

# Disability Inclusion in the Voter Registration Processes

The Challenges, Lessons Learned and Good Practices:  
A Pathway of Disability Inclusion in Political Rights

## **AGENDA @ 2015**

**This research report was developed by:**

Cambodian Disabled People's Organization

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## **FOREWARD**

This research report represents the importance of barriers and good practices of disability inclusion in the voter registration process in Cambodia. It outlines a pathway in which government and civil society can work together to break down the barriers faced by persons with disability in their access to voter registration. Research and report writing were conducted between April and August 2015.

For almost 20 years, the Cambodian Disabled People's Organization has been working to promote the rights of persons with disabilities and enabling their voice to be heard on how this community suffers from social exclusion.

As part of CDPO's mission to represent persons with disabilities in Cambodia and to encourage the Cambodian government to protect and promote the rights of persons with disabilities, this research study is a pathway to empower persons with disabilities to fully exercise their rights and fully participate in the development of Cambodia.

### **Ngin Saorath**

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It is our hope that this research report will serve to improve the inclusiveness of persons with disabilities in Cambodia and to support them in exercising their right in the political participation, as well as to document voter registration inclusion practices that can be learned and shared between countries.

**Seng Krisna**

Research Consultant at CDPO

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## ABBREVIATIONS

AGENDA	: General Election Network for Disability Access
AMC	: Association Music of Disabled People in Cambodia
ASEAN	: Association of Southeast Asian Nations
CDPO	: Cambodia Disabled People's Organization
CEC	: Commune Election Committee
CNRP	: Cambodian National Recover Party
COMFREL	: Committee for Free and Fair Elections in Cambodia
COMELEC	: Commission on Elections (Philippines)
CPP	: Cambodian People's Party
CSO	: Civil Society Organization
DDP	: Deaf Development Program (project of Maryknoll Cambodia)
DPO	: Disabled People's Organization
DFAT	: The Australian Department of Foreign Affairs and Trade
EMB	: Election Management Body
ERA	: Election Reform Alliance
FGD	: Focus Group Discussion
GDAC	: Gender and Development for Cambodia (NGO)
ICCPR	: International Covenant on Civil and Political Rights
IFES	: International Foundation for Electoral Systems
KII	: Key Informant Interview
KPU	: General Elections Commission of Indonesia
LDP	: League of Democracy Party
LDPA	: Lao Disabled People's Association
LECC	: Law on Elections of Commune Councils
LEMNA	: Law on Election of Members of the National Assembly
LPPRPD	: Law on Protection and Promotion of the Rights of Persons with Disabilities
NECDAC	: National Election Committee Disability Advisory Group
NDSP	: National Disability Strategic Plan
NEC	: National Election Committee
NICFEC	: Neutral and Impartial Committee for Free and Fair Elections in Cambodia

OHCHR	: Office of UN High Commissioner for Human Rights
PACHID	: Parents Association of Children with Intellectual Disability
PEC	: Provincial Election Committee
PPCIL	: Phnom Penh Center For Independent Living
PSC	: Polling Station Committee
TIC	: Temporary Identity Card
UNCRPD	: United Nations Convention on the Rights of Persons with Disabilities
UNTAC	: United Nations Transitional Authority for Cambodia

## ABOUT AGENDA

Established in 2011, the General Election Network for Disability Access (AGENDA) was formed as a forum to improve access to political and electoral opportunities for persons with disabilities in Southeast Asia through increased public awareness and advocacy for change. AGENDA is a creative partnership between International Foundation for Electoral Systems (IFES), Disabled Persons organizations (DPOs), and election-focused Civil Society Organizations (CSOs).

AGENDA is currently funded by the Australian Department of Foreign Affairs and Trade (DFAT) and the United States Agency for International Development (USAID) during the first phase of the project. The AGENDA network's principal objectives have been to promote election access in Southeast Asia and ensure that access to disability-inclusive political processes is on the human rights agenda of regional bodies, especially the Association of Southeast Asian Nations (ASEAN).

In its first three years, the AGENDA network has established a strong reputation amongst key stakeholders, including organizations focusing on politics and human rights, election commissions, and ASEAN and Asia-Pacific officials. The AGENDA partnership is now considered the lead Southeast Asian regional actor promoting the political rights of persons with disabilities.

This research report is part of a second series of research conducted in 2015 in five ASEAN countries as a follow up to the publication “Accessible Elections for Persons with Disabilities in five Southeast Asian Countries”, in 2013 by network organizations in Laos, Vietnam, Cambodia, Indonesia and the Philippines, which was the first systematic attempt to gather data on election access and good practices from across the region.

AGENDA also published the first checklist for monitoring election accessibility which was developed and piloted in five local elections in Indonesia. It was then used to monitor the election in the Philippines, Cambodia, Malaysia and outside the region (in the Dominican Republic and Haiti). DPOs around the world have translated the checklist into over 10 languages including Arabic, French, Spanish, Tamil and Farsi.

Over the past four years AGENDA has trained hundreds of DPO representatives, election administrators, journalists and civil society on various topics in Myanmar, Thailand, the Philippines, Cambodia, Malaysia, and Indonesia.

## ABOUT CDPO

Cambodian Disabled People's Organization (CDPO) was established in 1994 as a movement of Cambodian persons with disabilities. CDPO is a membership based, non-governmental organization, representing persons with disabilities in Cambodia and working towards becoming "The voice of persons with disabilities in Cambodia". CDPO has differentiated itself from other Cambodian disability organizations by building a national network of member disabled people's organizations (DPOs) and world disability foundations (WDFs)/WWDFs.

CDPO does not provide goods or rehabilitation services but rather represents DPOs/WWDFs nationally and advocates for their rights and interests as well as helping to build their rights awareness and capacity towards achieving a life with dignity for persons with disabilities.

**The vision:** Persons with diverse disabilities participate fully and equally in society and live with dignity.

**The mission:** CDPO is an organization of persons with disabilities whose mission is to:

- Represent the voice of persons with diverse disabilities, including women, children, and ethnic minorities with disabilities.
- Develop networks that work towards promoting and protecting the rights of persons with disabilities, so that they are empowered to bring about their full participation and equality in society.
- Monitor and encourage the government and relevant stakeholders to implement the Law on the Protection and the Promotion of the Rights of Persons with Disabilities, and relevant sub-decrees, parkas, government policies relevant to the rights of persons with disabilities and United Nations Convention on the Rights of Persons with Disabilities (UNCRPD) in order that the rights of persons with disabilities are realized.

**The values:**

- Transparency and Accountability
- Rights Based Approach
- Respect & Inclusivity
- One voice of persons with disabilities
- Partnership and Collaboration

**The target group:**

CDPO works toward quality of lives of diverse disability groups, from different background and geographical areas of Cambodia.

## **EXECUTIVE SUMMARY**

The results of the research undertaken by CDPO on disability inclusion in the voter registration process in Cambodia have identified specific and actionable steps that Cambodia's government, election administrators and civil society can take to protect the political rights of persons with disabilities.

### **CHALLENGES**

The research has identified challenges presented by gaps in Cambodia's legal framework, cumbersome requirements made of voters trying to register, inaccessibility of registration offices, incomplete voter education campaigns, and lack of community support. As currently written, the legal framework can easily be interpreted to prohibit many persons with disabilities, such as persons with psychosocial disabilities, from registering to vote. Current registration rules require a valid national identity card, a form of documentation which many persons with disabilities may be unable to obtain. Registration offices are too often inaccessible to persons with disabilities and ill-equipped to assist them with registration even if they have been able to enter. Voter education campaigns are not designed to reach persons with disabilities, leaving many uninformed about the voter registration process. Persons with disabilities continue to be challenged by the barrier of social stigma discouraging them from registering.

### **GOOD PRACTICES AND LESSONS LEARNED**

The research has also identified positive developments and strengths of the government, election administrators and civil society which Cambodia can build upon to improve the inclusiveness of the voter registration process. Under the country's international, regional and national legal frameworks, the right of persons with disabilities is already strongly protected. Cooperation between the National Election Committee (NEC) and disabled people's organizations and other civil society organizations is effective and promising and has recently led to consideration of a National Election Committee Disability Advisory Group (NECDAG) to support and advise on specific NEC initiatives and of a disability policy aiming to institutionalize access for persons with disabilities throughout the electoral process. Neighboring countries also provide lessons learned that Cambodia can draw from such as the Philippines' Inter-Agency and non-governmental organization (NGO) Network on Empowering Persons with Disabilities which develops inclusive policy recommendations and establishes campaigns for registering persons with disabilities to vote.

