails participation in elected bodies, public services and the judiciary, specialized governmental bodies, decentralized and local government, whereby the non-discrimination principle is the key concept within the human rights system for persons with disabilities. In fact, all issues concerning persons without disabilities also matter to persons with disabilities. In other words, it means that no discussions and decisions shall be made without the participation of persons with disabilities at all levels.

At the end of the survey, we asked people with and without disabilities to answer the following question - whether they would accept a person with disabilities to negotiate about the name issue of the country (Figure 21). 76% of persons without disabilities consider that it may bring about a new approach. However, the perception of persons without disabilities does not correspond to their views about the highest position in the country (Figure 10). Persons with disabilities show much lower confidence and trust. In fact, 58% of persons with disabilities think that if persons with disabilities are involved, that will provoke compassion from the other party and will lead to resolution of the dispute. This question also indicates that persons with disabilities have low confidence in their abilities, as they believe that compassion is a tool for overcoming the issues of persons with disabilities, including resolution of the name issue. Interestingly enough, both persons with and without disabilities think that we do not currently have capable negotiators regarding this issue.

**Figure 21.** *Would you accept a person with disabilities to negotiate the name of the country?*



## **CHAPTER 5 CONCLUSION:**

Political participation is one of the main avenues for persons with disabilities to achieve equality in an effective and efficient manner. Participation in decision-making is considered fundamental for the realization of human rights for persons with disabilities. In fact, this approach can serve as an important tool to articulate the voice of persons with disabilities, to increase their visibility and to recognize their identity, as a group, and not only in the electoral process, but elsewhere. Barriers to political participation encountered by persons with disabilities have existed for long time and derive from the perception of persons with disabilities, as well as the architectural and information barriers created by the current system. This is further enhanced by the selective specialized education for persons with disabilities in the country. The identified existing barriers in the education, the inaccessibility of facilities and information, as well as the medical and charity approach to the issue of disability and the perception about individuals with disabilities contribute to their marginalization and segregation, thus distancing them from all processes, including the political ones. All required changes need to be done on a systemic level, which shall be not only reflected in the legislation, but should be backed up with campaigns and actions that promote disability as value and respect for diversity.

The decision concerning the involvement of persons with disabilities in political life is probably found somewhere in between, that is, a combination of measures to increase the level of education of persons with disability and the affirmative measures, such as "quota system" and "empty chair". Irrespective of the undertaken measures, the key factor for participation is the recognition and mutual respect for persons with disabilities. Perhaps in future, if measures would be taken for creating fair opportunities for involvement of persons with disabilities, the principles that apply to ethnic communities should be simultaneously considered.



# CONCLUSIONS

- Having analysed the electoral legislation, one can conclude that it fails to provide a systematic and comprehensive approach concerning the exercising of the right of persons with disabilities to participate in political and public life on an equal basis with others.
- The Constitution guarantees the equality and the protection of citizens against discrimination on various grounds, including the right to vote which is exercised at free elections by secret ballot (Article 22). Although this Article is also applicable to persons with disabilities, in any future amendments, the ground of disability must be expressly listed with other grounds. In the legislation, prohibition of discrimination is specified in the Law on Prevention and Protection against Discrimination, which foresees the possibility to adopt affirmative measures which are not seen as discriminatory and will ensure equal opportunities for persons with disabilities.
- The national legislation is restrictive in respect of persons with disabilities exercising their right to vote, in particular, persons with intellectual disabilities. This needs to be resolved so that persons with disabilities can freely exercise their right to vote and be elected, without any restrictions on the ground of their disability, and a supported decision-making system should be introduced. Such changes in the legislation shall ensure harmonization with the CRPD and the recommendations of the Council of Europe.
- The principles of equality and non-discrimination, as well as the principle of reasonable accommodation and universal design are not stipulated in the Electoral Code. This needs to be addressed in any future amendments, given the obligation undertaken following the ratification of the CRPD, where the failure to provide reasonable accommodation constitutes a form of discrimination.
- According to the Electoral Code, a certain number of citizens with disabilities, residing in institutions, homes for the elderly, health centers and medical institutions, cannot exercise their right to vote. The Guidelines on the application of Article 111 of the Electoral Code, No. 08-3317/1, stipulate an exception according to which sick and incapacitated persons can vote at another address, provided it is in the same municipality, which can also serve as a solid basis for this right to be extended to all citizens with disabilities who share the same need based on their disability. This provision in the legislation should be amended and should be compliant with the CRPD, so that every citizen with a disability residing in institutions, medical institutions, homes for the elderly etc. can freely exercise the right to vote.
- According to the national law, electoral bodies have no obligation to provide education on the issue of disability, which is a serious flaw in the fight against discrimination and creation of equal opportunities for persons with disabilities.
- The legislation does not distinguish between sick and incapacitated persons and citizens with disabilities, which is especially worrisome.
- The existing method of registration and enrolment of voters is entirely inaccessible and unavailable to citizens with disabilities, which is considered another major drawback in terms of ensuring the active involvement of citizens with disabilities in political life.
- Electoral bodies have no legal obligation to keep records of citizens with disabilities, which is a serious flaw in creating equal opportunities and measures that will help persons with disabilities to exercise their right to vote more effectively.
- Research findings lead to the conclusion that citizens with disabilities are unable to exercise their right to vote due to the inaccessibility of polling stations.