### **RECOMMENDATIONS**

The challenges identified by its research led CDPO to offer specific recommendations for the government, election administrators and civil society to make the voter registration process more inclusive. There are sixteen recommendations provided under five categories. The recommendations include: cooperation between the Ministry of the Interior, disabled people's organizations and the local police to ensure that persons with disabilities are able to obtain a national identity card; statistics showing the type of disability for which assistance may be needed should be clearly recorded in the voter registration form and database for the purpose of arranging services; and expanding the variety of media used to inform the public about the voter registration process including door-to-door voter education.

# Introduction



## I. INTRODUCTION

### I.1. RESEARCH BACKGROUND

Cambodia had been devastated by almost 30 years of civil conflict, war, and genocide, but in 1991, the Paris Peace Accords ended the civil wars and foreign occupation. . Since 1993, Cambodia has had a democratic system and in July 1993, the United Nations Transitional Authority for Cambodia (UNTAC) administered the first nationwide election.

Cambodia is often cited as a country with a high number of persons with disabilities. From an early age of Cambodian democracy, the Royal Government ensured the equal access and participation of its citizens in politics. The Cambodian Constitution, which was enacted on 21<sup>st</sup> September 1993, states that “Khmer citizens of either sex shall enjoy the right to vote and to stand as candidates for the election.”<sup>1</sup>

Almost two decades later, Cambodia enacted the *Law on Protection and Promotion of the Rights of Persons with Disabilities* (LPPRPD) in 2009 and subsequently ratified *The United Nations Convention on the Rights of Persons with Disabilities* (UNCRPD) on 20<sup>th</sup> December 2012. Both treaties guarantee the fulfillment of political rights of persons with disabilities in Cambodia. None shall be prohibited in exercising their political rights, either to vote or to be a candidate and elected.<sup>2</sup>

Yet, inclusive elections are still not the norm. Additionally, voter registration, which is a marker of the integrity and legitimacy of any electoral process, is still a major challenge for Cambodians with disabilities. This is proven through research among 450 respondents conducted by CDPO and funded by the United States Agency for International Development (USAID) which shows that only 66.2% (n=298) of respondents with disabilities participated in the 2012 Election, while 33.8% (n=152) were not registered on the list.<sup>3</sup> For those who were registered (66.2%, n=298), the process was not easy, as claimed by 21.8% (n=65) respondents with disabilities.<sup>4</sup> Inaccessible registration locations and unavailability of assistances were the main mentioned reasons. In the end, only 61.6% (n=277) of respondents with disabilities voted in the 2012 Election.<sup>5</sup>

Cambodia will hold the national election in 2018 and preparation has already begun. It is important for CDPO to advocate for inclusive elections to the National Election Committee (NEC). The NEC, needs to address the challenges face and promote the participation of voters with disabilities, as guaranteed by the constitution. Therefore, research on “Accessible voter registration as a pathway to disability inclusion in political rights” will be conducted by CDPO with support from International Foundation for Electoral Systems (IFES) through the General Election Network for Disability Access (AGENDA) project. The report will be used as part of the advocacy materials to NEC in redesigning the voter registration process in Cambodia.

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1 Article 34 of the Amendment of the Constitutional Law, 1999.

2 LPPRPD Article 44 and UNCRPD Article 29.

3 CDPO. (2013). Accessible elections for persons with disabilities in Cambodia . Phnom Penh: AGENDA/IFES/USAID.

4 *Ibid.*

5 *Ibid.*

## **I.2. RESEARCH OBJECTIVES**

In general, this research aims to explore the possible options to improve the political participation of voters with disabilities in Cambodia to be considered by NEC in redesigning the process for the next election.

To achieve this aim, key questions of the research are as follows:

1. What are the challenges for voters with disabilities in the registration process?
2. What are the good practices in ensuring accessible voter registration for voters with disabilities?
3. What are the lessons learned in ensuring accessible voter registration for voters with disabilities?

# Conceptual Framework



## II. CONCEPTUAL FRAMEWORK<sup>6</sup>

### II.1. CONCEPT OF DISABILITY

The conceptual framework for this research project adopts a human rights-based approach to the concept of disability. This approach is inspired by “the idea that the inability of persons with disabilities to participate fully in the life of their communities is not to be attributed solely to the limitation of function resulting from their impairment.”<sup>7</sup> This approach views disability as the result of barriers erected by society. It stresses the fact that disability does not spring from the individual himself or herself,<sup>8</sup> and puts value on the independence of persons with disabilities and their ability to participate in everyday life, especially the civil and political spheres, in a way similar to other citizens.<sup>9</sup>

In 2012, Cambodia ratified the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD), the central international treaty underpinning the human-rights approach to the concept of disability.

The UNCRPD delineates many of the specific rights to which persons with disabilities are entitled, and has brought a paradigm shift in the way disability is understood globally.

#### **Box 1. The United Nations Convention on the Rights of Persons with Disabilities (UNCRPD)**

The Preamble makes a special effort to emphasize that it is society that creates the perception of disability not the persons with disabilities themselves. In the UNCRPD Preamble Article e, it states that “disability is an evolving concept and ... results from the interaction between persons with impairments and attitudinal and environmental barriers that hinders their full and effective participation in society on an equal basis with others”

Article 1: Persons with disabilities include those who have long-term physical, mental, intellectual or sensory impairments.

Article 29: 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:

- (a) 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, inter alia, by:

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6 This section is fully taken from “Accessible elections for persons with disabilities in five Southeast Asian countries.” Source: AGENDA. (2013, pp.29-32).

7 *Ibid.*

8 *Ibid.*

9 Michigan Disability Rights Coalition. (2012). *Models of disability*. Retrieved from: <http://www.copower.org/leadership/models-of-disability>

- (l) ensuring that voting procedures, facilities and materials are appropriate, accessible and easy to understand and use;
  - (ii) Protecting the right of persons with disabilities to vote by secret ballot in elections and public referendums without intimidation, and to stand for elections, to effectively hold office and perform all public functions at all levels of government, facilitating the use of assistive and new technologies where appropriate;
  - (iii) Guaranteeing the free expression of the will of persons with disabilities as electors and to this end, where necessary, at their request, allowing assistance in voting by a person of their own choice;
- (b) Promote actively an environment in which persons with disabilities can effectively and fully participate in the conduct of public affairs, without discrimination and on an equal basis with others, and encourage their participation in public affairs, including:
- (i) Participation in non-governmental organizations and associations concerned with the public and political life of the country, and in the activities and administration of political parties;
  - (ii) Forming and joining organizations of persons with disabilities to represent persons with disabilities at international, national, regional and local levels.

As a state party to the UNCRPD, Cambodia is responsible for allowing full participation in political and public life either directly or through chosen representatives for persons with disabilities. They must also provide accessible voting procedures and facilities, protect the right of persons with disabilities to vote by secret ballot, and guarantee free expression for persons with disabilities as electors, among other obligations.

The AGENDA program and the research for this report adopt the UNCRPD's approach throughout.

## **II.2. ELECTIONS AND ELECTION ACCESS**

This report frequently employs the term and concept of 'election access', a term not yet in common parlance and without a standard operational definition. However, AGENDA has developed a definition of 'election accesses based on implicit references to the UNCRPD. AGENDA describes an accessible election as "one that provides facilities for persons with disabilities and without physical/non-physical barriers." This report employs this concept of election access throughout.

## **II.3. VOTER REGISTRATION IN CAMBODIA**

Cambodia maintains a periodic voter list generated by voters registering at government-designated registration offices made available for a one-and-a-half-month period each year. Typically, the registration period is held around nine months prior to an election.

The NEC intends to use a digital voter registration system in every commune that will utilize voters' finger prints and photos to verify their identity. It is hoped that this new system will prevent voter list irregularities found in past elections. Currently, the registration system relies on each voter pos-

sessing a national identification card (Khmer ID) to prove their eligibility. Citizens without Khmer IDs, must correct their status within the government bureaucracy. Once registered, it is incumbent upon citizens to appear at the registration office each year in order to verify that their information on the voter list is correct.

While the recent Constitutional amendment establishing the NEC as an independent institution is a positive step forward, responsibility for the voter list and for managing the voter registration process is shared between the NEC and locally elected Commune Councils under the Ministry of Interior without clear demarcation of responsibility and accountability between the two. In addition, recently enacted laws, The Law on Election of Members to the National Assembly (LEMNA) - which established requirements for voter registration - and The NEC Law, may represent a step backward in democratic principles and may not necessarily improve the voter registration process. Civil society has called for amending of both laws.

An NEC audit carried out two weeks prior to the July 2013 election found that 9% of people registered to vote in the election could not find their names on the voter register and would thus be unable to cast their ballot. Similar audits by the Committee for Free and Fair Elections in Cambodia (COMFREL) and the National Democratic Institute (NDI) reinforce the significant disenfranchisement of Cambodian voters due to overlapping lines of responsibility between the NEC and Commune Councils, inadequacy of identity and residency documents, antiquated handling processes, cumbersome requirements on the voter to appear every year, and unclear procedures to correct errors on the voter list.

For the upcoming commune and national elections, the NEC will continue to cooperate with sub-national administrations to implement the national voter registration process. The process begins with the NEC establishing voter registration offices inside commune and sangkat<sup>10</sup> offices (and in some phum<sup>11</sup> or village offices) in every commune and sangkat throughout the country prior to the registration period.

The registration period for the upcoming commune elections has been set for 1 March 2016 to 10 August 2016. Within this period, eligible voters must be registered, complaints related to the preliminary voter lists must be processed, and voter lists must be officially validated. Eligible voters must visit the registration office during this timeframe to register or to verify their registration. Voters with disabilities are permitted to be accompanied by an adult.

Voters' eligibility to be placed on the voter list requires:

- Khmer nationality;
- Age of 18 (eighteen) years by Election Day;
- Residency or place of abode in the commune, sangkat or phum where they cast their ballot; and
- Not be insane or be under general custody with a letter certified by a competent ministry/institution.

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10 Subdivision of a district (khan).

11 A sangkat is further subdivided into phum, which are usually translated as villages, though they do not necessarily cover one single settlement.

Upon confirming eligibility, NEC staff use a computerized system to register voters and submit data from the registration office to the NEC Computer Center daily. Most complaints are usually dealt with at the Commune Council with the possibility of appeal to the NEC and to the Constitutional Council. Each commune, sangkat or phum registration office posts their preliminary voter list and lists of the names of people who are deleted from the voter list at the registration office and at a site in the commune, sangkat or phum. At the NEC Computer Center, preliminary electoral rolls are produced and posted after registration and all complaints at all levels are decided upon. In hiring decisions, the NEC encourages - and gives priority to - applicants with disabilities who are competent and are physically suitable for the jobs concerned.

# Methodology



## III. METHODOLOGY

### III.1. LOCATION

The research was conducted mostly in Phnom Penh, Cambodia where most of the targeted key informants live. However, there were a few interviews conducted by email with DPO representatives from the Philippines, Laos and Indonesia.

### III.2. DATA COLLECTION METHODS

Qualitative methodology was used for data collection, with desk-based research, key informant interviews (KIIs) and focus group discussions (FGDs).

#### III.2.1. DESK-BASED RESEARCH

Secondary data was collected through desk-based research on documents that relate to electoral issues, the voter registration process and/or the Cambodian elections as well as related legal frameworks. Specifically, CDPO collected data on inclusive voter registration policies and/or practices in other countries.

#### III.2.2. KEY INFORMANT INTERVIEWS (KIIs)

KIIs were conducted with individuals whose information, ideas and recommendations on the related topics will enrich the analysis.<sup>12</sup> CDPO interviewed experts on inclusive voter registration from the EMB, DPOs, other Cambodian and non-Cambodian CSOs, and academia. The key informants were as described in the table below:

**Table 1. Interviewed informants**

Category	Total
Election specialists from related CSOs	3
EMB officials	3
DPO officials who advocate on election access in other countries	3
Academics	3

<sup>12</sup> Kumar, K. (1989). *Conducting key informant interviews in developing countries*. Retrieved from: [http://pdf.usaid.gov/pdf\\_docs/PNAAX226.PDF](http://pdf.usaid.gov/pdf_docs/PNAAX226.PDF)

### III.2.3. FOCUS GROUP DISCUSSIONS (FGDs)

In order to obtain the perceptions and attitudes of specific groups,<sup>13</sup> FGDs were conducted with Non-Government Organizations (NGOs) officials whose organizations work on disability and/or electoral issues, representatives from political parties, Provincial Election Committees (PECs) and Commune Election Committees (CECs).

Table 2. The FGDs' participants

Category	Location	Total Participants
Officials of NGOs working on disability issues	Phnom Penh	6
Officials of NGOs working on electoral issues	Phnom Penh	6
Provincial Election Committees (PECs)	Kampong Spue Province	6
Commune Election Committees (CECs)	Kampong Spue Province	6
Representatives of political parties	Phnom Penh	6

### III.3. LIMITATIONS

Study limitations, both predicted and unprecedented, are as follows:

1. CDPO finalized this report under an accelerated timeline so that its contents would be useful in the public discussion with the NEC on the inclusiveness of the voter registration process.
2. Final voter registration regulations were not finalized until after research for this report was completed.
3. Commune Election Committees (CECs) had not yet been appointed during the period of research for this report.
4. CDPO was facing difficulties arranging meetings with the NEC to interview members as part of the research since the newly appointed commissioners were busy drafting the Voter Registration regulations.
5. Communication with DPOs in other country was very difficult since it took a long time for them to respond to emails and interview requests.

13 ETR Associates. (2012). *Conducting focus group discussions*. Retrieved from: <http://www.etr.org/tabona/images/files/basic%20evaluation%20on%20focus%20groups.pdf>

# Legal Obligation



## IV. LEGAL OBLIGATION

There are some human rights instruments and Cambodian legal frameworks that guarantee equal political rights for persons with disabilities. The following instruments are those which cover the voter registration process.

### IV.1. HUMAN RIGHTS INSTRUMENTS ON ACCESSIBLE VOTER REGISTRATION

#### IV.1.1. INTERNATIONAL

The *Universal Declaration of Human Rights* (UDHR) is commonly known as the foundational document for international human rights adopted by the UN General Assembly in 1948. It has stated that “everyone has the right to take part in the government of his country, directly or through freely chosen representatives.”<sup>14</sup> The Royal Government of Cambodia has incorporated UDHR into its constitution.<sup>15</sup>

In 2012, the Royal Government of Cambodia ratified the UNCRPD,<sup>16</sup> after signing in 2007. The signing itself motivated the government to adopt a law on disability in 2009 which has been seen as the government’s commitment to include persons with disabilities in public and political life. This is stated in Article 29 of UNCRPD, which defines roles and responsibilities of the state parties as follows:

“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:

- (a) 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, inter alia, by:
  - (i) Ensuring that voting procedures, facilities and materials are appropriate, accessible and easy to understand and use.”

To ensure full public and political participation of persons with disabilities, Article 9 of UNCRPD guarantees the rights of persons with disabilities to equal access through the fulfillment of an accessible environment. It states that:

1. “To enable persons with disabilities to live independently and participate fully in all aspects of life, States Parties shall take appropriate measures to ensure to persons with disabilities access, on an equal basis with others, to the physical environment, to transportation, to information and communications, including information and communications technologies and systems, and to other facilities and services open or provided to the public, both in urban and in rural areas.

<sup>14</sup> Universal Declaration of Human Rights (UDHR), Article 21, paragraph 1.

<sup>15</sup> [Constitution of the Kingdom of Cambodia](#), Article 31

<sup>16</sup> United Nations. (2012). *Chapter IV. Human Rights: 15. Convention on the Rights of Persons with Disabilities*. Retrieved from: [http://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg\\_no=IV-15&chapter=4&lang=en](http://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-15&chapter=4&lang=en)

2. States Parties shall also take appropriate measures:

- (a) To develop, promulgate and monitor the implementation of minimum standards and guidelines for the accessibility of facilities and services open or provided to the public;
- (b) To ensure that private entities that offer facilities and services which are open or provided to the public take into account all aspects of accessibility for persons with disabilities;
- (c) To provide training for stakeholders on accessibility issues facing persons with disabilities;
- (d) To provide in buildings and other facilities open to the public signage in Braille and in easy to read and understand forms;
- (e) To provide forms of live assistance and intermediaries, including guides, readers and professional sign language interpreters, to facilitate accessibility to buildings and other facilities open to the public;
- (f) To promote other appropriate forms of assistance and support to persons with disabilities to ensure their access to information;
- (g) To promote access for persons with disabilities to new information and communications technologies and systems, including the Internet;
- (h) To promote the design, development, production and distribution of accessible information and communications technologies and systems at an early stage, so that these technologies and systems become accessible at minimum cost.”