- The place and the method of exercising the right to vote do not incorporate the standards of accessibility and availability, and the legislation does not provide for other measures that allow persons with disabilities to exercise their right to vote on an equal basis with others. In fact, no ballots in Braille have been foreseen, another person must sign the list confirming that the person with visual impairment cast the vote, there are no alternative polling stations, sign language interpreters are not used, there are no tactile voting devices or devices for electronic voting available, or simple voting instructions in a user-friendly format.
- No obligations have been foreseen with regard to running an election campaign, i.e. to adjust and provide information in an available and accessible format based on the needs of persons with disabilities. Only 9% of persons with disabilities consider that information during the elections is accessible and available.
- Political parties, associations, broadcasting companies and other regulatory bodies have no legal obligation to be accountable and take proactive measures which would ensure that persons with disabilities have access to information on political debates, campaigns and events that fall within their scope of work.
- There are no stipulated provisions that require broadcasting companies to prepare their programs and information during the elections in an accessible and available format for persons with disabilities. It is recommended to include provisions that allow for the timely, balanced and objective transmission of accessible and available information by broadcasters to persons with disabilities.
- The resistance and persistent and visible non-acceptance of persons with disabilities as equal members of society shows that very little has been done in terms of raising awareness and promoting respect for the rights and dignity of persons with disabilities.
- Field research results show that persons with disabilities only partially participate in political life, and most often at times of elections. Only 3% of persons without disabilities think that persons with disabilities take part in political life. There is no person with disabilities that has been elected as an MP, mayor or minister.
- The programs of the political parties do not comply with the CRPD, and commonly offer measures that fail to promote the human rights based approach, which is considered a serious drawback, especially in ensuring a systemic and comprehensive approach towards the issue of disability and its inclusion in the political agenda.
- The political parties have very little knowledge about the CRPD and about the undertaken obligations deriving from it, which contributes to the presence of the outdated medical and charity approach to disability in their platforms.
- The political parties have not developed a practice of providing education about the issue of disability to their members, at all levels.
- Campaigns for the promotion of the issue of disability are not conducted on a continuous basis by the electoral bodies and other actors in the political and public life, which represents a serious drawback in the fight against the stereotypes which persons with disabilities are faced.
- Field research findings also illustrate the existing stereotypes about persons with disabilities who are considered to be individuals who should be taken care of by their families and the society, rather than people who can make decisions for themselves and others.
- The general public has various negative perceptions about persons with disabilities, and women with disabilities are especially vulnerable. Men with physical disabilities are most accepted as holders of public office, and they would only vote for them if they run for the position of mayor. As the official positions increase from local to national level, the support

for the candidates with disabilities declines, which is a serious problem in the fight against stereotypes - that a person with disabilities will not be able to perform the function of MP or president of the country. Perceptions conducive to multiple discrimination are plentiful and they intersect between gender and disability, especially for women with multiple disabilities for whom only 2% would vote.

- Persons with disabilities have low self-confidence when it comes to exercising their political rights.
- Under conditions where the medical and charity approach prevail, the media and all other actors in society have a key responsibility to continuously work on raising awareness for the equal recognition of individual and collective rights of citizens with disabilities.
- The role of the Inter-Party Parliamentary Group in the Parliament in promoting the issue of disability and raising this issue higher on the political agenda has not proved satisfactory and would require significant strengthening.

# RECOMMENDATIONS

The process of drafting these recommendations, also included the adopted recommendations from the meeting of the Advisory Committee of OSCE/ODIHR<sup>74</sup> on political participation of persons with disabilities, held in Skopje on 22 June 2017.