Furthermore, the *International Covenant on Civil and Political Rights (ICCPR)* provides safeguards to every citizen of state parties for their political and civic life. It has been in force in Cambodia since 1992 when the country was under UNTAC. Specifically, Article 25 of ICCPR states that:

“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, directly or through freely chosen representatives;
- (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;
- (c) To have access, on general terms of equality, to public service in his country.”

Article 25 of the ICCPR is formally interpreted by the United Nations Human Rights Committee to provide clear guidelines for countries to implement the human rights instrument. General Comment 25 states:

*“...States must take effective measures to ensure that all persons entitled to vote are able to exercise their right. Where registration of voters is required, it should be facilitated and obstacles to such registration should not be imposed. If residence requirements apply to registration, they must be reasonable and should not be imposed in such a way as to exclude the homeless from the right to vote. Any abusive interference with registration or voting as well as intimidation or coercion of voters should be prohibited by penal laws and those laws should be strictly enforced. Voter education and registration campaigns are necessary to ensure the effective exercise of article 25 by an informed community...”*

## IV.1.2. REGIONAL

The *Biwako Millennium Framework for Action* promotes barrier-free and rights-based societies for persons with disabilities. Section 4 of the framework stipulates that persons with disabilities' access shall be improved through ensuring accessible environments, public transport (Sub-section e), and information and communications including information communication and assistive technologies (Sub-section f). These improvements will contribute to improving accessibility for persons with disabilities in public life in Cambodia.

The *Bali Declaration on the Enhancement of the Role and Participation of the Persons with Disabilities in ASEAN* shows the commitment of state members in promoting electoral rights of person with disabilities. Clauses of the Bali Declaration include:

Clause 7: "Encourage the participation of persons with disabilities in all aspects of development including their participation in political activities by providing them with equal political rights in the election of the leaders and parliamentarians, both at local and national levels."

Clause 12: "Encourage ASEAN Member States to accelerate the implementation of the Biwako Millennium Framework and Biwako plus Five for Action towards an Inclusive, Barrier-Free and Rights-based Society in Asia and the Pacific 2003-2012."

Clause 15: "Emphasize the need of providing accessibility to public facilities and amenities ... information communication and technology (ICT) ... for persons with disabilities in ASEAN."

## IV.2. LEGAL FRAMEWORK ON ACCESSIBLE VOTER REGISTRATION

Similar to the human rights instruments, there are Cambodian legal frameworks that guarantee election access for persons with disabilities, but none have described in detail how to ensure an accessible electoral process including the voter registration process.

Meanwhile, in developed countries like the United States, the National Voter Registration Act has been ensuring that the voter registration process is accessible to all American voters since 1993. Within ASEAN, in the Philippines, Republic Act No. 10366 states:

Section 1: "The State shall ensure that persons with disabilities and senior citizens are able to exercise their right to political participation without discrimination or restrictions. Towards this end, the State shall design systems and procedures that will enable persons with disabilities and senior citizens to register and vote by themselves."

Section 3: "The State shall guarantee the political rights of persons with disabilities and senior citizens, in line with the concept of universal design."

The following are the Cambodian legal frameworks that ensure accessible voter registration explicitly or implicitly.

### **IV.2.1. THE CONSTITUTION**

The Cambodian Constitution, as the country's highest law has been assuring civil and political rights, including the right to participate in elections, since 1993. In 1999, it was amended with Article 34, which states:

“Khmer citizens of either sex shall enjoy the right to vote and to stand as candidates for the election. Khmer citizens of either sex of at least eighteen years old, have the right to vote. Khmer citizens of either sex of at least 25 years old, have the right to stand as candidates for the election as members of the National Assembly. Khmer citizens of either sex of at least 40 years old, have the right to stand as candidates for the election as members the Senate.”

In Chapter III, Article 31 of the Cambodian Constitution states:

- The Kingdom of Cambodia shall recognize and respect human rights as stipulated in the United Nations Charter, the Universal Declaration of human Rights, the covenants and conventions related to human rights, women's and children's rights.
- Every Khmer citizen shall be equal before the law, enjoying the same rights, freedom and fulfilling the same obligations regardless of race, color, sex, language, religious belief, political tendency, birth origin, social status, wealth or other status.
- The exercise of personal rights and freedom by any individual shall not adversely affect the rights and freedom of others. The exercise of such rights and freedom shall be in accordance with law.

In 2014 the Cambodian Constitution was amended with Article 150 which spells out that the “Organization Responsible for Holding Elections” is the National Election Committee (NEC) as follows:

“The National Election Committee shall be the competent organization in organizing, administering and managing the election of members of the Senate and the election of members of the National Assembly and other elections as defined by law.

The National Election Committee shall be independent and neutral in implementing its mandate to ensure the election is free, fair and just in accordance with the principle of liberal democracy and pluralism.”

### **IV.2.2. THE DISABILITY LAWS**

The LPPRPD was enacted to “protect and promote the rights of persons with disabilities”.<sup>17</sup> This law addresses the right to accessible public spaces. In Chapter 5, the LPPRPD states:

Article 21: “All public places shall be made accessible for persons with all types of disabilities for instance: ramps, accessory rails in bathrooms and signs.

Article 22: “The competent ministries authorizing construction plans, constructions and inspection of constructions of public places shall ensure the accessibility for persons with disabilities as stated in article 21 of this law.”

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17 Article 1 of LPPRPD.

Protection of the political rights of Cambodians with disabilities are also included in Chapter 9, as follows:

Article 44: “All persons with disabilities have the right to vote or to be a candidate to be elected in accordance to the Constitution of the Kingdom of Cambodia and applicable Election Law.”

Article 45: “Stigmatization and discrimination against candidates with disabilities shall be prohibited.”

Furthermore, the Constitution states that penalties apply to any failure to fulfill the above mentioned rights and specifically identifies elections as described in Article 50:

“Any acts affecting the free exercise of the right to vote or affecting election regulations for persons with disabilities by using violence, coercion, threats or fraudulent actions shall be punishable by imprisonment for 1 (one) to 3 (three) years and liable to a fine ranging from 2,000,000 (two million) Riels to 6,000,000 (six million) Riels<sup>18</sup>. Any offences committed with the use of weapons shall be punishable by imprisonment for 2 (two) to 5 (five) years and liable to a fine ranging from 4,000,000 (four million) Riels to 10,000,000 (ten million) Riels.”

It is Important to note that Cambodian law declares that “in case of any provisions that contradict the provisions of this law, the provisions of those international treaties shall be considered as the principle provisions.”<sup>19</sup> As the Cambodian Government is a state party to the above mentioned human rights instruments, there should not be any barriers to Cambodian voters with disabilities exercising their rights.

### **IV.2.3. NATIONAL DISABILITY STRATEGIC PLAN 2014-2018**

In response to the Law on the Protection and the Promotion of the Rights of Persons with Disabilities (LPPRPD) adopted by the National Assembly in 2009, and after the Kingdom of Cambodia became a state party to the UN Convention on the Rights of Persons with Disabilities and the Incheon Strategy to “Make the Right Real” for persons with disabilities in 2013, the National Disability Strategic Plan (NDSP) 2014-2018 was developed.

There are 10 Strategic Objectives in the NDSP. Their purpose is to promote a high quality of life for persons with disabilities and their families; and their active, full, and equal participation in a society in which their rights and dignity are respected with inclusiveness across all sectors.

Under strategic objective number 6, participation and involvement of persons with disabilities in the electoral system are mentioned as follows:

“To promote the participation of people with disabilities in the expression News and participate in political life”

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<sup>18</sup> The exchange rate of 1 USD is 4,000 Riel.

<sup>19</sup> Article 49 of LPPRPD.

#### IV.2.4. THE ELECTION LAWS AND REGULATIONS

The Law on Election of Members of the National Assembly (LEMNA) was initially adopted in 1997 and amended multiple times up to 2013. The law aims “to establish the electoral organs, procedures, and the conduct of the Election of Members of the National Assembly of the Kingdom of Cambodia.”<sup>20</sup>

In chapter III on the “Administration of Elections”, LEMNA clearly appoints the National Election Committee (NEC) as the organization responsible for administering the electoral process and identifies its responsibility to ensure every eligible voters’ ability to participate in free and fair elections.

Article 11: The election of members of the National Assembly shall be administered by the National Election Committee (NEC). The National Election Committee shall have Provincial/Municipal Election Committees (PECs), Commune/Sangkat Election Committees (CECs), and Polling Station Committees (PSCs) to carry out its work.

Article 12: The National Election Committee shall be an independent and neutral body in the carrying out of its duties.

Article 16 (New): The National Election Committee shall be responsible for planning, organizing and managing the election in the whole country. The National Election Committee shall have full right to implement its duties. Rights, authority, duties and responsibilities in connection with the planning, organization, management, and supervision of the election are as follows:

- (1). Taking all necessary measures to ensure that the elections are free, fair and secret vote;
- (16). temporarily depriving of the right to vote or to restore the right to vote;
- (20). Producing and disseminating publications on election matters;
- (21). Promoting public awareness on electoral matters through voters education and public dissemination program and by other means;

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20 Art 1 of LEMNA.

# Findings



## V. FINDINGS

### V.1. THE CHALLENGES

This research strengthens earlier research that CDPO conducted through AGENDA in 2013.<sup>21</sup> Legal frameworks have not fully protected all types of disability, nor removed physical and social barriers to the fulfillment of political rights. Social barriers remain an underlying challenge as reflected in negative attitudes toward persons with disabilities. This challenge will be described in the sub-sections below.

#### V.1.1. GAPS IN LEGAL FRAMEWORK

Even though there are many legal frameworks that exist for the inclusion of persons with disabilities in the electoral processes, gaps in the law remain. For example, persons with intellectual or psychosocial disabilities and persons under guardianship may be excluded from standing as candidates in the election of the National Assembly and excluded from registering to vote. The law states:

Article 34: “The following persons shall not have the right to stand as a candidate in the Election of Members of the National Assembly: ... insane persons or persons under guardianship, certified as such by a competent institution.”

Article 50: “To be eligible to vote, every citizen must have his/her name in the voters’ lists and must have documents to certify his/her identity during the polling. To have his/her name in the voters’ lists, every citizen shall meet the following conditions: ... Not be insane or under guardianship as certified by a competent ministry or institution.”

The Law on Elections of Commune Councils (LECC), which was initially promulgated in 2001 and then amended in 2006, prohibits persons who are “certified by a competent institution as being insane or under a guardianship” to register or vote in the Commune Councils election. This restriction not only puts persons with intellectual or psychosocial disabilities at high risk of being excluded from those political and electoral processes, but codifies discrimination as a social barrier.

#### V.1.2. REQUIREMENTS AND PROCESS OF VOTER REGISTRATION

Elections are a process in which each event affects the one after it. Elections consume a large amount of human and financial resources and require abundant preparation, dissemination and training. Therefore, the electoral process must be detailed and thoughtful.

There are three main challenges for voters with disabilities in Cambodia that relate to registration requirements. First, the legal frameworks have potentially excluded persons with intellectual and psychosocial disabilities through the LEMNA and LECC laws. The ambiguity (and absence of explanation) as to what defines “insane” and “under guardianship” may lead to confusion and misinterpretation.

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21 CDPO. (2013). Accessible elections for persons with disabilities in Cambodia. Phnom Penh: AGENDA.

*“There isn’t any statement saying how people who have intellectual disability involve in social and political events and so on. There is not yet regulation, Prakas<sup>22</sup> and procedure” (TR, male, FGD Disability NGOs, Kruosarthmey)*

A second challenge is the requirement of providing a valid identity (ID) card to register to vote. The process of obtaining an ID card is a significant challenge for individuals with some types of disabilities. Government officials and caregivers are not prepared to assist persons with disabilities in navigating this often cumbersome and inaccessible bureaucratic process. As a result, some persons with disabilities may not be eligible to vote in the 2018 national elections.

*“For the coming election, national identity card is the requirement. If they don’t have it, they can’t register. Therefore, how could we make sure that PWD could access to information about applying for national identity card is another concern.” (SS, Male, FGD Electoral NGOs, OHCHR) ”*

A third challenge is that there is no identification of one’s disabilities either on the identity card or on the current registration form. It is not feasible to expect clerks to automatically identify and assist voters with disabilities given their workloads. Numerical errors and misspelled names are common examples.

*“The commune clerk is so busy he has to perform his duties at commune and also perform duties for NEC so he cannot perform completely with voter registration” (SS, Male, KII NICFEC)*

*“There are many problems in this step because sometime clerk does not read the name clearly” (YS, male, KII Law Lecturer at Panhasastra University of Cambodia)*

*“Some names of voters were not found in the list or there were double name but we do not know the unfound names how many percentage are disabilities or normal people” (PR, Male, KII Election Specialist CSO-Transparency International Cambodia)*

### V.1.3. INACCESSIBLE REGISTRATION POSTS

Regardless of the fact that an accessible environment has been guaranteed through LPPRPD, the research has found that access continues to be a challenge. First, the location registration posts might not be accessible to voters with disabilities. Then, even if voters with disabilities are able to reach registration posts, they may not be able to navigate the posts which may also be inaccessible.

*“Location of registration stations are far from their home, and road makes it difficult for them to travel” (FGD Disability NGOs)*

*“There is no transportation for them. Even we are not PWD, it is still difficult for them travel especially women who live at the rural area. No road for wheel chair, no ramp. Some of the commune halls in Cambodia not yet have ramp” (PS, female, FGD Electoral NGOs, GADC)*

*“If his house is near the voter registration office, he comes by himself and if the house is far so he comes to the voter registration office under supporting of relatives; thus, if National Election Committee has mechanism to facilitate, it is better. It may relating to time factor as well because sometimes, people have no time to help them since they are busy with their business so they cannot take them to registration office” (MB, Male, KII Academic from Cambodia University of Specialties)*

Further, posts may not be equipped with assistive devices and materials like Braille. The unavailability of Braille materials is supposed to have been available since the 2008 General Election.

*“There is no Braille letter for them to register, especially when they ask to check the name on the list, they could not do it” (TR, male, FCG Disability NGOs, Kruosarthmey)*

*“There is no signed language in the spot” (FGD Electoral NGOs)*

*“I think that we lack of technical and materials supporting for disability”(YS, male, KII Law Lecturer at Panhasastra University of Cambodia)*

### V.1.4. LACK OF INFORMATION

A lack of information contributes significantly to the violation of persons with disabilities’ rights. In terms of voter registration, access to information is crucial to know when, where and how to register. The UNCRPD has acknowledged this specific challenge in Article 31 as follows:

Article 31, paragraph 2: “The information collected in accordance with this article shall be disaggregated, as appropriate, and used to help assess the implementation of States Parties’ obligations under the present Convention and to identify and address the barriers faced by persons with disabilities in exercising their rights.”

The role of mass media is important as public opinion is shaped through the information that the media disseminates, including on voter registration. Yet, this has not been fully optimized. Persons with disabilities are not well-informed of the voter registration process nor its requirements.

*“They face a lot difficult in receive information for example some of them are blind and deaf and the media did not reach them. As the current law required only ID card to register, so how would they get information about applying for ID card if some of them do not have yet” (SS, Male, FGD Electoral NGOs, OHCHR )*

*“Some of them did not receive information well enough as they have hearing impairment or poor vision and so on” (FGD Disability NGOs)*

*“We want to disseminate information about voter registration, but the information does not reach them. Both media and information could not reach them. Sometimes, the media reaches them, but they could not catch it” (KC, Male, KII Election Specialist CSO, COMFREL)*

Secondly, there is a lack of awareness of the rights of persons with disabilities. These apply not only to electoral officials, but also to the disability community itself.

*“Some of the authority disregard PWD’s rights, assume they are “inability” not just ‘disability’” (FGD Disability NGOs)*

*“The local authority who responsible for registration, or disability registration does not understand the process, for example prioritize disability people when they come to register. They don’t know how to prioritize them and so on” (KC, Male, KII Election Specialist CSO COMFREL)*

*“They might feel embarrassed with the public of being disable” (ST, male, KII NEC Rep of CPP)*

Furthermore, it is commonly found that the provision of assistive devices is seen as an expensive effort, especially among EMB officials. This is a good example that limited understanding of disability and lack of capacity puts persons with disabilities’ rights as “the cost”.

*“There is not enough budget to assist PWD in registration for example to facilitate them with wheelchair and so on as we have until 1633 registration offices, and it might increase” (KII EMB (TMR, female, NEC Rep of CNRP)*

### **V.1.5. LACK OF SUPPORTS**

Lack of social supports is a fundamental barrier for persons with disabilities in exercising their political rights. In general, society still stigmatizes persons with disabilities and even belittle their political aspirations.

*“People generally assume that number of PWD is so small which their voice is not so significant” (FGD Electoral NGOs)*

There is a common perception that persons with disabilities are under their families’ responsibility. Thus, all of their needs must be fulfilled by the family including assistance in the electoral process.