- Although the Constitution guarantees equality and protection from discrimination on various grounds, as well as the right to vote which is exercised at free elections by secret ballot, it will be required to be harmonized with the CRPD in future, in particular, to include disability as a ground of discrimination.
- Given the observations of the Committee on the Rights of Persons with Disabilities and the case law, the deprivation of legal capacity due to disability should be amended, that is, the Law on Non-litigation Proceedings should be in compliance with the CRPD.
- The Electoral Code will need to undergo certain changes in order to be harmonized with the CRPD, as well as to allow for persons residing in institutions and psychiatric hospitals to exercise their right to vote.
- Simplification of the voter registration system for citizens with disabilities.
- Introduction of affirmative measures such as “quota system” in combination with “empty chair” in order to accelerate the inclusion of persons with disabilities in political and public life, also taking into account gender representation.
- Inclusion of persons with disabilities in the composition of the State Election Commission; one of the external experts should be a person with a disability.
- Although the State Election Commission keeps separate extracts for all voters, it would also be necessary to keep records of persons with disabilities by all characteristics, i.e. gender, ethnicity, age etc.
- The Guidelines of the State Election Commission, in particular, on the implementation of Article 112 and Article 111 of the Electoral Code need to be amended and improved, as well as harmonized with the CRPD.
- Systemic measures should be undertaken which will allow for any election campaign to be designed and implemented in a manner which is accessible and available for persons with disabilities. Printed materials for the elections need to be designed in all accessible forms based on the needs of persons with different disabilities.
- Introduction of criteria in the Electoral Code for accessibility and availability of the polling stations.
- Amendments to the Law on Media and the Law on Audio and Audio-visual Media Services for the purpose of introducing an anti-discrimination clause, inter alia on the ground of disability.
- Increased number of accessible programs provided by MRT and the private media of equal quality aimed at citizens with disabilities during election campaigns. It is also necessary to provide accessible programs for citizens with disabilities from other ethnic communities, as well.

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<sup>74</sup> Report from the meeting of the Advisory Committee of ODIHR for political participation of persons with disabilities which was adopted at the meeting in Skopje on 22 June 2017, available at: <http://www.osce.org/odihr/335581?download=true> [Accessed on: 15 August 2017]

- The use of Braille in the electoral process needs to be resolved, i.e. provisions to be included that would allow the visually impaired to vote on a ballot in Braille, as well as to introduce new forms and methods, such as electronic voting.
- The Law on Electronic Data and Electronic Signature needs to be amended to include facsimiles, which shall be recognized by the state as a form of electronic signature and shall be treated as a hand signature for visually impaired persons and persons with upper extremity motor skill disorder, and which shall be valid in all social spheres, including for identification purposes to exercise one's right to vote.
- It would be necessary to raise awareness and provide appropriate training for the realization and protection of the rights of persons with disabilities among the national mechanisms for protection against discrimination, as well as to provide continuous training for the State Election Commission and Municipal Election Commissions on the topics of communication and accessibility for persons with disabilities in the electoral process.
- Concrete measures need to be taken to improve cooperation between organizations of persons with disabilities and the State Election Commission, that would stimulate collaboration and increase the involvement of persons with disabilities in the electoral process.
- Continuous work on raising the awareness of citizens with disabilities to be able to identify and report cases of discrimination when they exercise their right to vote.
- Continuous work on raising the awareness of citizens with disabilities concerning their protection from discrimination, as well as to encourage them to initiate procedures and use the existing legal safeguard mechanisms. Additionally, measures should be taken to promote the participation of citizens with disabilities regarding exercising their right to vote.
- More specific awareness raising campaigns need to be organized for persons with and without disabilities, as well as political actors at the local and national level concerning the benefits of active political participation in matters that have a direct impact on persons with disabilities, but also concerning other public matters, as a way to contribute to increased involvement and mainstreaming the rights of persons with disabilities.
- Introduction of the obligation to include persons with disabilities in the monitoring of the electoral process.
- Measures need to be taken and mechanisms should be introduced for establishing cooperation between political parties and organizations of persons with disabilities, so that the political party platforms would reflect the human rights based approach, instead of the medical approach to disability.
- Fostering inter-party cooperation in order to ensure that the issue of disability will remain on the political agenda.
- Extend the spectrum of issues for which persons with disabilities are consulted and included, and to reach out further than merely self-practising the rights for social protection and health care, as well as to cover decision-making not only locally, but also nationally.
- Measures should be taken in the field of education, mentorship and raising the capacity and self-esteem among persons with disabilities, particularly young persons with disabilities for their active involvement in political and public life.

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