*“It is a family of persons with disabilities’ obligation to spread the information as they are more accessible to information than their persons with disabilities’ family member” (YV, female, KII Academic from Build Bright University)*

*“I think family play a very important role with all this related issues as they stay very close to PWD and know what PWD needs better than anyone else, and what could be some of facilitation that enable them to go for registration” (ST, male, KII NEC Rep of CPP)*

At the same time, families do not understand that their relatives with disabilities have political rights, too. There is an assumption that the voices of their relatives with disabilities are not significant and thus no need to encourage them to engage their political rights.

*“Election officer is not able to work directly with each disability’s family, cannot register or educate at home based on a lack of something” (FGD PEC and DPO Kampong Spue Province)*

*“There is no encouragement from family and society. Sometimes people do not understand about the significant of voting” (FGD Disability NGOs)*

*“There is no encouragement from family, friends and society to participate in election process including voter registration, saying it is not necessary for PWD to go to vote” (KC, Male, KII Election Specialist CSO, COMFREL)*

Usually, non-profit organizations contribute to advocating for the rights of citizens in the government's absence. Since electoral access is an emerging topic, however, there is a limited number of electoral CSOs and NGOs which include inclusion as part of their agenda. At the same time, there is a limited number of DPOs that work in political rights. This helps to explain why there is limited effort in ensuring inclusive elections.

*"At commune and village level did not disseminate the PWDs' rights about election" (FGD Electoral NGOs)*

This lack of support has affected persons' with disabilities self-confidence and realization of their rights. As has been argued by informants in this research, the willingness and commitment of voters with disabilities themselves is vitally important in the provision of support.

*"Persons with disabilities themselves need to also have commitment and cooperation to join and participate in any workshop or activities of civil society. Some of them are not willing to participate because they think it is not important ... Sometimes, they think of themselves are disabled" (KC, Male, KII Election Specialist CSO COMFREL)*

## **V.2. THE GOOD PRACTICES IN CAMBODIA**

Fortunately, there are a few enabling factors that bring optimism in promoting an inclusive voter registration process in Cambodia despite the different legal frameworks.

### **V.2.1. COVERAGE OF THE LEGAL FRAMEWORKS**

The law and the Constitution have the ultimate authority over efforts to impede the rights of voters with disabilities to be registered and participate in elections. The Constitution guarantees that "Khmer citizens of either sex shall enjoy the right to vote and to stand as candidates for the election".<sup>23</sup> In addition to the fact that the Royal Government of Cambodia has been a state party to human rights instruments including UNCRPD, the LPPRPD ensures that "in case of any provisions that contradict the provisions of this law, the provisions of those international treaties shall be considered as the principle provisions."<sup>24</sup> In short, all of the rights of persons with disabilities have been guaranteed by the government and shall not be impeded.

Some of the informants acknowledge this and argue that problems occur not due to legislation, but their implementation.

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23 Article 34 of the constitution.

24 Article 49 of LPPRPD.

*“There is law that state PWD has equal rights and opportunity to participate in political and social activities without discrimination. Yet, the implementation still have some gap as there is no encouragement and PWD did not receive information well and clear enough. Law is already there, but the problem is about implementation” (FGD Disability NGOs)*

*“I think law does not have to specify, otherwise it would be repetitive. Yet regulations could specify about PWDs’ rights” (FGD Electoral NGOs)*

*“We had the constitutional, everyone equal right, men and women and also include disable people. We don’t discriminate disabled people. Second we had the NEC policy that also did not discriminate disabled people. But there is no specific law of regulation on disability in election at all” (HP, Male, KII NEC Rep of NGOs)*

Recently voter registration regulations and procedures in Cambodia were redesigned by the new National Election Committee (NEC). This new draft of regulations and procedures allocates more time for the voter registration process over five to six months. In particular, it allows for enough time for voters to review and submit complaints for any problem related to their registration processes and in general. Most importantly, the term “PwD” is mentioned in the new voter registration regulations and procedures and the NEC is now considering including a disability column as part of the registration list showing NEC’s responsiveness to the needs of voters with disabilities.

*“For the new voter registration, the NEC allows having a longer period, and we give some time for people to file any complaint, and the commune-council and the NEC will help to look for solution. Thus, we have enough time which is 5 to 6 months” (ST, male, KII NEC Rep of CPP)*

*“We already discussed about this within NEC. Some country they like to put and some country don’t like to put disability type because sound discriminate to them. We will wait for the call of disability representative to decide whether or not we put the column of disability type” (HP, Male, KII NEC Rep of NGOs)*

## **V.2.2. ENGAGEMENT AND PARTNERSHIP**

The Cambodian voter registration process does not fully accommodate the needs of voters with disabilities. However, there has been progress. Efforts are underway and contributions are being made by DPOs and NGOs.

*“In the past, disability meet difficulty since there was not any mechanism to facilitate disability, so they are also careless in the voter registration process but I think in the new law, the NGOs, which work with disability, participates in advocating, so it may make change in new election law” (YS, Male, KII Academic, PUC)*

*“COMFREL actually has a committee called ERA, Election Reform Alliance that has over 20 NGOs including DPOs. The committee works to advocate to election reform, laws, and regulations of NEC” (KC, Male, KII Election Specialist CSO COMFREL)*

All results and progress were contributed to by different key stakeholders including DPOs, CDPO, and other NGOs which are working in the disability and electoral process arenas. Recently, there were meetings between CDPO, DPOs and the NEC to discuss disability inclusion in the new electoral reforms process, including advocacy for notation of the disability type in the voter registration list. CDPO actively participated in the process of amending the draft law on NEC and the LEMNA and in meetings, workshops and press conferences with the Election Reforms Alliance (ERA) and the two main political parties, CPP and CNRP.

A joint statement was developed by CDPO and NGOs working on disability rights issues including AMD, DDP, PPCIL, and PACHID. This joint statement addressed disability inclusion in the draft law on NEC and LEMNA and was submitted to political parties, election management bodies and relevant stakeholders for their consideration. A disability-inclusive policy on increasing the participation of persons with disabilities in the electoral process and the NEC was also developed and submitted to the NEC.

Most recently, on 5 June 2015, Cambodian Disabled People’s Organization (CDPO) proposed an advisory group called the National Election Committee Disability Advisory Group (NECDAG) which aims to provide support and advice on specific initiatives to be undertaken by the NEC to remove barriers in the electoral process and to increase opportunities available to persons with disabilities<sup>25</sup>. The NECDAG shall advise the NEC on issues related, but not limited, to:

1. Development, implementation and effectiveness of the disability policy;
2. Insights into the requirements of persons with disabilities with regard to the electoral process ;
3. Revision of electoral regulations and implementation guidelines from the disability perspective;
4. Advice on voter education materials accessibility;
5. Options and advice on accessibility related to institutional mainstreaming;
6. Strengthening the capacity of NEC, PEC and CEC on disability inclusiveness in elections;
7. Ensuring inclusive media for all PWDs and reasonable accessibility before and during election for PWDs;
8. Ensuring accessibility in all polling stations for all PWDs;
9. Ensuring a new column on voter registration lists that includes disability type; and
10. Ensuring an accurate database linked to disability (voter list, candidacy and NEC staff).

Also on 5 June 2015, CDPO submitted its Disability Inclusive Policy to NEC for increasing participation of persons with diverse disabilities in the electoral process. The Policy will help to guide the NEC in making the electoral process barrier-free for persons with disabilities. In the policy, two priority areas are noted:

<sup>25</sup> Draft of National Election Committee: *NEC Accessibility Advisory Committee*  
Term of Reference year 2015

AREA 1: Strengthening NEC's inclusive policy to increase participation and promote the empowerment of persons with disabilities in electoral processes

AREA 2: Establishing an inclusive regulatory framework and institutional practices and policies which include all persons with disabilities in the election process.

As a result of the policy, the NEC released a formal letter to Cambodian Disabled People's Organization responding to the inclusion of "Disability Polity" in the following<sup>26</sup>:

1. NEC encourages and gives priority to peoples with disabilities who are capable of and physically fit for jobs to be employed with the election committees at all levels,
2. NEC has included the procedure for collecting finger-prints for disabled people who have lost one or both thumbs or one or both arms in the computer system during voter registration period and organized papers with special frames for the people who have lost two eyes and still want to cast ballots by themselves,
3. NEC has introduced sign language for deaf people in educational spots related to voter registration and elections.
4. NEC has installed polling stations on the ground floors to create access for people with disabilities to enter to vote, given priority to people with disabilities to enter the voter registration offices and polling stations and provided some other assistances required by the Election Law.

Under AGENDA<sup>27</sup>, which connects thirteen DPOs and CSOs from seven countries in Southeast Asia who are focusing on establishing a new 'South-South dialogue' for collecting and sharing best practices on election access for persons with disabilities, there have been several milestones achieved.

*"The first ever observer checklist to monitor the accessibility of elections for persons with disabilities, and advocacy about the inclusion of provisions on the political rights of persons with disabilities in the ASEAN Human Rights Declaration. Such efforts have been noted and succeeded in bringing attention to the issues. At a meeting of the Human Rights Council in Geneva in April 2012, the Deputy Foreign Minister of Indonesia hailed AGENDA as "an outstanding project supported by the Indonesian Government, as well as the first regional initiative to promote the rights of persons with disabilities".<sup>28</sup>*

AGENDA was also acknowledged in the Universal Periodic Review 2012 by the Human Rights Council Working Group.<sup>29</sup><sup>30</sup>

26 Formal letter from National Election Committee N.056/15/NEC, subject: *Request for inclusive of "Disability Policy" in the National Election Committee for review and consideration*

27 AGENDA. (2011). *AGENDA: Election access for all*. Retrieved from: <http://www2.agendaasia.org/index.php/about-us>

28 AGENDA. (2013, p.2). *AGENDA: Factsheet*. Jakarta: AGENDA.

29 "In Southeast Asia region, best practices on the issue of electoral access for persons with disabilities, including the implementation of procedures, contained in [the] Election Access Guide Book, have been shared through a regional network forum, AGENDA."

Source: United Nations. (2012). *National report submitted in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/21: Indonesia*. Retrieved from: [lib.ohchr.org/HRBodies/UPR/Documents/session13/ID/A\\_HRC\\_WG.6\\_13\\_IDN\\_1\\_Indonesia\\_E.doc](http://lib.ohchr.org/HRBodies/UPR/Documents/session13/ID/A_HRC_WG.6_13_IDN_1_Indonesia_E.doc).

30 AGENDA. (2013, p.102). *Accessible elections for persons with disabilities in five Southeast Asian countries*. Jakarta: AGENDA.

## V.3. THE GOOD PRACTICES AND LESSONS LEARNED IN OTHER COUNTRIES

### V.3.1. LEGAL MECHANISM

In many countries, the UNCPRD has played a very important role in reinforcing governments' obligations to protect the rights of persons with disabilities. In order to provide equal access, national laws should explicitly include universal suffrage for all citizens. The existence of universal suffrage in the national law will work in conjunction with local laws, regulations, and other legal instruments.

Implementing the values in UNCPRD can be done by many political actors. In South Africa, political parties have a very significant role in amending the Electoral Act to recognize all forms of identification. Citizens can use their green, barcoded ID book<sup>31</sup>; smartcard; or a valid Temporary Identity Certificate (TIC) to register as voters, the option to use different documents has successfully minimized the number of citizens who are disenfranchised. Meanwhile, in Liberia, the Disabled People Organizations (DPOs) played a major role in drafting the national disability law. The law was drafted as an effort to abide by and implement the UNCPRD (Pintor & Gratschew, 2002).

In Liberia, accessibility for voters with special needs is addressed within the National Election Commission guidelines. The NEC regulation states that voter registration centers should be abolished in areas that are free of threats, politically neutral and accessible for all, particularly for persons with disabilities. Liberia's 1986 Election Law was specially amended and two subsections were added to respectively give preference to persons with disabilities at registration centers and to instruct the electoral commission to arrange the establishment of registration centers at locations accessible to voters with special needs.<sup>32</sup>

In the United States of America, the National Voter Registration Act requires the opportunity for voter registration to be made available at, among other places, state offices providing public assistance or disability services. This provision was designed to increase the registration of poor persons and persons with disabilities.

Another good example of inclusion for persons with disabilities can also be found in the Philippines' Republic Act No. 10366. The Act states that the role of the election management body and the government is to ensure the inclusion of different types of disability in the electoral processes<sup>33</sup>:

The Philippines EMB implements the Act through a regulation that improves voter registration access for person with disabilities. Section 10 of Commission on Elections (COMELEC) of the Philippines Resolution 9149 provides:

*"Express Lane for Elderly, Disabled, Detainees and Pregnant Applicants –The Office of the Election Officer shall provide during the registration period express lane and give priority/preferential treatment to person with disabilities, elderly, detainees and pregnant applicants."*

31 A South African national ID book features citizens' unique ID number and barcode, when a voter applies for registration his/her ID book is scanned using a machine.

32 Evrensel, (2006, p. 142). *Voter Registration in Africa*. Johannesburg: EISA.

33 Philippine Republic Act No. 10366

### V.3.2. JOINT COLLABORATION AND CAPACITY READINESS

The inclusion of persons with disabilities in the voter registration process cannot be achieved by the Election Management Body alone. It is more strategic for EMBs to work closely with DPOs who understand the needs of persons with disabilities and the barriers they face in accessing voter registration. One of the best practices for such initiatives is in the Philippines where the EMB formed an Inter-Agency and NGO Network on Empowering Persons with Disabilities.<sup>34</sup> The Working group was established to develop inclusive policy recommendations such as establishing better campaigns for registering person with disabilities to vote.

*“The one to educate, to inspire, the one to encourage their members to participate in election” (CM, female, KII, National Council on Disability Affairs of the Philippine)*

DPOs in the Philippines have been working with the other electoral stakeholders to ensure voters with disabilities could fulfill and practice their political rights. For the upcoming 2016 elections, the COMELEC, in partnership with the National Council on Disability Affairs and The Asia Foundation, created a satellite voter registration<sup>35</sup> for persons with disabilities and senior citizens in malls.<sup>36</sup> The registration was conducted in celebration of the 37<sup>th</sup> National Disability Prevention and Rehabilitation week. More than 5,200 people went to malls for voter registration and validation over the appointed weekend resulting in higher turnout than any election offices.

*“We work together with the government agency, DPOs and other non-governmental organization to come up with programs that would encourage persons with disabilities to vote and register.” (CM, female, KII, National Council on Disability Affairs of the Philippine)*

In Laos, many DPOs have tried to counteract the stigma associated with disability. One of the largest DPOs is the Lao Disabled People's Association (LDPA) with branches in 11 of the 18 provinces. A representative from the LDPA argued that many DPOs in Laos just started factoring political rights into their advocacy activities.

*“There is a very few organizations active in the issue of PWD’s political rights. Even if there is some of advocacy activity mention the political rights of PWD, it is addressed in very broad or generic term. Most disability sectors in Lao PDR advocate for other rights of PWD; such as livelihood, well-being, access education, healthcare, work and employment, vocational training, access to physical environment and access to information, rather than specifically political rights” (NT, male, KII Indonesia, LDPA)*

34 IFES. (2014, p. 45). *Equal Access: How to Include Person with Disabilities in Election and Political Process*. Washington: IFES.

35 COMELEC Resolution No. 9853 - Chapter I

36 Aquino, L.A., (17 July 2015). “PWD welcome mall-based voting in 2016”, *Manila Bulletin*. Available at: <http://www.mb.com.ph/pwds-welcome-mall-based-voting-in-2016/>

The General Election Commission (KPU) of Indonesia had invited DPOs to contribute to drafting its regulation on voter registration and its registration system. Due to the representation of persons with disabilities in the decision making process, the Indonesian voter registration system now provides a column for disability type. The system has allowed DPOs and EMBs to understand the statistics behind persons with disabilities at each polling station and be better able to allocate any support, assistance, and materials to accommodate persons with disabilities throughout the election process. This is helpful in the allocation of assistive devices.

*“DPOs have proposed to include a column identifying voters’ type of disability in the voter registration form and Fixed Voter List (DPT), and ensure that this is implemented well. This has been adopted into legal regulations for the 2014 Legislative Elections and should be implemented better for future elections” (HK, Male, KII Indonesia, PPUA)*

These examples strengthen the argument in this report that active involvement of DPOs in the registration process is a must. The higher the level of involvement is, the better the communities’ and the government officials’ understanding of disability issues and, therefore the higher the chances of achieving a fully inclusive voter registration process.

The involvement of DPOs in the electoral process will help the EMBS to identify any specific needs that are required by persons with disabilities for registration.

It is important that the election management body and DPOs place attention and effort to pre-election assessment to find out how the voter registration process addresses accessibility for persons with disabilities.

In another example from the Philippines, DPOs and other NGOs worked closely with COMELEC to find out the barriers that might be faced by persons with disability in voter registration and come up with program suggestions on how persons with disabilities could be encouraged to register to vote.

*We look at the accessibility of registration venue, and we found out the most of the venues are not accessible. (CM, female, KII, National Council on Disability Affairs of the Philippines)*

In Armenia, DPOs have worked through successive electoral cycles to document physical barriers to polling centers and to undertake barrier removal at certain sites. In Canada, transfer passes are provided to enable voters with mobility impairments while in Ghana, most polling stations are outdoors (Pintor & Gratschew, 2002).

### **V.3.3. VOTER EDUCATION**

Raising awareness on the importance of participating in the election process (especially the voter registration) plays a crucial role in increasing the number of registered voters. EMBs should pay close attention to marginalized groups such as persons with disabilities.

*“We have been educating them about their rights to vote ... education for person with disability and their family... and you cannot get the right service as you desire if you don’t participate in choosing a leader.” (CM, female, KII, National Council on Disability Affairs of the Philippines)*

A voter education initiative can help enhance society’s awareness of voting rights. Voter education provides knowledge on the voter registration process and its requirements based on the law. To ensure voter registration accessibility for persons with disabilities, voter education materials and tools should exist in various formats.

In Quebec, Canada, informational materials for voters were made available in alternative media such as Braille, audiocassette, large print, as well as videocassettes in both Quebec Sign Language and American Sign Language. In addition, all televised messages were subtitled for people with hearing or visual disabilities and a teletypewriter for the deaf (TTY). Different media provides options for election information officers in adapting the best mode of communication for their audience.

The Philippines in 2011 had a national campaign on the involvement of persons with disabilities in elections.

*“Sometimes, during the disability week, there is nation-wide that sign of registration going on. We are the part of that campaign .....we go around to different cities, and gather stakeholders and aware them about person with disability and how to assist people with disability”*

In Guatemala, an increase in the number of registered voters was not only due to massive registration campaigns, but also through the EMB’s alleviating the administrative procedures and the cost to register. The EMB had taken into account long-term voter education (Pintor & Gratschew, 2002).

***We have PwD’s voting rights in our education system.** (CM, female, KII, National Council on Disability Affairs of the Philippines)*

#### **V.3.4. REGISTRATION DAY**

To enhance the inclusion of persons with disabilities in voter registration, the Philippines allowed persons with disabilities to be assisted by their relatives, the Election Officer, or other officials when completing the registration application. In South Africa, persons with disabilities were encouraged to come and register daily until Election Day.

*We fill out the form, and asking what assistant would you require for the election? (CM, female, KII, National Council on Disability Affairs of the Philippines)*

In Indonesia, it wasn't until the 1997 election that voter registration was "compulsory" and door-to-door registration was used. Problems were encountered by those who did not have permanent residency. By 1999 the "compulsory" registration system was abolished, and a "voluntary" voter registration method was adopted. The most significant change about the new method is that it only requires one form of legal identification to register (Pintor & Gratschew, 2002). While gaining one form of identification, the enumerator will be able to collect data on an individual's household status, ID card number, full name, birthplace, and physical or intellectual disability data. The data provide information for polling stations to accommodate different physical and intellectual disabilities needs.

*Voter registration officers (Pantarliah) will be recruited from local levels (RT/RW/village/ward) who are familiar with the local citizens. The Pantarliah will note down the data of each voters by visiting each and every residence in an official form. The form shall include: family card number, NIK, passport, name, and date of birth, sex, marital status, address, and the type of disability. This data will then be aggregated all the way up to the national level. (HK, Male, KII Indonesia, PPUA)*

# Conclusion and Future Direction



## **VI. CONCLUSIONS AND FUTURE DIRECTIONS**

### **VI.1. CONCLUSIONS**

Learning from global experience, cooperation between EMBs and disabled people's organizations is key to an inclusive voter registration process.

While there are a lot of legal instruments from the international, regional and national level in place to ensure and to accommodate the rights and full participation of persons with disabilities in the political exercise, there are still gaps and legal gray areas especially when there is no detailed regulation or guidelines.

In this redesign of voter registration regulations and procedures, the upcoming commune and national elections in 2017 and 2018 mean that this is a golden opportunity to have different NGOs and DPOs working in disability sectors to improve disability inclusion in the voter registration processes, and electoral system as whole.

However, while some positive steps are being taken by National Election Committee (NEC) with reasonable outputs on disability inclusion, there is still a long way to go.

The following are recommendations for short and long term outputs and outcomes for disability inclusion in the voter registration process:

### **VI.2. FUTURE DIRECTIONS**

#### **VI.2.1. LEGAL MECHANISM**

- DPOs working together to draft policies on political exercise for persons with disabilities (such as Philippines Act 10366) (long term plan).
- DPOs advocate with NEC on the new regulation and procedure on voter registration to include disability.

#### **VI.2.2. JOINT COLLABORATION AND CAPACITY READINESS**

- Joint collaboration between disabled people's organizations and the NEC.
- DPOs should closely work with the Ministry of the Interior and local police to make sure persons with disabilities are able to obtain a National ID card.
- DPOs engage in the planning and implementing of the electoral process or at least in the voter registration process.
- DPOs should look for financial support for voter registration education.
- Persons with disabilities should be included as registration officers.

- Capacity building to improve NEC and election officer training on how to facilitate and accommodate persons with disabilities.
- DPOs should work closely with local authorities to identify barriers that might be faced by persons with disabilities and suggest better solutions.
- Statistics showing the type of disability for which assistance may be needed should be clearly recorded in the voter registration form/database for the purpose of support services arrangements.

### **VI.2.3. VOTER REGISTRATION EDUCATION**

- Raising awareness of voter registration should take place before the registration date and different means of communication should be used to reach persons with disabilities (consider TV, radio, posters and door-to-door).
- Mainstreaming voter registration in the formal education curriculum (long term).
- Ongoing awareness raising at the village level about disability rights to impact community attitudes towards persons with disabilities.
- Persons with disabilities and their family members should be specifically educated about the importance of their participation in voter registration and of exercising their political rights.

### **VI.2.4. VOTER REGISTRATION PERIOD**

- DPOs should accommodate severely disabled people who cannot register to vote on their own.
- Assistants, support and assistive materials should be accessible to persons with disabilities.
- Persons with disabilities should have a longer acceptance period than others for coming to registration offices.

## ANNEX 1. DATA COLLECTION GUIDELINE

Main Questions		Probing questions	Comments/Others
What are the good practices that significantly made disabilities inclusion in the voter registration in your countries?			
1. Please tell me about the status of disability inclusion in Voter Registration (VR) process in your country?	<ul style="list-style-type: none"> <li>a) What is the current status of voter registration of person with disability in your country?</li> <li>b) What kind of voter registration system or processes does your country practice? Please describe the processes?</li> <li>c) What do you see the barrier of difficulty for person with disability in the voter registration?</li> </ul>		
2. What do you think are the key good practices that help for disabilities inclusive in VR process? And why those key good practice work or not work?	<ul style="list-style-type: none"> <li>a) Have there been any major developments on voter registration process recently to make sure person with disability able to exercise their political right?</li> <li>b) What done well, and what not done so well and why?</li> </ul>		Important question
3. What existing policy, laws, regulation or mechanisms that would lead to the disability inclusion in the VR processes?	<ul style="list-style-type: none"> <li>a) Please list down name of those policy, laws...etc. so that we can refer as our desk review</li> <li>b) Can you explain how each of those existing policy, laws, regulation or mechanisms would bring disability inclusion in the VR processes?</li> </ul>		Important question (if possible attached those document)
4. In what ways that you see the role of key relevance stakeholders such EMB, DPOs and others stakeholder contribute to the VR inclusive? (Explain each of them)			
5. What are the need and support that you think person with disability would seek in order for them to be more inclusive in the VR processes?			
6. Suggestion on disability inclusion in the VR process	<ul style="list-style-type: none"> <li>a) What could be done to ensure the improvement on inclusive of person with disability in the voter registration?</li> <li>b) If you were asked to improve inclusive of PwDs in VR processes, how would do that? What needs to be done?</li> <li>c) Do you know any good model in other country? Explain how it work and why it work?</li> </ul>		
7. Adaptation or challenge of improving disability inclusion in the VR processes	<ul style="list-style-type: none"> <li>a) Since those good practices working well in your countries, how could that be applying Cambodia contexts?</li> <li>b) Or if there any challenges in political, social and cultural factors that would not work in Cambodia?</li> <li>c) How we could overcome that challenges?</li> </ul>		Only for other countries (b) can ask
<p><b>THANKS VERY MUCH FOR YOUR VALUABLE TIME</b>            We will contact you soon after we review this completed form, in case if anything that we need to clarify.</p>			